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

SITTING DAYS—2012

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<td>November</td>
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FORTY-THIRD PARLIAMENT
FIRST SESSION—FIFTH PERIOD

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

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

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

Printed by authority of the Senate
## Members of the Senate

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

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

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing

Clerk of the House of Representatives—B Wright

Secretary, Department of Parliamentary Services—A Thompson
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<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Julia Gillard MP</td>
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<tr>
<td><em>Minister Assisting the Prime Minister on Digital Productivity</em></td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td><strong>Minister for Social Inclusion</strong></td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td><strong>Minister Assisting the Prime Minister on Mental Health Reform</strong></td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td><strong>Minister for the Public Service and Integrity</strong></td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister on the Centenary of ANZAC</strong></td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td><strong>Cabinet Secretary</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>Senator the Hon Jan McLucas</td>
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<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Wayne Swan MP</td>
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<tr>
<td><em>(Deputy Prime Minister)</em></td>
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<tr>
<td><strong>Minister for Financial Services and Superannuation</strong></td>
<td>The Hon Bill Shorten MP</td>
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<tr>
<td><strong>Assistant Treasurer</strong></td>
<td>The Hon David Bradbury MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Treasurer</strong></td>
<td>The Hon Bernie Ripoll MP</td>
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<td>The Hon Greg Combet AM MP</td>
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<td><strong>Minister for Small Business</strong></td>
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<tr>
<td><strong>Parliamentary Secretary for Industry and Innovation</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td><strong>Parliamentary Secretary for Higher Education and Skills</strong></td>
<td>The Hon Sharon Bird MP</td>
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<tr>
<td><strong>Minister for Broadband, Communications and the Digital Economy</strong></td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
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<tr>
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<td><strong>Minister for the Arts</strong></td>
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<td>The Hon Nicola Roxon MP</td>
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<td><strong>Minister for the Status of Women</strong></td>
<td>The Hon Julie Collins MP</td>
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<tr>
<td>Parliamentary Secretary for Disabilities and Carers</td>
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<td>The Hon Dr Craig Emerson MP</td>
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<td>Minister for Trade and Competitiveness</td>
<td>The Hon Dr Craig Emerson MP</td>
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<tr>
<td>Parliamentary Secretary for Trade</td>
<td>The Hon Justine Elliot MP</td>
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<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>The Hon Richard Marles MP</td>
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<tr>
<td>Parliamentary Secretary for Foreign Affairs</td>
<td>The Hon Richard Marles MP</td>
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<tr>
<td>Minister for Sustainability, Environment, Water, Population and</td>
<td>The Hon Tony Burke MP</td>
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<td>Communities (Vice-President of the Executive Council)</td>
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<tr>
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<td>Senator the Hon Don Farrell</td>
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In addition, the Hon Philip Ruddock MP will act as Shadow Cabinet Secretary.
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12:30, read prayers and made an acknowledgement of country.

PARLIAMENTARY REPRESENTATION

New South Wales

The PRESIDENT (12:31): I inform the Senate that Senator Arbib resigned his place as a senator for the state of New South Wales on 5 March 2012. Pursuant to the provisions of section 21 of the Constitution, the Governor of New South Wales was notified of the vacancy in the representation of that state caused by the resignation. I table the letter of resignation and a copy of the letter to the Governor of New South Wales.

I have received, through the Governor-General, from the Governor of New South Wales, a copy of the certificate of the choice by the Houses of the Legislature of New South Wales of Mr Robert John Carr to fill the vacancy caused by the resignation of Senator Mark Arbib. I table the document.

Senators Sworn

Senator Bob Carr made and subscribed the oath of allegiance.

COMMITTEES

Foreign Affairs, Defence and Trade Joint Committee

Meeting

Senator FURNER (Queensland) (12:36): by leave—I move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold an in-camera hearing during the sitting of the Senate today, from 12.30 pm to 2 pm.

Question agreed to.

BILLS

National Radioactive Waste Management Bill 2010

In Committee

Debate resumed.

Senator LUDLAM (Western Australia) (12:36): I move Greens amendment (8) on sheet 7037 on the new running sheet:

(8) Page 10 (after line 30), after Division 2, insert:

Division 2A—Requirements for ministerial decisions

8A Application of Division

(1) This Division applies to each decision to be made by the Minister in relation to the nomination, selection and approval of sites under this Act, including (but not limited to) each of the following:

(a) a decision to make a declaration under section 6;

(b) a decision to approve land, or a specified part of land, under section 9;

(c) a decision under subsection 14(2) to declare that a site, or a specified part of a site, is selected as the site for a facility;

(d) a decision under subsection 14(2) to declare all or some of the rights or interests in the selected site;

(e) a decision under subsection 14(4) to declare that all or specified rights or interests in land are required for providing all-weather road access to a site;

(f) a decision under section 17 to revoke a declaration made under subsection 14(2).

(2) A decision to which this Division applies is of no effect unless the requirements of this Division are met.

8B Requirements in relation to decisions

(1) A decision to which this Division applies must comply with the provisions of this section.

(2) Before the Minister makes a decision, the Secretary of the Department must:

(a) publish on the department's website a notice:
... (i) setting out the nature of the decision;  
and  
(ii) inviting persons to make submissions to the Minister about the decision within 42 days after the notice is published; and  
(b) send to each stakeholder a notice:  
(i) setting out the nature of the decision;  
and  
(ii) inviting stakeholders to make submissions to the Minister about the decision within 42 days of the date of the notice; and  
(c) publish on the department's website a copy of each submission received under this section.  

(3) In making a decision, the Minister must:  
(a) have regard to the submissions in relation to the decision received under subsection (2); and  
(b) actively consult stakeholders.  

(4) In making a decision, the Minister must have regard, but is not limited, to the following criteria:  
(a) existing infrastructure;  
(b) seismology;  
(c) hydrology;  
(d) community consent;  
(e) international best practice;  
(f) such additional criteria (if any) as are specified by the Minister under subsection (5).  

(5) The Minister may, by legislative instrument, specify additional criteria in relation to a decision for the purposes of paragraph (4)(f), but must not apply those criteria in making a decision until either:  
(a) the period for the disallowance of the instrument has expired in each House of the Parliament; or  
(b) the instrument has been approved by resolution of each House.  

(6) The Minister must cause a report to be prepared setting out the reasons for making a decision.  

(7) The Minister must cause a copy of each report prepared under subsection (6) to be presented to each House of the Parliament at least 28 days before the decision to which the report relates takes effect.

The National Radioactive Waste Management Bill retains the Muckaty site nomination, which all senators are well aware was chosen without procedural fairness or any ability to review the minister's decision under the Administrative Decisions (Judicial Review) Act 1977. These amendments reinstate procedural fairness and judicial review over the Muckaty nomination. The government have made a great deal of this in trying to run the fiction that they have in fact repealed the former Howard legislation. One of the minister's great claims was that procedural fairness and judicial review were reinstated. I will deal with the procedural fairness first.

There are no rights whatsoever for persons other than those with an interest in the land to make a submission under the terms of this bill. It is likely that people will miss notification of the submission right given that there is no requirement for any details to be provided in the notification that would identify what it was actually about. Providing rights to be heard in the written form is actually quite prejudicial to Aboriginal people, who, in the instance of Muckaty at least, will be the people primarily concerned about the potential for this project to go ahead. But the key thing really is that there are no objectives or criteria in the legislation or in the minister's decision, so it is not possible for a person to know what to make a submission about. There are no criteria by which to guide the minister's hand. There is no right for a person to see information on which the minister will base his decision—for example, anthropological studies and so on—and the minister is free to be as biased as he likes, and literally make a decision on the flip of a coin. The point I am making is that it is all very well to say that we will have procedural
fairness, but there is nothing in the bill that actually mandates for it. It is nice that the words are back in there again, but essentially there are no teeth to those provisions in the bill and these Greens amendments seek to reinstate those.

The claim that judicial review is reinstated is similarly misleading. The bill continues the essential and intentional design feature of the 2005 act in ensuring that there are no grounds on which a judicial review can be based and no access to information on which to base a review. For judicial review to actually have teeth, the minister would need criteria on which to be judged to have failed. We would need some way of saying, 'The minister, in my view, did not do what he was supposed to do, did not do what the bill mandated he do, and therefore there are grounds for review.' Of course, if there are no criteria, as there are not—if it just the minister sitting in a room by himself making up his mind—then there is no possibility of judicial review proceedings getting anywhere near a court. In the context of this uniquely defective piece of legislation, the term 'procedural fairness' is, I gather, by the government, interpreted to mean the ability to make a submission to the minister, which he is then free to ignore. I commend these amendments to the Senate.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:40): The government will not be supporting this amendment. To be clear, the Minister for Resources and Energy is not the final decision maker for the location of the facility. The minister is responsible for selecting a volunteered site, which must then be referred to the Minister for Sustainability, Environment, Water, Population and Communities and the chief executive of ARPANSA for approval. If a selected site under this bill fails to meet environmental and nuclear regulatory approvals, a facility cannot be constructed on this site. The Greens' proposal, we think, is far too broad and is not accepted by the government.

Question negatived.

The CHAIRMAN (12:41): Senator Ludlam, we have a revised running sheet and we have overlooked amendments (1) and (2) on sheet 7200. Do you wish to deal with those?

Senator LUDLAM (Western Australia) (12:41): Chair, I was going to run through the balance of the amendments first. Those amendments that you have noted are the only piece of good news that we will be hearing today, so I was going to save those till last. I seek leave to move together amendments (9), (18), (19), (21) and (28) on sheet 7037.

Leave granted.

Senator LUDLAM: I move Greens amendments (9), (18), (19), (21) and (28):

(9) Clause 9, page 11 (lines 3 and 4), omit "in his or her absolute discretion,"

(18) Clause 14, page 17 (lines 11 and 12), omit "in his or her absolute discretion,"

(19) Clause 14, page 17 (lines 19 and 20), omit "in his or her absolute discretion,"

(21) Clause 17, page 18 (line 25), omit "in his or her absolute discretion,"

(28) Clause 27, page 29 (line 7), omit "in his or her absolute discretion,"

I will not detain the chamber unnecessarily with these amendments because effectively they go to many of the same issues that I have already dealt with in some detail—essentially, the absolute discretion of the minister. If there are no processes, rules and guidelines, and if there is nothing in the bill to guide the minister's discretion, he is free to ignore geotechnical advice, anthropological advice and indeed the will of the parliament. He is free to ignore anything whatsoever,
including submissions from whatever such consultative groups that he might stand up. He has absolute discretion. That is what effectively makes it impossible for a court to review a decision of the minister because there will not be anything by which a court or potential applicants can say the minister did wrong. The minister is free under the terms of this legislation to effectively just toss a coin and there will be no way that we will know (a) that that was the process or (b) that there is any way of reviewing the decision. There is no requirement to provide reasons. We do not think an approval or a declaration of this kind should be subject to such unfettered ministerial discretion.

I am well aware that this effectively sets a slew of processes in motion under the ARPANS Act and EPBC Act, that this bill effectively fires the starting gun on a nomination, on a place from where all these processes will then flow. If the minister does not do his job properly and chooses a flawed site, as of course Muckaty is, we could go through two or three years of process under the ARPANS Act and under environmental impact assessment before realising that the process itself is flawed. There must be some criteria by which to guide the minister. This gets even scarier if we consider that when the Muckaty nomination falls over, as of course it will, we will then be looking for some other presumably impoverished Aboriginal community, perhaps at the behest of a land council, perhaps not, to accommodate the nation's toxic radioactive waste—which is somehow so unsafe it cannot remain where it is but will be safe enough when we have parked it on an Aboriginal community's land. We do not think that a bill that establishes such a process should go ahead without any form of discretion to guide the minister. I commend these amendments to the Senate.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:44): As Senator Ludlam indicated, we have had this debate earlier in the debate on this bill. We do not accept that the minister has untethered or unaccountable decision-making powers under the bill. In this administrative law context, 'absolute discretion' identifies who is entitled to exercise powers under the bill. The absolute discretion clauses therefore make it unambiguously clear that the minister is the responsible decision maker. As we know, this has been contained in other bills. It does not in any way limit the capacity for courts to review those decisions, and they will infer limitations on the ministerial discretion from the structure and purpose of the legislation.

Question negatived.

Senator LUDLAM (Western Australia) (12:46): The Greens oppose clauses 10(7) and 18(5) in the following terms:

(13) Clause 10, page 13 (lines 23 to 29), subclause (7) TO BE OPPOSED.

(23) Clause 18, page 20 (lines 3 to 7), subclause (5) TO BE OPPOSED.

These amendments go to precisely what I have spoken of already at a deal of length and complete the process of removing limitations on procedural fairness.

Again, we have attempted in good faith to improve on the fact that this bill vests total discretion with the minister and sets up the fiction that judicial review and procedural fairness now apply. I do not think the government should be allowed to get away with that fiction. Quite clearly there are gaping holes in the ability of people who are concerned—not necessarily just in the instance of the Muckaty bill but as sites are volunteered down the track. They will have been told by the minister that procedural
fairness applies. They will realise when they read the legislation that it is simply there in name only. I commend these two amendments to the chamber.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:47): The government does not support the amendments. The site selection process is guided by procedural fairness. That is a requirement that applies to all government decision making. It is also the case that the Administrative Review Council, a statutory body which was established to advise the Commonwealth Attorney-General on a broad range of matters related to the Commonwealth system of administrative law, made a submission on the National Radioactive Waste Management Bill and recommended that, rather than excluding procedural fairness, the bill should extend procedural fairness to parties with a specified interest in the decision to select the site for a facility. Those recommendations have now been incorporated into the decision-making processes under the bill. We do not believe the Greens’ proposed amendments are consistent with how procedural fairness has been interpreted by the courts and therefore we will not be supporting the amendments.

The CHAIRMAN: The question is that clauses 10(7) and 18(5) stand as printed.

Question agreed to.

Senator LUDLAM (Western Australia) (12:48): by leave—I move Greens amendments (14) to (17) and (24) to (27) on sheet 7037 together:

(14) Clause 12, page 15 (lines 23 to 25), omit "has no effect to the extent that it would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 11", substitute "continues to have effect in relation to the activities authorised by section 11, except to the extent that the law or provision would operate to prohibit the facility or activities essential to the facility".

(15) Clause 12, page 15 (lines 28 to 30), omit "has no effect to the extent that it would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 11", substitute "continues to have effect in relation to the activities authorised by section 11, except to the extent that the law or provision would operate to prohibit the facility or activities essential to the facility".

(16) Clause 13, page 16 (lines 6 to 8), omit "have no effect to the extent that they would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 11", substitute "continue to have effect in relation to the activities authorised by section 11, except to the extent that they would operate to prohibit the facility or activities essential to the facility"

(17) Clause 13, page 16 (lines 15 to 17), omit "has no effect to the extent that it would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 11", substitute "continues to have effect in relation to the activities authorised by section 11, except to the extent that the law or provision would operate to prohibit the facility or activities essential to the facility"

(24) Clause 24, page 26 (lines 24 to 26), omit "has no effect to the extent that it would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 23", substitute "continues to have effect in relation to the activities authorised by section 23, except to the extent that the law or provision would operate to prohibit the facility or activities essential to the facility"

(25) Clause 24, page 26 (lines 29 to 31), omit "has no effect to the extent that it would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 23", substitute "continues to have effect in relation to the activities authorised by section 23, except to the extent that the law or provision would operate to prohibit the facility or activities essential to the facility"

(26) Clause 24, page 26 (line 34) to page 27 (line 2), omit "has no effect to the extent that it
would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 23", substitute "continues to have effect in relation to the activities authorised by section 23, except to the extent that the law or provision would operate to prohibit the facility or activities essential to the facility".

(27) Clause 25, page 27 (lines 13 to 15), omit "has no effect to the extent that it would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 23", substitute "continues to have effect in relation to the activities authorised by section 23, except to the extent that the law or provision would operate to prohibit the facility or activities essential to the facility".

These amendments go to something that we have not spoken of in so much detail, so I will advise the chamber of why we are moving them. An aspect of the campaign that has been led, I think quite appropriately, by the Chief Minister of the Northern Territory is a very strong objection to the Territory being targeted for the location of a radioactive waste dump effectively because of its constitutional vulnerability. However, the government has sought to cover the field. These amendments relate to the fact that the bill shoulders aside the application of all state and territory laws that may be relevant to siting a radioactive waste dump, whether it is in the Territory or elsewhere. The bill displaces, wholesale, entire bodies of law to the extent that they would regulate, hinder or prevent key matters pertaining to the facility, including its siting, its construction, its operation and the transport of material to or from the facility.

Legal experts have cautioned against the Commonwealth arbitrarily stripping powers from the states and territories by suspending the application of all state and territory laws. That includes environmental protection laws and regs, Aboriginal heritage laws, and health and safety standards. The Northern Territory Chief Minister and his government are firmly opposed. They note the obvious flaws in the Commonwealth strategy of suspending the operation of laws designed to safeguard public health, heritage and the environment.

It is unbelievably obnoxious that the government should think it would be a good idea to simply bulldoze aside laws that have been put there for the protection of the public good, of public health, of the environment and of Aboriginal heritage. There will be, obviously, insufficient Commonwealth controls because the Commonwealth has not regulated these matters before. Traditionally, locations, siting and regulation of hazardous waste facilities or installations have been regulated by the state. The Commonwealth does not have an equivalent body of law. There is nothing in any Commonwealth act that you can tell me that regulates personnel or infrastructure in any remote area dump, so suspending the state and territory bodies of law that were designed precisely to regulate these things is completely unacceptable.

This approach fails to take into consideration the fact that state or territory emergency service personnel and infrastructure will be needed should an accident or incident arise and that nuclear waste will be transported past the doors of many Australian homes, often on roads prone to accidents and extreme weather conditions, particularly flooding. In their submission on the bill, lawyers from the Northern Territory EDO argued that the bill should be changed to ensure that state and territory laws apply so as to assist to manage the environmental impacts and risks as thoroughly as possible. The EDO stressed the absurdity of suspending particularly any regulation of the transport of nuclear waste. The ARPANS Act is based on the existence of complementary state and territory regulation, so it is not able to address issues that are not directly related to radioactivity.
So the last thing you would want to do would be to push aside the bodies of law that have been instituted by the states and territories to address those gaps in Commonwealth law. It is utterly negligent. Without the state and territory laws applying, it is possible that surrounding land uses could be inadequately controlled to prevent issues developing at the facility.

Dr Patrick Emerton suggested in the inquiry that even if it is conceded that the management of radioactive waste raises particular issues that cannot be resolved within the framework of ordinary environmental or heritage protection laws—which is in itself a pretty contentious claim—it should be possible for the bill to make much more specific provision in respect of the suspension of such laws. Specifically, our amendments assert that it is possible to institute a regime under which such laws are prima facie operative but in certain circumstances—for example, following the failure of negotiations between the Commonwealth and the state or territory in question—those laws could be suspended by regulation in respect of the suspension of such laws. Obviously allowing those laws to apply would permit their legislation to prohibit the siting of a facility and transporting waste. We think that would produce a conflicting outcome that is inimical to the objective of the bill, which is to provide for the establishment of a national radioactive waste management facility.

The other issues that Senator Ludlam refers to can be accommodated through cooperative arrangements with state and territory agencies such as law enforcement and fire brigade organisations et cetera. It is important that it be clear in the bill that the Commonwealth law will apply, and that is the approach the government prefers very much to what I think would be a very complicated matrix that could undermine the whole objective of the bill if the Greens amendments were supported.

Senator LUDLAM (Western Australia) (12:54): It is a little rich at this late stage of the day to start proposing cooperative arrangements with the states and territories. This has been a profoundly uncooperative approach by the government. They have caused extreme resentment in the Territory government and the Territory ALP, and the Chief Minister is on the record over and over again saying how uncooperative the government have been. What has the
government done to ensure cooperation in the very important examples that have been identified, such as emergency services and police?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:55): Obviously once the site is agreed and we move to an establishment phase and those sorts of protocols get negotiated, as happens with other Commonwealth facilities such as immigration facilities where there is a role for state authorities, they will have their normal obligations under their state law to respond to any issues, be they traffic management, police, fire brigade or what have you. This will establish a regime that makes things clear, and, as happens in a multitude of other cases, the normal negotiations about operational issues where state and territory agencies are involved will occur.

Question negatived.

Senator LUDLAM (Western Australia) (12:56): I move Greens amendment (10) on sheet 7037:

(10) Clause 9, page 11 (line 9), omit subclause (3), substitute:

(3) The Minister must consider each nomination which is made in accordance with the rules for nominations in subsection 5(2) or section 7.

I believe I have already addressed, probably at great length, the substance of the purpose of this amendment.

Question negatived.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:56): by leave—I move government amendments (1) to (3) on sheet CN227:

(1) Clause 17, page 18 (line 26), at the end of subclause (1), add “or (4)”.

(2) Clause 17, page 18 (line 29), after “14(2)” insert “or (4)”.

(3) Clause 17, page 19 (lines 2 and 3), omit “that was, immediately before the revocation, the selected site”, substitute “that was the subject of the revoked declaration”.

These amendments relate to the revocation of the minister’s declaration. By way of background, the bill currently provides that the minister may declare a volunteered site as the site for a radioactive waste management facility. A declaration has the effect of acquiring any rights or interests in the selected site to construct and operate a radioactive waste management facility on that site subject to environmental and regulatory approvals.

The minister may also make a similar declaration for the purposes of acquiring all-weather road access to the site. Clause 17 provides that the minister may revoke a declaration to acquire a site for the facility. This provision reverses a decision to select a site in the event that the site fails to meet regulatory approvals. In its current draft the bill does not allow the same revocation to also be made for all-weather road access to the site. This problem was originally identified in the Parliamentary Library Bills Digest. There is no policy justification that would require the Commonwealth to continue a declaration for road access to a site that would not be the location of the facility, and therefore these amendments address what was a minor oversight and clear up something that ought to be fixed. I encourage the chamber to support the amendments.

Question agreed to.

Senator LUDLAM (Western Australia) (12:58): I move Greens amendment (29) on sheet 7037:
(29) Page 33 (after line 15), after Part 6, insert:


Division 1—Appointment and functions of Commission

34A Establishment of Commission

(1) The Independent Commission on the Long-term Safe Storage, Transport and Management of Australia’s Radioactive Waste (the Commission) is established by this section.

(2) The Commission consists of:

(a) the Chair and other Commissioners appointed under section 34D; and

(b) staff engaged under the Public Service Act 1999.

(3) For the purposes of the Public Service Act 1999:

(a) the Commissioners and staff together constitute a Statutory Agency; and

(b) the Chair is the Head of that Statutory Agency.

Note: The Chair holds an office equivalent to that of a Secretary of a Department (see the definition of Agency Head in section 7 of the Public Service Act 1999).

34B Functions and powers of the Commission

(1) The principal function of the Commission is to establish a deliberative, public and inclusive process to:

(a) review international best practice in radioactive waste management; and

(b) review international best practice in community engagement on radioactive waste issues; and

(c) assemble an inventory of radioactive waste management procedures relating to waste currently stored in Australia under Commonwealth and State jurisdictions; and

(d) undertake an audit of the volumes, activity and contractual arrangements for Australian-obligated radioactive waste currently stored outside Australia; and

(e) publicly canvass community, independent expert and industry recommendations on how Australia should best manage radioactive waste; and

(f) review existing domestic and international literature and decision-making processes relating to radioactive waste management; and

(g) make recommendations on the establishment of a body to provide ongoing independent scrutiny of the implementation of the proposals, plans and programmes to ensure scientific, transparent, accountable and consensual radioactive waste management, and community access to judicial review processes.

(2) The Commission has the additional function of providing the Minister and the Parliament with independent, expert advice in relation to decisions to be made by the Minister under this Act.

(3) The Commission has power to do all things necessary or convenient to be done to perform its functions.

(4) In performing its functions, the Commission:

(a) is not required to act in a formal manner; and

(b) may inform itself on any matter in any way it thinks fit; and

(c) may consult with anyone it thinks fit; and

(d) may receive written or oral information or submissions; and

(e) may hold public seminars, conduct workshops and establish working groups and task forces; and

(f) must engage with the reference group convened under section 34G; and

(g) must reflect a variety of viewpoints and options representing alternative means of addressing the subjects of its inquiries, reports and recommendations.

(h) must act independently and in a way that advances a scientific, transparent, accountable and consensual strategy for the transport, management and long-term safe storage of radioactive waste; and
(i) is not subject to the control or direction of the Minister.

34C Constitution of the Commission
(1) The Commission is constituted by a Chair and four other Commissioners.
(2) The performance of the Commission's functions and the exercise of its powers are not affected merely because of a vacancy in the office of Chair or in the membership of the Commission.

34D Appointment of Commissioners
(1) The Chair is to be appointed by the Governor-General, by written instrument, on a full-time basis.
(2) Commissioners, other than the Chair, are to be appointed by the Minister, in writing, after consultation with the Chair, and may be appointed on either a full-time or part-time basis.
Note: Commissioners are eligible for reappointment: see subsection 33(4A) of the Acts Interpretation Act 1901.
(3) Whenever a vacancy occurs in the membership of the Commission, an appointment must be made as soon as practicable.
(4) Until the Parliament provides otherwise:
   (a) Commissioners hold office on the terms and conditions determined in their instrument of appointment;
   (b) Commissioners are to be paid the remuneration and allowances determined in their instrument of appointment, subject to the Remuneration Tribunal Act 1973.

34E Operation of the Commission
Until the Parliament provides otherwise, the Commission is to operate in accordance with procedures determined by the Commission, and a document setting out those procedures must be published on the Commission's website within 30 days of the commencement of this section.

34F Role of the Chair
(1) The Chair is to manage the Commission and to ensure the efficient performance of its functions.
(2) All acts and things done in the name of, or on behalf of, the Commission by the Chair are taken as having been done by the Commission.
(3) The Chair may, in writing, delegate all or any of his or her powers and functions under this Act to another Commissioner.
Note: Sections 34AA, 34AB and 34A of the Acts Interpretation Act 1901 set out general rules governing delegation of powers and functions.

Division 2—Establishment and functions of reference group
34G Reference group
(1) The Commission must appoint a reference group to assist the Commission in gathering evidence and undertaking informed and representative community consultation in relation to the Commission's functions.
(2) The membership of that reference group must include, but is not limited to, representatives of the following:
   (a) Commonwealth Departments with the functions of science, environment and health;
   (b) State and Territory governments;
   (c) local government;
   (d) Aboriginal communities;
   (e) non-government organisations and experts;
   (f) radiation safety specialists;
   (g) community engagement specialists.

Division 3—Reporting requirements
34H Reports of the Commission
(1) The Commission must, at the end of 15 months after its establishment, give to the Minister an initial report relating to the short-, medium- and long-term management of radioactive waste, including an assessment of the domestic application of best international practice, to promote public confidence and consent.
(2) The Commission may report to the Minister on any matter related to its functions.
(3) The Minister must cause a copy of each report received under this section to be tabled in each House of the Parliament within 9 sitting days of that House after the Minister receives the report.
In my opening comments some time ago I foreshadowed that the Greens would be
moving not simply to oppose the bill and not simply, failing that, to improve the bill but also, failing even that, to propose alternatives to the bill. As I have said before, the only aspect of this debate with which I strongly agree with the minister is that this is an extremely difficult and vexed issue that has plagued governments of both of the old persuasions for many years. We thought that the government was on the right track in the comments it made before the election and that some sense would be restored to the debate—but no such luck; the government failed to implement its election promise and its own policy platform to establish a consensual process for site selection based on science and based on consultation on the basis that the Australian Greens would attempt to implement the government's policy. That is what this amendment addresses. We propose an independent commission on the long-term safe storage, transport and management of Australia's radioactive waste. That is how we should responsibly deal with the 4,020 cubic metres of so-called low-level and short-lived intermediate-level radioactive waste and the approximately 600 cubic metres of long-lived waste in this country. The Greens take very seriously the responsibility of dealing with the 32 cubic metres of spent research reactor fuel which is returning to Australia in 2015-16 after reprocessing in France and the UK, although I do note that the government is well within its legal rights to seek an extension of time should the establishment of processes here in Australia for the disposal or storage of that waste not be concluded by then.

An independent commission is the best way to go about this—to actually learn from international best practice. The phrase 'international best practice' has been flipped around relentlessly in this debate so far. So let us put on the public record exactly what best practice on radioactive waste management is. There has been 60 years of case history, of the experience of countries dealing with far more of this material than Australia. From that case history we can actually get a reasonably good idea as to who is doing it well and, more importantly, who is doing it badly. The roles of the commission, therefore, would be to establish this best practice, to establish an inventory of the waste which needs to be stored and of the waste management procedures currently used by the state and the Commonwealth, and to undertake a proper audit of the volumes, activity and contractual arrangements. I think the first two of those are reasonably well understood, but there is some ambiguity around the contractual arrangements. The government has been hopping up and down saying that that was the urgency and then we later found out that there is in fact no such urgency since the material can safely be stored at Lucas Heights—so we are told by the government—or we can renegotiate with our overseas partners for a deferral for a short period of time. The commission should also publicly canvass the community, it should hear independent expert views and it should also hear from the industry. From all that, the commission should make recommendations on how we can provide ongoing scrutiny of the implementation of the decisions arrived at through this proper independent process.

_Hansard_ will not record whether or not the minister and the government advisers are collectively rolling their eyes down at the other end of the chamber over the proposal to establish yet another commission, another inquiry, another working party or another look at the issue. I want to go into some detail about why we would do that. The reason we need to have this debate is that Australia has never had it before. Every single process which has been attempted in
Australia over the last two decades for the storage and the management of radioactive waste has started with the assumption that it needs to be on a remote dump somewhere and that it needs to be on Aboriginal land—perhaps on a site that has been volunteered or perhaps just dumped on a site the government has settled on coercively. The common theme has been that it needs to be a remote store somewhere in the outback of Australia. We need to start a different conversation without a predetermined outcome. That is the key thing here—that a process with some genuine independence would not automatically assume that we need to chase up a disadvantaged Aboriginal community to host this material. But that is where these processes inevitably seem to run when they are guided by politics. As I was told by ANSTO officials more than two years ago now, this is just politics—there is no engineering reason for dumping it; this is being guided by the urgent perceived need to get it the hell away from the cities. That is an appalling way to deal with this material.

The proposed commission will obviously not work unless it is genuinely independent and unless the people conducting the study bring an open mind and a willingness to listen to a variety of views. The amendment we have proposed is complex and I will just sketch out briefly what it does. We have proposed that the commission be genuinely independent; that it can inform itself in any way it sees fit; that it can consult with whomever it sees fit; that it can receive written and oral information; that it can hold public seminars, conduct workshops and establish other taskforces or working groups; that it must reflect a variety of viewpoints representing alternative approaches to addressing the subject; and, perhaps most importantly, that it is not subject to control or direction by the minister—that is, that it is truly independent. That means that its findings will enjoy authority and confidence. These qualities are the best ingredients for social licence. We envisage the commission being made up of five people, appointed by the Governor-General, on a full-time basis for 15 months. After that period of time, the commission would have to deliver an initial report to the minister. That is a reasonable period of time, I think, to do this sort of process well.

The government keep on saying that there is an urgency to resolve this matter, but they waited two years before acting to repeal the Howard legislation. The government then tried to hold an inquiry of only 11 working days—and here we are, two years later. By not going about this properly, by attempting to perpetuate the ram-raid that the Howard government began, the government has wasted years. By ignoring the experience of the International Atomic Energy Agency, the British government, the OECD Nuclear Energy Agency and, most recently, that of the United States at Yucca Mountain, the government have wasted a great deal of time. We should take the time to do this properly. There is no compelling reason for us to be suddenly in a huge hurry to do this badly. Establishing the commission is how to do it properly.

The International Atomic Energy Agency told the government in 2007 that governments, having used undemocratic methods lacking public involvement and acceptance, 'have had to reconsider their programs'. That sounds familiar, does it not? That is exactly the path we are on here. One of the conclusions of the study was that reassessment can become necessary because past decisions were not reached through socially acceptable processes. Does that sound familiar to anyone down that end of the chamber? It is very rarely that I would come in here and quote the IAEA in shades
of anything approaching approval, but they say:

... there is a need for public involvement in the decision-making process, adequate financial provisions, clear integrated plans on how spent fuel and radioactive waste will be managed to ensure continued safety into the future—this could be for decades—to avoid creating a legacy situation that would impose undue burden on future generations.

That—a situation which imposes undue burden on future generations—is precisely the sort of set-up being put forward right here in this chamber this afternoon. After 20 years of failing with this kind of approach, somehow the government believes it is now going to succeed. In a statement, the UK Committee on Radioactive Waste Management said:

There is growing recognition that it is not ethically acceptable to impose a radioactive waste facility on an unwilling community.

This is of course precisely what the government proposes to do with this legislation. The minister might still be harbouring some kind of strange delusion—from his office down in Melbourne or cocooned away here in Canberra—that he does have social licence, that he does have a willing community, that he has a signature on a piece of paper and that therefore everybody is happy with the process. He can perhaps maintain that fiction because he has refused to meet with anybody with a different point of view. He has not met with them at his office. He does not return correspondence anymore. Therefore, perhaps he still believes that it is simply going to sail through just because he has got his bill.

The UN Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management, to which Australia is a party, notes that public consultation on radioactive waste management strategies was not only a good practice to follow but also essential for the development of a successful and sustainable policy. So it is very difficult to miss the emphasis placed by the IAEA, the OECD Nuclear Energy Agency, the International Commission on Radiological Protection, the EU, the UK and the Japanese government on winning public confidence and obtaining social licence and community consent for the siting of radioactive waste facilities. Minister, I put to you that you do not have any of those things. You do not have public confidence, you do not have social licence and you do not have community consent. It has been demonstrated all the way through the passage of this bill. Once the bill passes—and I believe it will, perhaps even later on this afternoon—you will realise just how much you lack those essential things.

Australia is either a member of these institutions and treaties or we have strong relationships with those countries considered to be like-minded on many fronts—for example, considered to be democracies—which makes it all the more regrettable that Australia lags behind on this aspect of international best practice: the obtaining and securing of community consent. To do that you need to build confidence that you are not simply going to kick down the front door and dump waste somewhere whether people are happy with that or not. We need to learn from the understandings of principles on transparency, community participation and stakeholder involvement in decision making around nuclear waste. Instead, in the inquiry into this bill, a good long while ago now—the minister may not have this quote in front of him—ANSTO claimed, ‘We are not experts on these matters’. I had asked them: who is in charge of consent; who do I talk to about consultation, building of social licence and building of confidence in the community? ANSTO claimed at that point,
'Hmm, we're not experts on these matters in the areas of public consultation that relate to this.' Of course they are not; they are engineers. They build stuff. They look after the waste. It must be somebody else's job.

Despite ANSTO's CEO being charged with the responsibility to take into account best international practice, the answer effectively is that it is nobody's job. I am interested to know who is responsible for making sure that when the words 'world's best practice' are again uttered in this chamber or in the minister's press release—and I will put this question to you directly, Minister—if it is not ANSTO's job to ensure that social licence is created and that confidence is built in the community around the siting of these materials, whose job is it? It would be helpful if it were the responsibility of either a ministerial portfolio or the Public Service—anybody at all. Whose job is it to ensure that consent is obtained for a dump such as this?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (13:10): I thank Senator Ludlam for his contribution, although he knows I will not be supporting the amendment. The first thing to say is that it is very easy to talk about these processes as though somehow there is a unanimity of view and a consensus is going to be reached. This is a highly controversial subject matter. Quite frankly, Senator, I suspect I could spend 10 years searching for social licence and you would still be opposing the dump, because that is your strongly held view. I respect that view. You somehow think that we are going to be able to get to a position where everyone is in total support of a view. Part of what you do is to try and undermine confidence in the process, because you raise your serious concerns about it. So I am not sure that it is therefore fair to say, if you have not got there, if you have not convinced everyone, you cannot do anything. We have gone through a very long process, a long gestation, with this legislation to try and get to a landing point, and there is a long way to go yet, once the bill is agreed, if it is agreed, by the Senate.

From what we can see, the amendment seeks to establish a commission whose principal functions are largely already performed by the Australian Radiation Protection and Nuclear Safety Agency, ARPANSA. ARPANSA incorporates international best practice in its approach to radiation protection and nuclear safety. From its inception, ARPANSA established the Radiation Health and Safety Advisory Council, the Radiation Health Committee and the Nuclear Safety Committee, whose functions are—and I note—to represent the interests of the general public, to advise on matters relating to nuclear safety and the safety of control facilities and to identify emerging issues relating to radiation protection and nuclear safety. So I think in broad terms the answer to your main query is ARPANSA. In deciding to issue a licence, ARPANSA must take into account specified regulations and international best practice in relation to radiation protection and nuclear safety. Thus, if you like, ARPANSA is the arbiter of international best practice in the Australian context.

We think the commission proposed in the Greens' amendment is pretty woolly, pretty vague. The only thing it is actually mandated to do is prepare a report. We think the current regime provides a better answer than that proposed by the Greens. As I said, it is largely already performed by ARPANSA and we do not think the commission adds to the overall architecture we are putting in place. As I said, I understand the concerns and issues you raise, Senator Ludlam, but I do not think anyone could suggest that this
has not been a long and involved process in which many people have put their views.
But, in the end, this parliament has to decide on a piece of legislation. I think we have had
give major inquiries. It has been a long and
detailed process. As I said, the government
will not be supporting the amendment. We
think the current architecture is a preferable
one.

**Senator LUDLAM** (Western Australia) (13:13): I thank the minister for those
comments. As profoundly unsatisfying as
they may be, at least they are on the record.
The minister made a couple of points that
cannot go unanswered. Just because we have
been at this process for a while, Minister—
through you, Chair—that does not make it a
good process. It is a process that, from
opposition, you described as 'sordid' and
'profoundly shameful'. It was something on
which you attacked coalition MPs, including
Senator Scullion—good afternoon, Senator
Scullion—who has joined us to conclude the
debate. Minister, you attacked the coalition
when they instituted this precise process. So,
yes, it has been going for years and, yes, we
have been opposing it, because it is a rotten
process.

I think it thoroughly exemplifies all the
things that you could do poorly. The reason
it has taken so long is that people have been
pouring sand into the gears, whether they are
legal challenges in the Federal Court,
demonstrations right around the country,
resolutions by quite powerful unions around
the country or a fantastic community
campaign that has sprung up to oppose this
thing. A big part of the reason that you are so
far behind is that you are going the wrong
way. We have effectively been trying to save
the government from itself, simply bringing
it back to where it was in opposition, which
we supported. As soon as Labor got into
government it turned around and simply
perpetuated a rotten process that was not

starting from the point of view of consent at
all.

You note that ARPANSA are the ones
who will be responsible for organising the
social licence and the community consent
that I was talking about. Does the minister
consider that it might be somewhat
backwards for the minister to say it is going
to Muckaty, 'There you go, ARPANSA. Go
and consult'? There is something a little bit
awkward about the cause and effect there—
that the government will decide where it will
go and then it will consult at you until you
consent. That is why this process has gone so
badly off the rails. Perhaps the minister did
not recognise exactly what it was that the
Greens were trying to do, because we do not
have a foregone conclusion. There is nothing
in this amendment that says: 'At the end of
this commission's process it will go where
we decided it was going to go all along.'
There is no preordained conclusion to this
amendment. The idea is to come at it with an
open mind and not ask: 'Which remote
Aboriginal community should host
radioactive waste until the end of time?'

You will not find a target or a postcode or
a set of geographical coordinates in our
amendment, because they are not there. We
are not ready to make the decision to dump
this material in a remote community. That
case has never been made. In fact, the
opposite case has been made. Witnesses
from ANSTO told me: 'Look, this is just
political. This is not about engineering. It is
about getting it as far from white people as
possible.' That is a horrendous agenda. The
language of the bill that we are looking at
has many references to Aboriginal
communities and land councils. Why? What
is the assumption that it has to be as far away
from the centres of population as possible?
That is what people are asking me when I go
to Tennant Creek. That is what they would
ask Minister Ferguson if he took the time to go there as well.

This process has been dismissed, more or less, out of hand by the minister, as the government have already made up their minds: 'It's going to go there. We'll consult once the minister's decided where it's going to go.' That is why you have a fight on your hands. I commend these amendments to the chamber.

Question negatived.

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (13:17): I move opposition amendment (1) on sheet 7111 standing in my name:

(1) Page 33 (after line 15), after Part 6, insert:

Part 6A—National Repository Capital Contribution Fund

34A Application of Part

This Part applies if:

(a) the Minister has made a declaration under subsection 14(2) that a site in a State or Territory (the relevant State or Territory) is selected as the site for a facility; and

(b) a facility has been constructed at the site.

34B National Repository Capital Contribution Fee

(1) An entity wishing to use the facility, other than the following entities:

(a) the Commonwealth;

(b) the relevant State or Territory;

(c) an authority of the Commonwealth or the relevant State or Territory;

must pay such fee (the Capital Contribution Fee) as is prescribed by the regulations as a capital contribution towards the cost of the facility before being eligible to have radioactive waste accepted by the facility for storage, management or any other purpose.

The background to this amendment is that, when the National Radioactive Waste Management Bill 2010 was first introduced, I had some concerns that there were a number of jurisdictions that we thought were pretty much getting a free hit. High on my list of those getting a free hit was South Australia. Despite the assurances of my colleague from the Greens, who says that we basically always said it should go to Muckaty, it is quite the contrary. After millions of dollars of investment, Australia decided that the very best place for it to go was, in fact, in section 52 of the Officer Basin in South Australia. There was a huge amount of investment from everybody and, fundamentally, an agreement—a difficult agreement but an agreement across every state and territory that there would be a national task to find the best place, and the best place, as I said, was in South Australia.

We all know the history. The previous Premier of South Australia, Mike Rann, in a rush of political blood to his head during an election, decided: 'No. After all that work, it's not going to the best place in Australia. It's not coming to South Australia.' The Commonwealth, unsurprisingly, was caught pretty left-footed, as was everybody else. This process started with the Labor government, then the process went across to the conservative government and now it is back with the Labor government. It has gone on for a very long time. The fundamental point about why we are here today is the failure of Mike Rann to accept an absolute ironclad agreement with everybody. Every state and territory signed up to the fact that we would invest millions of dollars ensuring that it went to the best place. Scientists decided where the best place was for a whole range of reasons—transportation, the level of amenities and all those sorts of things—and, very sadly, that is why we are here today.

I put the original amendment forward to say: 'Since this has been foisted on us and since nobody else seems to want to have it, the only jurisdictions that can keep the materials here are the Northern Territory and
the Commonwealth. Every other jurisdiction will have to sort themselves out, because we're not going to cop it.' We have always copped it as a territory, and that is because we are not a state. We are dictated to about what happens in the Northern Territory. Let's face it: that we are a territory is the only reason it has been able to be put there. So the amendment was put forward to ensure that no other jurisdiction, apart from the Commonwealth, was able to keep their material there.

It has come to my attention over the last little while that there were, in fact, some rumblings about jurisdictions. Even South Australia was saying, 'I know what we'll do: we'll gift it to the Commonwealth and that will get us around Scullion's amendment. We'll gift all our material from the other jurisdictions to the Commonwealth. That gets around the amendment and it is then the Commonwealth's material and they'll be able to store it.' My thinking process was along the lines of this: 'We built something to the amenity of everywhere.' I was pretty cranky at the time. Let's face it, you cannot go to sleep in the Commonwealth; you have to go to sleep in a state or territory. Every state and territory certainly benefits in some way from having a research reactor at Lucas Heights. On that basis, if any other jurisdiction wants to store material there—the Territory has made the contribution, and it certainly was not voluntary—the Commonwealth is paying the money and the other states and territories should do the same. This amendment effectively establishes the capital contribution fund, which is to provide enhanced public services or infrastructure to any state or territory. It is not just to the Territory, because if somebody can eventually capitulate—particularly the current Premier of South Australia, who still stands up today and says, 'Look, I'm terribly sorry; we got it all wrong'—South Australia will be able to have a capital contribution fund that will be paid into. So this is not about Muckaty; this is about a capital contribution fund for whatever state or territory takes this repository. Wherever it is sited, this repository will provide safe and suitable storage for national and possibly, should they pay, state and territory material.

The key feature of this amendment is that the fund will stand in credit of $10 million, and that is prior to the acceptance of any material from any source. So before any material arrives from the Commonwealth, the Territory or anywhere else, $10 million has to be in the fund that is available to a board consisting, pretty much, of the Chief Minister of the Northern Territory and some people with some expertise in health, particularly in infrastructure. Again, the use of the fund was motivated only since the provision of some $32 million by the Howard government, and it is well on the record that that was levered between David Tollner and me. Basically, at that stage, if you had cancer you knew you had to be on a flight to Adelaide. No matter where you came from—whether you came from Alice, Katherine, Tennant Creek or wherever—you knew you had to be on a flight to Adelaide, because that was simply the closest amenity. That was only a few years ago. So what everyone else in Australia took for granted we just did not have access to in the Northern Territory. We now have an oncology unit in the Northern Territory. In places like Adelaide, because they have had oncology services for so long, they are training people in oncology services and have a large population of people who are ready to staff it. But that is not the case in the Territory, and we need very much to grow our own staff to ensure that we provide the same level of amenity that people take for granted in every other part of Australia.
It all comes down to some sort of justice for Territorians. We are still having this foisted on us, and that certainly cost the previous coalition government some $32 million. That will never be enough because it is never going to compensate us for how we feel as Territorians, and I acknowledge that. This amendment deals with closing the equity gap, if you like, to ensure that Territorians actually get the same level of oncology services enjoyed by others.

Just before I sit down—and I understand there are some agreements to ensure that we do not keep this debate going—let me say to Senator Ludlam that I not only have visited ANSTO but have spoken to ANSTO staff extensively, and I have never heard them say that it is not a case of just not wanting to put the dump near white people. Now, mate, I am a mate of yours, and you can check the Hansard, but that is what you have said. All I am saying is that I have been here for a fair while longer through this particular debate, and I have never had that put to me. I am just putting it on the record for you that I have never had that put to me, and I have extensively questioned it, both personally in the pub and across the committee bench. I just thought I would put that on the record.

This is a very important amendment, particularly to Territorians, so that we can try to close the gap between access to health services. I commend the amendment to the house.

Senator LUDLAM (Western Australia) (13:26): I will briefly respond to some of Senator Scullion's comments and also indicate that the Greens will not be supporting this amendment. That is somewhat moot, of course, because this bill will get up with us or without us, but I do not think it is appropriate for us to sit on the same side of the chamber as Senator Scullion on this particular amendment. As much as you might say that it is wonderful that you have managed to score 10 million bucks from the Commonwealth government in order for the Territory to cop it, I want to back up a bit to your earlier remarks about South Australia, because they go precisely to the point that I was making just before you rose, which was that that study started on the assumption that the waste will be going to a remote bit of country somewhere. Which bit of faraway country from the cities is best for it? They looked at geology, geophysics, earthquakes, rainfall, groundwater, access to transport corridors and so on, starting on the premise that, sooner or later, it would go to some remote piece of land, and that is precisely what I am trying to avoid with the amendment that the Senate just negatived. I am very happy to put it back up again if you are going to have second thoughts, although I am not sure I can do that. It started on the premise that pre-empted the outcome of an honest inquiry, which is what we are putting up. When you got there, it was not empty land; the Kungas were there, and they said, 'No thanks; we're not having it.' They put up a very, very strong campaign, which is effectively the template for what the Muckaty are up to now, calling in people from around the country, and indeed around the world, to say: 'If this stuff is safe in Sydney, perhaps it should stay in Sydney; if it is not safe in Sydney, why the hell are you bringing it to our block?' Where is the case for this stuff to go remote?

With great respect, Senator Scullion—and you were involved in that process back
then—I was on the other side of the debate supporting the Kungas from a long way away in Western Australia. This is not a NIMBY approach. From a Western Australian perspective maybe they should have just copped it. But of course not; they are out there; it was their flock. They were not consulted and neither were the Muckaty mob.

In terms of the substance of this amendment, the Chief Minister branded the $10 million rent money for the dump as offensive. He said it was a bone being thrown at us to try to get us to roll over.

Senator Scullion: Let's see him knock it back.

Senator LUDLAM: He is not going to have the choice. The minister was saying before about how cooperative this is all going to be once the bill passes—that we will cooperatively engage with Territory police and emergency services so that they can cooperatively deal with a disaster, if there is one, after we have pushed the laws aside regulating transport of this material. It is all going to get nice and cooperative after we have passed this law. If they have no choice in taking the $10 million fund, I am sure they will put it to good use. The Territory is not rolling in cash; I hope they do put it to good use. But it absolutely is offensive. I think that is an entirely appropriate word for the idea that for 10 million bucks you are somehow over the line. Senator Scullion, join us on this side of the chamber when we vote against this bill. It should not be going into your electorate. It should not be going up to the Muckaty block, and that is what this bill sets in train. I have put as clearly as I possibly can that the Greens will not be supporting this amendment when it is put.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (13:29): I indicate the government has been swayed by Senator Scullion's oratory and will be supporting the amendment.

Question agreed to.

Senator LUDLAM (Western Australia) (13:30): I move Greens amendment (30) on sheet 7037:

(30)Page 35 (after line 28), after clause 37, insert:

37A Obligation to minimise production of waste

Despite any other law, any agreement between the Commonwealth and another party or parties involving the production of radioactive waste must be made subject to the condition that each contracting party must take appropriate steps to ensure that the generation of radioactive waste is kept to the minimum practicable.

This is an amendment that I am sure will get late support from both the government and the opposition, so I do not intend to call a division. What it does is provide an obligation to minimise production of waste, and who could possibly disagree with that? I am sure if you are proposing to vote against this amendment you will stand up and pat me on the head and say that I am well intentioned, or that this is a great idea but you will be voting against it.

We are proposing to minimise the production of this material in the first place which, I hazard to guess, is probably the only area of agreement between every party in here in this entire debate, because it is such an intractable headache for people and has been for so many years. One thing we should all be able to agree on is to minimise the generation of it in the first place. It does not absolve us of responsibility to look after what we already have, but let us move away from the misleading concept of disposal towards a sense of stewardship and harm minimisation. Of course, the first thing you
would do if that were your interest would be to minimise the production of this stuff in the first place. I strongly commend this amendment to the Senate.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (13:31): I hate to disappoint Senator Ludlam, but I cannot support this amendment. Not to patronise him, I think we have a joint objective of minimising the radioactive waste material that we have to deal with, but we would argue that that waste minimisation process is already taking place. There are obligations for the producers of the waste, and we therefore see the amendment as being unnecessary and creating a range of other complications.

Senator LUDLAM (Western Australia) (13:32): Minister, in that spirit, can you describe for us what the Australian government is doing to phase out the use of reactor sourced isotopes, as is happening in Europe and Canada, and phase in alternative sources of medical isotope production that do not rely on reactors, such as particle accelerators? If we are all on board with this agenda of waste minimisation, what are you doing specifically?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (13:32): My advice is this, and I make very clear that this is advice I have recently received: the new technologies that the Canadians are trying to develop will not be in place until 2016. We are obviously looking to learn from any experiences that they have, but the suggestion is that this is still at a very early stage.

Senator LUDLAM (Western Australia) (13:33): Our waste minimisation strategy is to sit around and see if the Canadians come up with anything? I take it our strategy is not to do anything ourselves. I could come up with plenty of other examples of how we do not have a waste minimisation culture when it comes to radioactive waste in any sense of the word. But I think I made my point simply in looking at the case of radioisotopes. In my closing remarks I will read some statements from medical professionals who have demanded that the government and coalition stop using medical isotopes as a fig leaf of justification for producing this waste in the first place. We do not need it. It is not really good enough for the minister to stand up and say, 'The Canadians are up to something and we will give it some thought.' Recognising that you are here in a representational capacity and you are not expected to be an instant expert in everything, I would have thought the advisers could provide you with something a little more substantial than you will wait and see what the Canadians get up to. I think I have made my point and I commend this amendment very, very strongly to the chamber.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (13:34): I do not have much to add, other than that we think currently there are obligations to minimise the amount of waste. It is clearly in everyone’s interest to minimise the amount of waste. There are costs and issues involved with the management, so it is a key driver of behaviour. In terms of the international experience, we are interested in any developments that will help inform best practice in Australia. But we are not in a position to respond to those at this time.

Question negatived.
Senator LUDLAM (Western Australia) (13:35): I move Greens amendment (31) on sheet 7037:

(31) Schedule 2, item 1, page 39 (lines 14 to 19), omit subitems (3) and (4), substitute:

(3) To avoid doubt, section 10 of the new radioactive waste law, and the new ADJR Act, apply in relation to a nomination or an approval continued in force by this item.

I will speak very briefly to this one as I have already given the chamber the benefit of my views on the fiction of judicial review in this bill. This is the final amendment to put some teeth into the bill that I propose, so that some judicial review is applicable—namely, that the minister should have some criteria by which to be judged on whether or not he did what the bill said he should do.

At the moment, the bill essentially says if he were to throw a dart at a board in the privacy of his office and decide that that was where the dump was going, that would not be a reviewable decision even if he published a photograph of the dartboard. We do not think that that is appropriate, so I commend this amendment to the Senate.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (13:35): I indicate we will not be supporting the amendment for the same reason we have not on the previous 10 times we have had to deal with this in other amendments. Senator Ludlam made the point we have had this argument, and the government do not accept the core Greens argument that we think procedural fairness will not be followed.

Question negatived.

Senator LUDLAM (Western Australia) (13:36): I come back to where we began—that is, I move Greens amendments (1) and (2) on sheet 7200, concerning clause 4 on the definition of 'controlled material':

(1) Clause 4, page 3 (line 1), after “1998”, insert “that is of domestic origin”.

(2) Clause 4, page 3 (line 2), at the end of the definition of controlled material, add “For this purpose, controlled material is of domestic origin if it has been used in Australia, generated by activities in Australia, or sent to Australia under contractual arrangements relating to the conditioning or reprocessing of ANSTO spent nuclear fuel (within the meaning of the Australian Nuclear Science and Technology Organisation Act 1987).

This amendment is the only piece of good news that I can announce to the chamber this afternoon. The government has apparently agreed with the substance if not the detailed wording of my arguments in the debate before last on importation of international radioactive waste. I am glad Senator Scullion is still here, and I am hoping we can get consensus so this one will not need to go to a vote. Despite some of the more remarkable commentary from some of the more unhinged members in the other place—if that term could be considered parliamentary—proposing that we import radioactive waste from overseas as a commercial proposition, I am glad to have the understanding that the government has agreed with the sentiments that I raised: that we should formally preclude this from occurring, that it should not simply exist in regulation and that it should be in Australian legislation as it is in the instance of building nuclear power plants, recognising that there is a small fringe of people in this parliament who think that that would also be a good idea. We have come back with wording, which I understand the government will be supporting, to more accurately define what we mean by international waste.

For example, if there are fears that we are seeking to legally preclude the return of Australian obligated reprocessing waste from France and the UK, that is not the intention. I think it is still an open question as to whether
that material should return and when, but we are not seeking to legally ban it. We are seeking to legally ban a Pangea-style international commercial radioactive waste dump. I have fairly close experience with such a proposition, because that lunatic idea was actually landed upon Western Australians in 1999. I would be very pleased to have the support of the chamber in formally precluding such a proposition.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (13:38): Can I say, Mr Chairman, that Senator Ludlam has worn me down, and I have finally seen the light and have agreed to support these amendments. Earlier in the debate Senator Ludlam moved a similar motion about which the government had concerns about the technical effects but, because I know his views are genuinely held and we thought there was a meeting of minds, we have been able to accept the reworked amendment from Senator Ludlam. It has been the position of successive Australian governments that Australia will not accept other countries' radioactive waste. As a fellow Western Australian, I lived through the same experience Senator Ludlam did, with a proposal that I think Western Australians generally regarded as pretty offensive.

The Greens amendments effectively restricts access to the national radioactive waste management facility of waste that originates from use of radioactive materials and nuclear activities in Australia. In particular, it permits waste arising from overseas reprocessing of Australian research reactor fuel to be accepted at the facility. It complements controls under the Customs (Prohibited Imports) Regulations and the prohibition already in the bill on acceptance of high-level waste, preventing the facility from accepting used power reactor fuel. As I said, this has been a policy of successive Australian governments. It is one that this government is committed to, and we are very happy to have that reflected in the bill and the act. That will ensure that the parliament would have to debate this issue before there were any change in policy in that regard. I think it strengthens the bill, so the government will support the amendment.

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (13:40): Senator Ludlam, you are probably one of the few people around who would be aware of my original 10 amendments to this bill, one of which was pretty much identical to your amendment today. As I said the other day, I did not lose the fight, but I was compelled by the argument that this could be protected under the Customs Act. I agreed to that, but you know the way these sorts of things go.

One of the issues that we deal with in this place, Senator Ludlam, is providing comfort to those who might be concerned about something. Even if we have one particular piece of legislation that says quite specifically that you cannot import something under the Customs Act because it is existing legislation, people will feel happier if we have a particular piece of legislation that actually says, above and beyond whatever particular act that we have quite reasonably used to prevent any import, that we specifically proscribe something that gets rid of that particular fear.

That was one of the 10 points that served as the amendments to the original bill. So I commend you very highly on convincing the government in a way I was not able to convince my government, I have to admit. I think this is certainly something that those people who argue that there is still some possibility of somebody else's international...
waste coming into Australia can now put to bed. We will be supporting the amendments. Question agreed to.

Senator LUDLAM (Western Australia) (13:42): Chair, for the record, I was not intending to call divisions on those last two questions as they were put, but I would like to record the opposition of the Australian Greens to both of those motions.

Bill reported with amendments; report adopted.

Third Reading

Senator CHRI$ EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (13:43): I move:

That the bill be now read a third time.

Senator LUDLAM (Western Australia) (13:43): Mr Acting Deputy President, if this is the appropriate time, I seek to—

An incident having occurred in the gallery—

The ACTING DEPUTY PRESIDENT (Senator Furner): Order! The public is reminded that there are no comments in the public gallery, thank you. Senator Ludlam has the call.

Senator LUDLAM: Thank you, Mr Acting Deputy President. I wonder whether now is the appropriate moment to make some concluding remarks before we vote on the third reading.

The ACTING DEPUTY PRESIDENT: Yes.

Senator Chris Evans interjecting—

Senator LUDLAM: Yes, indeed. I just note the interjections from the public gallery. I am not sure whether Hansard or Broadcasting will record it, actually, but a number of people who obviously feel very strongly about the campaign just dropped a banner from the public gallery. This is just the beginning, Minister. For the minister's advisers who have come down and will shortly be—

Senator Bernardi interjecting—

Senator LUDLAM: I had no idea that was on its way, Senator Bernardi, but good on them for coming in here, because quite clearly the parliament is about to fail on this vote in its duty of care to the people of the Northern Territory, and particularly to the people on the front line in Tennant Creek, which I have been very fortunate to visit a couple of times. They have spent plenty of time here in parliament. They have come down when we thought this bill might get up in the past. It is a long way for them to travel down here. There are many people who are very much here with us in spirit. They are bearing witness, they are observing what is going on here and they are sending to the government and to the opposition a very clear message: you have won the vote today—you are probably about to win the vote today unless there is a late-breaking change and things are going better than expected—but you are going to lose the campaign. That dump is not going to Muckaty.

What has happened, in fact, is that there has been targeting of four separate sites. One thing that I will acknowledge this bill does is take three of those Defence sites off the table. Those people are being let off the hook. They have all pledged to line up and support the Muckaty mob. They are taking a collective approach that, if it had landed on their site or their block, they know that the people of the Territory would have been behind them. The government here has provoked a fight that it did not need to pick, and there are many, many groups around the country and around the world who will now step up, because while debate was suspended
in this parliament perhaps there was some hope that sense would prevail. We are about to profoundly fail in our duty of care to those people.

There is a wonderful photo exhibition that was launched in Sydney in January called *Manuwangku, Under the Nuclear Cloud.* 'Manuwangku' is the way that the mob pronounce the bit of land that we are calling 'Muckaty' in here. It was cosponsored by Amnesty International and the Beyond Nuclear Initiative. Sandy Edwards, who is the curator, recalls one of the most evocative images of this gorgeous collection of photos by Jagath Dheeraseskara: 'Three women dressed in brightly coloured garments dance in the shadow of a big black drum with a yellow nuclear symbol on it. The message is clear. We can only hope that the Manuwangku community is spared this terrible fate and that these photographs will help the outcome.' I wonder if the minister got a copy of that book or whether he took the time to go along to the exhibition. That is Amnesty International, who fight around the world on horrific abuses of human rights, taking a position on the way that this particular community has been treated and trying to spread their message.

Oxfam, in a recent press statement, said:

> With key issues of ownership, traditional owner consent and affected community support for the radioactive waste facility currently before the Federal Court, the Gillard Government should defer debate on this controversial legislation.

Oxfam took a position not on the particular siting decision but on the process, which is what I have been doing.

As a signatory to the Declaration—

on the Rights of Indigenous Peoples—

Australia has committed to obtaining the free, prior, and informed consent of Indigenous peoples before adopting laws and policies which may affect them.

That was Oxfam. Obviously there is no free, prior and informed consent.

The minister is seeking unanimity. You will never find it, but what you have in this instance is unanimity of opposition. Perhaps you would be able to do a little bit better than that. There have been very strong positions taken by the union movement. There is probably not a huge amount that they could do while we are in here debating the process, but when it actually comes to putting equipment on the ground and shipping the material in through Australian ports perhaps the government will realise the kind of fight that it has picked. Unions NT resolved as long ago as the 12th of last April to fight the radioactive waste dump. NT ETU organiser Michael Haire said at the time:

> Unions NT pledged to continue the campaign in solidarity with Traditional Owners and the community of Muckaty and Tennant Creek.

We strongly oppose the National Radioactive Waste Management Bill—

which they thought might pass the Senate last May—

and reject any legislation which would continue to target Muckaty Station, or any site in the Northern Territory for a nuclear waste dump.

I would like to also acknowledge the many campaigners from Friends of the Earth and particularly the ACE Collective in Melbourne, who have done wonderful work in bringing this campaign right up to Minister Martin Ferguson’s doorstep. If he thought he was being inconvenienced up to now then I suspect he has not seen anything yet, because these are extremely creative, passionate and determined people who will not lie down simply because this parliament failed in its duty of care.

I do not think the Northern Territory government are planning on folding either. I think this campaign has a long way to run. February 2010 was the earliest press release
that I could find. The Chief Minister, Paul Henderson, who has courageously opposed this project since it was proposed by the Howard government, said:

I am disappointed the Federal Government has decided to push ahead with legislation that will override Territory legislation … I was informed this week that—

the Howard—

legislation would be repealed and our environmental heritage and appeal rights would be restored. We have now had a chance to examine the new legislation and this is not the case.

What they did was to realise that Minister Ferguson just cut and pasted the bill that Senator Scullion's government had carriage of and then tried to pretend that it was something new. How absurd. They must think we are idiots.

I referenced the Public Health Association of Australia before in terms of medical professionals saying, 'Stop using medical procedures and medical radiopharmaceuticals as a shield and a pretence that we need the dump. This is about spent fuel. This is not about medical wastes.' I think the Public Health Association of Australia brought to the minister's and the government's attention the fact that there are other ways of producing radiopharmaceuticals, and the medical procedures obviously do not need to be put at risk by this campaign to prevent the nuclear waste dump getting up. The government has taken, in my view, quite a shameful stance in pretending somehow that kids will get cancer if Dianne Stokes does not get a radioactive waste dump up at Muckaty. It is utterly offensive to put that kind of thing on the people up there.

I have been profoundly moved by taking part in this campaign over the last couple of years, and it is clear that we are just beginning. The dispute over the land tenure itself is still in the Federal Court, but I think the deeper argument about why we continually assume that an Aboriginal community in some remote part of Australia should host this waste is the deeper question, irrespective of the outcome of the vote we are to take here this afternoon and the action in the Federal Court. Why do we always insist that this dump needs to be somewhere remote?

The final words for this stage of this campaign, of course, must go to Dianne Stokes, but I did not want to pass without acknowledging some of the people who have put their heart and soul into this campaign over far, far too many years. Natalie Wasley has effectively put her life on hold and helped run an extraordinary campaign. Dave Sweeney from ACF has been working overtime on this campaign for years and years and is, I think, one of the smartest and cleverest antinuclear campaigners that I have ever come across. I would particularly like to mention Gerry McCarthy in the Northern Territory government, who I think has gone above and beyond in challenging the coercive attitude of his federal colleagues who seem to think that they can just ram this thing through.

The last words, of course, are to Dianne. She says in the introduction to the Manuwangku, Under the Nuclear Cloud booklet: 'This waste dump needs to stop. Martin Ferguson needs to start listening to us. He'd better do that because he doesn't know what's going to happen at the other end. There's a fight waiting and that's my promise. I will always be a strong person to fight against it.' That is the unnecessary fight that this government has picked in a bipartisan consensus with the opposition that proposed it in the first place, and this is the beginning of the campaign to stop Muckaty, not the end.
The DEPUTY PRESIDENT: The question is that the bill be now read a third time.

The Senate divided. [13:57]

(The President—Senator Hogg)

Ayes.......................52
Noes......................10
Majority................42

AYES

Singh, LM
Stephens, U
Thistlethwaite, M
Williams, JR

Sinodinos, A
Sterle, G
Urquhart, AE
Wong, P

NOES

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

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

Question agreed to.

Bill read a third time.

MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:01): by leave—Mr President, I table for the information of the Senate a revised ministry list reflecting changes to the ministry made on 5 March 2012. It has been circulated to party leaders and I seek leave to have the document incorporated into Hansard.

Leave granted.

The document read as follows—

SECOND GILLARD MINISTRY

5 March 2011

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<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
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<td>Minister for Social Inclusion</td>
<td>The Hon Mark Butler MP</td>
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<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
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<td>The Hon Gary Gray AO MP</td>
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<td>Treasurer</td>
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<td>(Deputy Prime Minister)</td>
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<td>Minister for Financial Services and</td>
<td>The Hon Bill Shorten MP</td>
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<td>Superannuation</td>
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<td>Assistant Treasurer</td>
<td>The Hon David Bradbury MP</td>
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<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Bernie Ripoll MP</td>
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<td>Minister for Tertiary Education, Skills,</td>
<td>Senator the Hon Chris Evans</td>
<td>The Hon Greg Combet AM MP</td>
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<td>Science and Research</td>
<td>(Leader of the Government in the Senate)</td>
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<td>Minister for Industry and Innovation</td>
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<td>The Hon Brendan O'Connor MP</td>
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<td>Attorney-General</td>
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<td><strong>Minister for Emergency Management</strong></td>
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<td><strong>Minister for Disability Reform</strong></td>
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<td>The Hon Julie Collins MP</td>
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<td><strong>Minister for Trade and Competitiveness</strong></td>
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<td>Parliamentary Secretary for Trade</td>
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<td>Parliamentary Secretary for Pacific Island Affairs</td>
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<td><strong>Minister for Sustainability, Environment, Water, Population and Communities</strong> (Vice-President of the Executive Council)</td>
<td>The Hon Tony Burke MP</td>
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<td>Parliamentary Secretary for Sustainability and Urban Water</td>
<td>Senator the Hon Don Farrell</td>
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<td><strong>Minister for Finance and Deregulation</strong> Special Minister of State</td>
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CHAMBER
Each box represents a portfolio. Cabinet Ministers are shown in bold type. As a general rule, there is one department in each portfolio. However, there is a Department of Veterans' Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.

* The Hon Bob Carr will be appointed as Minister for Foreign Affairs following his appointment as a Senator.

**QUESTIONS WITHOUT NOTICE**

**Minister for Defence**

*Senator JOHNSTON* (Western Australia) (14:02): My question is to the Minister representing the Prime Minister and the Minister representing the Minister for Defence, Senator Evans. Given that the Prime Minister has now on two occasions made it very clear that she does not consider Minister Smith fit to serve as the foreign minister and that it is now very clear that he is not up to it as Minister for Defence, why is a man who is not in the Prime Minister's view adequate to be foreign minister good enough to be the defence minister?

*The PRESIDENT:* The Minister representing the Prime Minister and the Minister representing the Minister for Defence need only answer those parts of the question relevant to the portfolio.
Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:02): I have great pleasure in rejecting the assertions made in Senator Johnston's question. It is just an attempt to slur up a very hardworking, dedicated and competent minister.

Minister Smith did an excellent job serving the government as foreign affairs minister. He was well regarded throughout the international community as being highly competent, and since taking on the defence job he has again proved to be a diligent and hardworking minister. So the government and the Prime Minister have complete confidence in Minister Smith in his role as Minister for Defence. I work very closely with him, being a fellow Western Australian minister, and I understand how dedicated he is to the job at hand and to the very complex issues confronting Australia, and particularly to the real challenge that supporting our troops in Afghanistan provides.

We all understand the terrible circumstances in Afghanistan. We accept that we are making progress but we know also that our troops are under constant threat and that we have had some very sad losses of personnel and some terrible injuries incurred by others in recent years. Minister Smith is absolutely focused on the task of the coalition effort in Afghanistan. He is very much focused on ensuring protection for our troops and on making sure they have the support they need to do their vital work.

I think that Mr Smith is doing an excellent job as defence minister. He has the support of the Prime Minister and the government—very strong support. I think that the attempt to slur the minister up, as was undertaken in Senator Johnston's question, does him no credit and does not advance the interests of political debate in Australia, nor the interest of the defence forces.

Senator JOHNSTON (Western Australia) (14:04): Mr President, I ask a supplementary question. I refer the minister to the public comments made by Major-General Cantwell, who said very publicly:

After 38 years as a soldier and as a commander, I'd learned to read people, quickly and accurately. Reflecting on Smith's visit, the abiding impression I was left with was that he merely tolerated people like me and the troops I commanded.

In light of Major-General Cantwell's damning appraisal of the minister's performance, is it not time that the Prime Minister appointed someone who is capable of respecting and supporting our uniformed personnel?

Honourable senators interjecting—

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

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:05): I read Major-General Cantwell's commentary, and I think it was unfortunate and wrong. It is absolutely wrong. Minister Smith has great belief in our troops. He provides enormous support and commitment to those troops and he has always respected the role that they play. As I said, I have discussed with Minister Smith on many occasions issues relating to defence and deployment of our troops and I know for a fact that he feels very deeply when we have had the loss of a soldier serving in Afghanistan or when we have had serious injuries to our serving personnel. I know he feels that very deeply and feels the responsibilities very deeply. So I absolutely reject the accusations made.

Minister Smith is very committed to supporting our troops, very respectful of the
role they play and is doing everything he can to advance their and Australia's national interests.

Senator JOHNSTON (Western Australia) (14:06): Mr President, I ask a further supplementary question. Will the Prime Minister put to rest the deep community concern with this minister's performance and the fact that he clearly does not want this important job, and move him on?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:07): I do not know which members of the community Senator Johnston is talking to, but they are not the ones that have been giving me the feedback.

Senator Abetz interjecting—

Senator CHRIS EVANS: What the Australian community wants is a defence minister who stands up for the right thing, who not only respects and supports our troops but ensures that a young woman who has been subject of a terrible assault has her rights protected. He stood up very strongly for those rights. I think he did it as a lawyer, as a father and as a minister, and I am very proud of the stand he took. It reflected his very firm views and his strong response to what he thought was an error of judgment. He stands by that judgement he took. He stands by those views. He has my full support in making them. If you talk to any parent of ADF serving personnel, they strongly support the stance he took, too, because they want a minister who stands up for the rights of their children while they are serving in the ADF.

Economy

Senator MARSHALL (Victoria) (14:08): My question is to the Minister representing the Prime Minister and the Leader of the Government in the Senate, Senator Evans. Can the minister advise the Senate how the Gillard government is ensuring that all Australians will see a long-term benefit from the resources boom?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:08): I thank the senator for his question. This government is absolutely determined to ensure that all Australians will see a long-term benefit from the current resources boom. We believe that every Australian should benefit from the mineral resources which we all own. That is why the Gillard government will make the necessary investments today to ensure we deliver long-term benefits which will support our future economic prosperity. We believe all Australians, not just a select few, should share in the prosperity which flows from the growth in our mining sector.

We know that those living in resource-rich states like my own were left questioning the legacy delivered as a result of the last resources boom. This government is absolutely determined to deliver a substantial legacy this time around. By making critical investments in superannuation, small business tax cuts and company tax reform, both businesses and employees will see tangible benefits. The Gillard government reform agenda will include tax cuts for 2.7 million small businesses and an increase in the retirement savings for each one of our 8.4 million working Australians—bigger retirement savings for working Australians. An increase in the super guarantee from nine to 12 per cent means that a 30-year-old worker on average earnings will retire with an extra $108,000 in superannuation savings—real benefits from the mining resources boom. Those concessions for low-income workers will also be implemented.
We are investing in regional infrastructure, trying to make sure that the communities supporting the boom have their infrastructure improved and upgraded. So all of these things are about investing in the future prosperity of our nation and making sure that all Australians, businesses and employers benefit from the mining boom, that the wealth generated from our resources is shared among the whole population, that we all benefit from that boom.

Senator MARSHALL (Victoria) (14:10): Mr President, I ask a supplementary question. Can the minister explain to the Senate how the Gillard government is making transformative investments into education?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:11): The Gillard government has transformed education at all levels in Australia. Labor understands that to continue our prosperity in the future we need to invest in education. That is why we have invested in everything from childcare centres to primary schools to trade training centres to universities. We have doubled funding for schools and built new facilities all across the nation.

We know that that record of investment will be stopped in its tracks if the coalition is to be elected at the next election. In its desperate scramble to find $70 billion worth of savings to fill the black hole, the coalition would have to take the scalpel to our childcare centres, our schools, our universities and our training centres. They have form in seeking to cut education. What we know is that if they are to make sense of their terrible economic policies—if they are going to pay back the millionaires the mining tax—they are going to have to cut education to the bone, removing services to ordinary Australian working families. (Time expired)

Senator MARSHALL (Victoria) (14:12): Mr President, I ask a further supplementary question. Is the minister aware of any alternative economic policies that put at risk the critical investments required to secure Australia’s future economic prosperity?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:12): As I was saying, I am aware of an alternative policy: that of the coalition, which seeks to spread the benefits of the boom to a very few—to those making the money out of our resources—and not to share them among the nation. We know the opposition have a $70 billion funding black hole, but put that in context. That amount of money buys a lot of things that Australian families depend on. It would pay for Australia’s entire higher education budget for more than five years. That is the size of the cuts the coalition will have to make. Now they try to hide behind an audit, but they know and Australians know that, to fund the black hole, to fund the generosity to the large mining companies and billionaires in Australia, they are going to have to cut services to ordinary families. They will be things like the education tax refund, which allows families to claim the cost of school stationery and uniforms. They cannot fund the billionaires and fund those sorts of services, and Australians know that. (Time expired)

Fair Work Australia

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:13): My question is to the Minister representing the Minister for Employment and Workplace Relations. Does the minister acknowledge that the Fair Work Act in fact empowers Fair Work Australia to disclose information that
may assist in the enforcement of the law of a state?

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:13): I say that Fair Work Australia is cooperating with the relevant authorities on investigations. Why? Because it is an independent body. It is independent from government. It is independent from those opposite.

Senator Brandis: That doesn't mean it's above the law, you fool!

Senator Ludwig: Again we get ill-informed interjections from those opposite because they do not like an independent body undertaking independent work without government interference. Those opposite are more likely to be complaining because they would want to interfere in the operation of Fair Work Australia. But, in terms of section 583 of the Fair Work Act, it states plainly and simply:

The President is not subject to direction by or on behalf of the Commonwealth.

Equivalent sections like that were in the Workplace Relations Act when the Liberals were in government.

Senator Abetz: Mr President, on a point of order: standing orders require the minister to be directly relevant. This question was very narrow. It asked whether the minister acknowledged that the Fair Work Act empowers Fair Work Australia to disclose information that may assist in the enforcement of the law of the state. The answer is either yes or no and not this attack about the so-called independence of Fair Work Australia which is not even part of the issue.

The President: You are now debating the issue.

Senator Chris Evans: Mr President, on the point of order: the question probably should have been ruled out of order in that it sought a legal opinion from the minister. Senator Ludwig, being a cooperative and helpful chap, has attempted to provide as much information as he can in response to the proposition put to him, which goes to the Fair Work Act's powers and its responsibilities. As I say, Mr President, the question was probably out of order, but certainly Senator Ludwig has been directly on the topic and directly trying to assist the senator with a response to his question.

The President: There is no point of order. I have been listening closely to the minister's answer. I cannot instruct the minister how to answer the question. I am listening closely to the minister's response. The minister is answering the question at this stage and has one minute and six seconds remaining.

Senator Ludwig: Mr President, as I was saying, there are three basic propositions: first of all, Fair Work Australia is independent and can investigate matters independently from government. That is confirmed if you go back to the Senate estimates of 15 February 2012 where the general manager said I am aware of the allegations that there has been political interference in the investigations and take them very seriously. I have absolutely no reason to conclude that there has been any such interference in the investigation.

The General Manager of Fair Work Australia, as an independent body from government, can decide of his own choice how it should operate within its sphere of influence. The advice that has been sought and provided to Mr Shorten is that the act does not expressly preclude information being shared in certain circumstances but, of course, these are matters for the general manager to determine. (Time expired)
Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:16): Mr President, I have a supplementary question. Given the clear power Fair Work Australia has to disclose and share information, can the minister explain why Fair Work Australia continues to refuse to cooperate with the fraud squads of New South Wales and Victoria in the Craig Thomson and Health Services Union investigations?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:16): Again, those opposite seem to miss the primary point that Fair Work Australia is independent and its own investigation is independent. I do not accept, to begin with, the premise of the question that the provision is there. What I said in my answer to the primary question was that Mr Shorten sought advice and confirms that the general manager—

Opposition senators interjecting—

Senator LUDWIG: Those opposite do not really want to hear the answer.

The PRESIDENT: Order! If people wish to debate the question and the answer that is being given to the question, the time is after question time. Minister, you have 25 seconds remaining.

Senator LUDWIG: Thank you, Mr President. As I was saying, Mr Shorten had sought advice and the act does not expressly preclude information being shared in certain circumstances. I do not want to stand in the shoes of the general manager. The general manager would have to determine on their own basis—because they are independent of government—what they can and cannot do, depending on their own advice. It is not up to this government to direct Fair Work Australia—(Time expired)

Senator Ronaldson interjecting—

Senator Chris Evans interjecting—

Senator Conroy interjecting—

The PRESIDENT: Order on both sides! Order! Senators Ronaldson, Evans and Conroy! I remind honourable senators that I am waiting to call Senator Abetz to ask his question.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:19): Mr President, I have a further supplementary question. I understand Labor is touchy on the issue. I refer to Minister Shorten's observation that the release of information by Fair Work Australia is a matter for the General Manager of Fair Work Australia. Why then does the general manager continue to claim the Fair Work Act does not give her any discretion to release information? Will the minister now finally call on Fair Work Australia to fully cooperate with the New South Wales and Victorian fraud squads?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:20): Again, those opposite miss the three fundamental points that I have gone to. The first is that Fair Work Australia is independent and its investigation is independent. Secondly, Mr Shorten sought advice and confirms that the general manager is independent from government. Those opposite would want to interfere in Fair Work Australia's independence. Thirdly, of course, this is a matter for the general manager to weigh up in exercising their function because they are independent. It is a matter for Fair Work Australia to determine. The government cannot stand in its shoes and determine whether or not information should or should not be provided on what basis because we are not in command of all of those issues, the same as those opposite are not in command of all of the issues.
Therefor, it is a matter for Fair Work Australia. *(Time expired)*

**Trans-Pacific Partnership Agreement**

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (14:21): My question is to the Minister representing the Minister for Trade, Senator Conroy. It relates to reports that the government has agreed to set aside the question of investor state dispute settlement in current negotiations of the Transpacific Partnership Free Trade Agreement. Especially given Australia's leadership on plain packaging for cigarettes, will the minister now give the Senate an unequivocal assurance that Australia not only will set aside but will not sign any partnership agreement that allows foreign companies to sue an Australian government because Australian law reduces their profits or adversely affects their business?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:22): I thank the senator for her question. In the Gillard government's trade policy we have made it clear that we will no longer be seeking investor-state dispute settlement provisions in trade agreements. The government does not support provisions that would confer greater legal rights on foreign businesses than those available to domestic businesses. That is about as clear as I can make it for you, Senator Milne.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (14:23): Mr President, I ask a supplementary question. Thank you, Minister. So I ask: given that this investor-state dispute settlement is central to the negotiations from both the United States's and Australia's point of view, and given—from what the minister has just said—that there can be no compromise from the Australian position, is the proposed Trans-Pacific Partnership Agreement now dead in the water unless American big tobacco, big pharmaceuticals and big oil compromise?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:23): I am not in a position to opine as to whether or not the agreement will now fall over. At this stage there are still discussions taking place. But, if there is any further information that the minister would like to share, I will happily take the rest of that question on notice.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (14:23): Mr President, I ask a further supplementary question. Given the minister's answer that there is no apparent way forward on this and it is central to the agreement—and you have said it is not negotiable—on what basis should anyone think the Trans-Pacific Partnership Agreement has any life left?

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) (14:24): As I indicated, if there is anything further that the minister would like to add to the fairly clear and unequivocal answer we have given so far, I am happy to take it on notice and get you any further information the minister would like to provide.

**Asylum Seekers**

Senator CASH (Western Australia) (14:24): My question is to the Minister representing the Minister for Immigration
and Citizenship, Senator Lundy. I refer to the fact that the Department of Immigration and Citizenship now costs more than $1 billion a year more to run than it did when the Howard government left office—

Government senators interjecting—

The PRESIDENT: Order! I need to hear Senator Cash. She is entitled to be heard in silence.

Senator Cameron interjecting—

Senator CASH: Doug, get back in your box.

The PRESIDENT: Order! Senator Cash, ignore the interjections. When there is silence we will proceed.

Senator CASH: and that officials have attributed this blow-out to the increase in boat arrivals. Given that more than 15,000 people—including 1,221 so far this year—have now arrived on unlawful boats since the government's decision to abolish the border protection policies of the Howard government, does the government agree that former Prime Minister Rudd was wrong to abolish the Howard government's proven border protection measures, which reduced the number of boats coming to Australia to zero?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:26): The government does not apologise for providing people in immigration detention with a level of health care and support that is commensurate with the broader community. These are not new costs and they are accounted for in the wider detention budget. We have always acknowledged that detention is expensive, and the healthcare contracts reflect the increase in boat arrivals.

The cheaper option, and the government's preferred policy, is a successful arrangement with Malaysia. But Mr Abbott's negativity is preventing offshore processing, as senators opposite well know. If the coalition were truly concerned about the cost of immigration detention, they would stop playing negative politics and work with the government to re-establish offshore processing and stop people from getting onto the boats in the first place. We want to see people remain in detention for as little time as possible. We want to ensure that they are treated humanely and that they have appropriate access to health and mental health care. The services contracted by the immigration department include comprehensive mental health screening and support services to address those people in need.

Senator Cash: Mr President, I rise on a point of order on relevance. I know that Senator Lundy has been here for 16 years but that she is only new as a minister but I would have thought that, after 16 years, Senator Lundy would have understood what relevance is. She is reading the wrong brief.

The PRESIDENT: There is no point of order. Senator Lundy, you have got 39 seconds remaining.

Senator LUNDY: To take up the opposition's question about their alternative proposal, we know about the opposition's dodgy figures for a processing centre on Nauru, as they continue to unravel. It has been revealed that the opposition's secret costings were seemingly provided by a catering company. Mr Morrison's unfunded costings apparently come from a catering subcontractor, Eurest Support Services, who were a catering contractor on Nauru for the International Organisation for Migration and openly admit they have no expertise when it comes to costing. We have our own detailed costings. The opposition has no leg to stand on. (Time expired)
Senator CASH (Western Australia) (14:29): Mr President, I ask a supplementary question. I refer to the fact that since the last election, the government has funded more than 4,400 new beds in Australia’s immigration detention network. Given the Prime Minister’s own statement that the Labor Party is a party of truth telling, can the minister please confirm that the government has opened more beds for asylum seekers in our detention network than it has for Australians in our public hospitals?

Honourable senators interjecting—

The PRESIDENT: On both sides, order! The minister can answer the part that refers to her portfolio or the portfolio that she is representing.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:30): I have already responded to the question of why those numbers have increased: it is because those opposite refuse to support the government’s proposed arrangement with Malaysia. Our policy is to implement that agreement with Malaysia, because it is the best way to implement an orderly migration system. It is a genuinely regional solution, as the senator well knows, and the Malaysia arrangement was the first bilateral arrangement pursued and ready to be implemented under the regional cooperation framework. Unlike the policies of those opposite, it is not a so-called solution that we are foisting upon an unwilling regional neighbour. The policy is not reckless and damaging; in fact, it is the result of detailed negotiations with a key regional partner.

(Time expired)

Honourable senators interjecting—

The PRESIDENT: I remind senators of the need to remain silent so that the answers can be heard. The person asking this question in particular, Senator Cash, was entitled to hear the answer.

Senator CASH (Western Australia) (14:31): Mr President, I ask a further supplementary question. Can the minister advise what impact the government’s decision to release into the community single male detainees who have not been found to be refugees will have on the capacity of state government and not-for-profit agencies to meet emergency accommodation needs in the community? What effect will the decision have on the applications of 200,000 Australians already on the public housing waiting list, up from 174,000 last year?

Honourable senators interjecting—

The PRESIDENT: When there is silence, Senator Lundy, you will get the call. I need silence from both sides.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:32): I will reiterate my previous answer: we would not be facing this problem if the opposition supported the government’s proposed legislation for offshore processing. Any series of complaints, either contrived or genuinely concerning to the states about bridging visas and young males coming out of detention, are based on the fact that senators opposite and the opposition are responsible for that. If they supported our Malaysia arrangement, which I understand they have had plenty of opportunities to do, we would not be in this situation. They cannot play both sides of the argument and do this crab walk—on the one hand criticising us for the numbers and on the other hand not supporting the legislation that allows offshore processing. It is duplicitous, it is misleading, and it is typical of an opposition that always says ‘no’.
Economy

Senator STERLE (Western Australia) (14:33): My question is to the Minister Assisting for Industry and Innovation, Senator Lundy. Can the minister outline to the Senate how the government is supporting industry and jobs? Further, can the minister inform the Senate on the government's economic agenda for the future?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:33): The government's No. 1 priority is to support working people. Senators on this side of the chamber represent working families and the Gillard government understands that a strong economy underpins the industries that employ these hard-working Australians. We managed the economy through the global financial crisis to ensure that jobs kept growing. The Labor government has worked to do this since coming to office in 2007.

Australia has low unemployment of 5.2 per cent, real wages have continued to grow and we have seen the creation of 700,000 new jobs. Australia's strong economic position has been achieved while delivering on the Labor values of fairness and equity. We removed Work Choices to restore fairness to the workplace and introduced paid parental leave. We are investing more than $36 billion in transport infrastructure projects around the country and we are building the National Broadband Network, which will improve productivity and create many new business opportunities. We recognise the need to decouple economic growth from pollution and we are implementing a price on carbon. We are investing in skills and training and giving Australians a fair share of the mining boom.

However, the Gillard government is also acutely aware of the challenges our manufacturers are facing and is working side by side with Australian industries to boost their productivity and competitiveness and build a culture of innovation. Labor believes in investing in industry in challenging times with over $15 billion to be invested in creating the jobs of tomorrow, most notably in manufacturing. We are working hard to ensure Australian manufacturers have access to major investment projects, global supply chains and similar opportunities.

Senator STERLE (Western Australia) (14:36): I thank the minister for her answer, Mr President, and I ask a supplementary question. Given that the minister has outlined the importance of a strong economy, can she update the Senate as to any risk to the Australian economy and our future competitiveness?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:36): I thank Senator Sterle for his question. The coalition are on record as having no commitment to the

Honourable senators interjecting—

The PRESIDENT: Senator Lundy, resume your seat. When there is silence we will proceed.

Government senators interjecting—

The PRESIDENT: Order! When there is silence on my right—

Government senators interjecting—

The PRESIDENT: On my right, order!

Government senators interjecting—

The PRESIDENT: Order! The minister is entitled to be heard in silence. Senator Lundy, continue.

Senator LUNDY: The coalition are on record as having no commitment to the
manufacturing industry and are certainly not helping it to compete in a low-carbon global economy. Labor is supporting the automotive sector, but the opposition have a plan to cut that support by $1.5 billion. This plan will cripple a key sector and destroy the 46,000 jobs and the 200,000 broader jobs that rely on the auto sector. Further, the opposition have voted against supporting steelworkers. They are saying no to clean energy and to jobs in manufacturing and beyond. They say no to the mining tax, no to the 12 per cent superannuation for workers and no to investing in the National Broadband Network. The opposition say no to health reform, no to a fairer industrial relations system, no to the GFC stimulus—

(\textit{Time expired})

\textbf{Senator STERLE} (Western Australia) (14:38): Mr President, I ask a supplementary question, and I do thank the minister for that informative answer. Can the minister update the Senate on how women are faring in business and industry?

\textbf{Senator LUNDY} (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:39): I am really pleased to answer this question because it is an issue close to my heart. I am glad to report that, as many of my fellow senators would already know, women as innovators are increasingly making a serious impact in industry and in business.

A recent report by the Australian Women Chamber of Commerce and Industry shows that the number of women who run their own business has doubled in the last five years. Indeed, the Australian Women Chamber of Commerce and Industry also report that there are now more than 700,000 women running a business in Australia. Female entrepreneurs are seizing opportunities and contributing immensely to our economy. As Minister Assisting for Industry and Innovation I will be focused on promoting women in industry—on policies that support their engagement and further their interests in business.

\textbf{Future Fund}

\textbf{Senator CORMANN} (Western Australia) (14:40): My question is to the Minister for Finance and Deregulation, Senator Wong. Has the minister, the minister's office or the minister's department received a verbal recommendation from Mr David Gonski about who in his considered opinion should be the next chair of the Future Fund?

\textbf{Senator WONG} (South Australia—Minister for Finance and Deregulation) (14:40): I want to make very clear a number of things. One is that the government takes all appointments, but particularly the appointments to the Future Fund, very seriously. We believe it is extremely important that the fund be above politics. I do not intend, given the current speculation, to comment on any speculation around government appointments to this body. The position of chair is obviously extremely important and the government's approach has consistently been, and will consistently be, that the best individual for the job will be appointed, and an announcement will be made in due course. I do not intend to engage in speculation around this. I do want to make this point—that, once an appointment has been announced, I will be very happy to take questions about that process and the detail of same.

\textbf{Senator CORMANN} (Western Australia) (14:41): Mr President, I ask a supplementary question. Firstly, I note that the minister has not denied that she received a verbal recommendation from Mr Gonski about who in his considered opinion should be the next chair of the Future Fund. My question is: given that, according to Laura Tingle, the
Financial Review was shown a copy of Mr Gonski’s written advice, will the minister make that written advice from Mr Gonski to the Department of Finance and Deregulation about the appointment of the next Future Fund chair public and, if not, why not?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:42): There are two parts to that question. In relation to the first, I think the senator quite patently and, if I may say so, somewhat clumsily sought to verbal me—

Senator Cormann: Deny it!

Senator WONG: and I will again say this—

Senator Cormann: Well, deny it!

The PRESIDENT: Order!

Senator WONG: given the speculation, I do not intend to add to it.

Senator Cormann: Have you or have you not? Deny it. Come on! I dare you— deny it!

Senator WONG: This is not befitting. This is really not befitting, you know.

The PRESIDENT: Order! Interjections are disorderly.

Senator WONG: This is typical of an opposition that wants to play politics with everything, including the Future Fund. Well, we will not do so.

The PRESIDENT: Order! Senator Wong, ignore the interjections.

Senator WONG: We will not do so.

Senator Chris Evans: Mr President, I rise on a point of order. Senator Cormann has developed the habit of asking a question and then shouting at the minister constantly, particularly Senator Wong. While I am not one to be precious about the odd interjection, this is ridiculous—he continually shouts at the minister while she is trying to give her answers. I would ask you to call him to order. As I say, while I support humorous or effective interjections, merely trying to shout down the minister constantly is just bullyboy behaviour.

The PRESIDENT: There is no point of order.

Honourable senators interjecting—

The PRESIDENT: Order, on both sides! Interjections are disorderly. They should be ignored. The minister has 25 seconds remaining.

Senator WONG: As is appropriate given an appointment of this significance, the government has undertaken a thorough process to identify potential candidates. As I have said, as no appointment has been finalised I do not believe it is appropriate to discuss processes further at this point. I again indicate to the chamber I would be very happy to answer further questions after an appointment has been made.

Senator CORMANN (Western Australia) (14:44): Mr President, I ask a further supplementary question. Does the minister deny that she received a verbal recommendation from Mr Gonski? And, given that Mr Gonski’s two-page memo about the appointment of the next chair of the Future Fund to the Department of Finance and Deregulation has been given to a journalist at the Australian Financial Review to read, why should the Senate and the public at large not be entitled to read it?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:44): I believe that is the same question I have been asked on two occasions. I again make the point that we as a government have undertaken a very thorough process, as is appropriate given the importance of these appointments, unlike those opposite, apparently. It is disappointing to see this occurring. We believe the fund should be above partisan politics—we do—and that is
the way we have approached this. I make clear that I am happy to take questions in relation to the process after an appointment has been announced, subsequent to finalisation.

**Live Animal Exports**

**Senator RHIANNON** (New South Wales) (14:45): I direct my question to the primary industries minister, Mr Joe Ludwig. Following the footage of animal cruelty at the Temur Petir—

**Senator Abetz:** What about 'Senator'?

**Honourable senators interjecting**—

**The PRESIDENT:** Order! The banter going on at the front may be nice in the little group that it is taking place, but Senator Rhiannon is—

**Senator Ludwig interjecting**—

**The PRESIDENT:** Senator Ludwig, this is a question to you and Senator Rhiannon is waiting to ask you the question in your role as the Minister for Agriculture, Fisheries and Forestry.

**Senator RHIANNON:** Thank you for correcting me, Mr President. Following the footage of animal cruelty at the Temur Petir and Cakung abattoirs in Jakarta was aired on the ABC TV *Lateline* program on 28 February 2012, showing serious and systematic breaches of the government's new Exporter Supply Chain Assurance System, what action have you or your department taken to investigate this matter? Further, where is the investigation up to of up to 61 observed incidents of non-compliance with your government's own supply chain assurance regime at these abattoirs?

**Senator LUDWIG** (Queensland— Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:47): I thank Senator Rhiannon for her question. I outline that the Australian government supports the export of livestock where acceptable animal welfare conditions are maintained. The only way to secure a future for Australian livestock export is to ensure animals are being treated in line with international standards. On 24 February 2012, the Department of Agriculture, Fisheries and Forestry received a complaint of alleged animal welfare concerns at three Indonesian abattoirs. The complaint included video footage, which was submitted by Animals Australia, and an extract of this footage was aired on the ABC *Lateline* program on 28 February 2012.

The new Exporter Supply Chain Assurance System for live animal welfare breaches is there and does provide for the pathway to DAFF to investigate, as an independent regulator, to ensure that animal welfare issues are taken into account. Where there are allegations of animal welfare breaches, DAFF is there, as the independent regulator, to take appropriate action where it occurs. Officers in the department are conducting an investigation into the footage. This is a thorough investigation and it will take some time to finalise. But, can I say, the independent regulator is separate from the department in the sense that they will investigate the matter. They will then recommend appropriate action to be taken. We should not second-guess what the footage shows. We should not second-guess what information is conveyed. The complaint has been made and the independent regulator will investigate the footage and, where there are breaches, the independent regulator can take action against Australian exporters. It will depend on the investigation proper. *(Time expired)*

**Senator RHIANNON** (New South Wales) (14:49): Mr President, I ask a supplementary question. Minister, to help ensure international animal welfare standards are adhered to, which companies are still
exporting Australian cattle to these abattoirs? What communication have you or your department had with them about this matter?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:49): Thank you, Senator Rhiannon, for your first supplementary question. The investigation that is underway will include a review and assessment of documents on file, including any independent audits of the three abattoirs, and will seek information from exporters through the supply chain assurance program. In addition to that, the Australian and Indonesian governments are cooperating closely to ensure that the investigation process is followed according to the mutual understanding between the two governments. My department has also provided footage to the Indonesian government, but let's be clear: this footage does provide the basis of the government's decision to impose an exporter supply chain assurance scheme. What it does is ensure that, where there are breaches of animal welfare, individual supply chains by individual exporters can be examined and held accountable for their actions, because the independent supply chain system ensures animal welfare—(Time expired)

Senator RHIANNON (New South Wales) (14:50): Mr President, I ask a further supplementary question. Minister, why did you fail to answer the question and disclose the name of the Australian companies that are operating at these abattoirs? Do you plan to suspend the export licences of those companies involved in exporting live cattle to these abattoirs until an investigation is conducted? If not, why not?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:50): I thank Senator Rhiannon for her second supplementary question. I did answer it by indicating that we should not put our question in front of where the investigation is currently up to. The independent regulator will examine the footage, make the investigations and determine whether there have been any breaches of our export control licences by exporters in Australia. That is the appropriate course of action to take. We should not second-guess and determine in advance what the independent regulator will find. It is clear that the footage provides some information, but the investigation will conclude as to which supply chains, which exporters and which abattoirs are part of our quality assurance program and, therefore, which exporters will have to ensure that these issues are addressed. The independent regulator will determine the appropriate remedial action to be taken, not me as minister—(Time expired)

Carbon Pricing

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:52): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. I refer the minister to modelling by the Centre for International Economics, which shows that the carbon tax will have almost twice the impact on Australian economic growth and impose an extra $30 billion hit on the Australian economy, because the government's starting price of $23 per tonne is more than double that of the price in Europe. Does the minister accept that a carbon tax in Australia that is higher than the primary global carbon price will have a negative impact on Australia's growth, on Australian jobs and on Australian manufacturing and reduce opportunities for Australians?
**Senator Wong** (South Australia—Minister for Finance and Deregulation) (14:53): I am pleased that the senator has asked me this question. It gives me the opportunity to respond to the modelling and also to the second part of the question, which deals with the carbon pricing. In relation to the level of the carbon price, which is the end of this question, the government has designed a period of a fixed price followed by a floating price. It is the case that the carbon price in Europe has been affected by current financial conditions in Europe. That is unsurprising, but I would again make this point: the government is providing a very substantial amount of assistance through the Jobs and Competitiveness package to Australian industry, and it is wrong simply to look at price without recognising also the very significant elements to support competitiveness that the government has in its package.

In relation to modelling, it is true that there is modelling out there that has been commissioned by various parties, various individuals and various industries. Unsurprisingly, that modelling is often used by people to promulgate their particular position. The government stands by the Treasury modelling—the modelling done by the people who served, so ably, Peter Costello and John Howard; the people who now serve this government—which shows that we can grow our economy, grow our incomes and grow jobs with a carbon price.

**Senator Joyce:** Mr President, on a point of order on relevance: does the minister believe it will have a negative impact on Australia's growth because the carbon price is so vastly higher than overseas, or doesn't she?

**The President:** There is no point of order. That is part of the question you asked. Senator Wong is addressing the question.
job creation, and we have designed our clean energy package with jobs today and jobs tomorrow very clearly in mind.

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (14:57): Mr President, I ask a further supplementary question. It has the endorsement of Dr Bob Brown, who said that it is the best carbon tax in the world. I remind the minister of a statement she made when she was climate change minister, when she said that Australia should do no more and no less than the rest of the world. Is this still the government policy? Won't Australia be making close to 2½ times the effort of Europe when we have a carbon price that is $23 a tonne while Europe's—in all its glory—is only $9 a tonne?

Senator Wong (South Australia—Minister for Finance and Deregulation) (14:58): Again, I remind the senator of the very substantial—

Senator Bob Brown: Mr President, on a point of order: that was clearly a request for a statement of government policy, which is out of order, as his earlier question was a request for an opinion, which is out of order. I ask you to look at both those questions.

The President: There is no point of order.

Senator Bob Brown: Mr President, on the point of order: I draw your attention to standing order 73—

The President: Yes, I am very familiar with it.

Senator Bob Brown: Apparently not, Mr President. It says:

73 (1) The following rules shall apply to questions:

... ... ...

questions shall not ask:

(h) for an expression of opinion;

(i) for a statement of the government's policy...

That is black and white, so you cannot rule that out of order in the way that you did.

The President: Senator Brown, with the greatest of respect, I have allowed the question to stand. I believe the question is in order. The minister has 55 seconds remaining to answer the question.

Senator Wong: I am asked about the level of the carbon price. This fact should be remembered in this chamber: the party who is seeking to impose the highest carbon price is not the Australian Labor Party; it is not even the Greens. It is the coalition who want to double the effective carbon price, double the cost on the Australian economy, tax Australians $1,300 a year to pay for a taxpayer funded, bureaucratically imposed inefficient scheme. Under the opposition's policies, Australia would need a carbon price at least twice as high as under our Clean Energy Future plan. If Senator Joyce cares about the cost of transforming the economy, perhaps he should have a look at what Mr Hunter has put up. What Mr Hunter has put up would cost the people who sent Senator Joyce here far more.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Minister for Defence

Senator Johnston (Western Australia) (15:01): I move:

That the Senate take note of the answer given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) to a question without notice asked by Senator Johnston today relating to the Minister for Defence (Mr Smith).
I want to make the point that there is only one portfolio in government where those representing the Commonwealth within that portfolio actually commit their own personal safety, and sometimes their lives—that is, the Defence portfolio. The parliament, its members and senators adhere universally to one tenet—that is, each one of us, or so I thought, supports the troops. Many of us go further and admire our men and women in uniform and we enjoyed their company.

It is distressing for me to read major General Cantwell's op-ed piece in the *Sydney Morning Herald* last Saturday. I find his account of Minister Smith's attitude when touring the battlefields of Afghanistan most unacceptable. I contrast that with his description of Senator Faulkner:

First, Faulkner was genuinely concerned about the soldiers he met in Afghanistan. He spoke sincerely to them of his gratitude for the sacrifices they were making.

He went on to say:

Second, he took the deaths of Australian soldiers very personally. When I briefed him on the circumstances of the deaths of two of our soldiers, killed by a roadside bomb, he was visibly pained …

Major General Cantwell went on to describe the attitude of a minister who was a successful Minister for Defence, albeit a Labor minister, Senator Faulkner. I commend him for the words Major General Cantwell delivered in the public domain. In stark contrast he said of Minister Smith:

I provided a frank assessment of the quality of Afghan security forces we were training. Throughout, Smith sat immobile, taking no notes, making no comment. At the conclusion of this briefing, to which the then chief of the Defence Force Angus Houston added his insights, I asked if he had any questions. There were none. It must have been a cracking brief.

He goes on to say that later in the tour, in front of 20 or 30 Australian and American officers, having received a briefing of the daily battles, the ordeals, the fights, the brawls being conducted in life-and-death combat with the Taliban, the Australian and American officers looked to Minister Smith for:

... comments, questions, words of encouragement. His response? "No, thank you", followed by a glance at me with the question, "What's next?"

He goes on to say:

... I escorted Smith to one of our forward patrol bases, which were established when we expanded our operations into an area previously covered by Dutch and French troops, who had recently departed. The CO of the mentoring taskforce had sensibly rebalanced his force to cover the new territory. But the Australian and Afghan troops there had been in constant and occasionally heavy contact with the enemy. They were under the pump.

We gathered the dirty, tired Diggers together at the end of Smith's tour. Media crews travelling with the minister turned on their cameras and he made a lacklustre speech clearly pitched at the audience back home. He talked "at" the soldiers, not to them. He then turned to walk back to the helicopter pad. "Minister," I said, "perhaps you might take a couple of questions from the soldiers before you go?" The look I got in response was poisonous. "Well, are there any questions?" he asked the soldiers.

"Yes, sir," one said. "We got moved out here earlier than we were supposed to and we're spread a bit thin on the ground. Can we get some additional troops sent out from Australia?" It was a reasonable question, at least from the perspective of a soldier fighting in a scrubby valley in Afghanistan. Smith launched into a long spiel about supporting the coalition and fighting terrorism and building capacity in the Afghan security forces and making a contribution and all the phrases that work well in Canberra. It didn't work so well when delivered to blokes who would soon start another patrol along paths hiding improvised bombs designed to kill them. There were no other questions.
Walking towards the helicopter for the ride back to Tarin Kowt, Smith said to me, "Don't set me up with unscheduled questions like that again". He was not happy.

After 38 years as a soldier and as a commander, I'd learned to read people, quickly and accurately. Reflecting on Smith's visit, the abiding impression I was left with was that he merely tolerated people like me and the troops I commanded. I cast around in my mind for the element that seemed to be missing in his dealings with the men and women of the ADF who I led. Then I had it: respect. Smith had no respect for those who chose to serve in uniform for their country. It was an uncomfortable insight.

This is one of the saddest, most unacceptable articles I have read in my 10 years in the Senate. It is disgraceful and the minister should be moved. (Time expired)

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (15:06): I rise to take note of the answers given by Senator Chris Evans regarding Minister Stephen Smith. Firstly, there is at least one point that we agree on, and that is that this is indeed a sad and unfortunate set of circumstances. I have had the privilege in my capacity as Parliamentary Secretary for Defence to work with Major General Cantwell and meet with him on a number of occasions, and I would only ever say, publicly and privately, that he is a distinguished former officer of the ADF, that he has given exemplary service to his country and that he is a person of outstanding record. That is the basis upon which I think all of us should reflect upon him.

Major General Cantwell has obviously written a long piece that has appeared in the newspapers, and I am sure all of us have read it. For those us who have not read it, the shadow minister for defence just managed to spend 2½ of his three minutes rereading it to us. That offers us no insights above and beyond the fact that Major General Cantwell wrote an article which is deeply regrettable and, I guess, offers a set of reflections on the Minister for Defence which I say are unfortunate and regrettable. Let us be clear here about the context.

Opposition senators interjecting—

Senator FEENEY: I will take that interjection, Mr Deputy President. The interjection is: why are they regrettable? They are regrettable because they make reflections upon the Minister for Defence which are unfair, untrue and indefensible.

We are obviously at a point where there is a great public controversy around the circumstances of the Kirkham report and events at ADFA. Those events and those circumstances are well known to all of us. The Minister for Defence at the time of the so-called ADFA Skype scandal made clear his view that it was an error of judgment, inappropriate and unhelpful for a young woman, who was then the subject of certain allegations and certain concerns around the Skype incident which were being publicly ventilated, to concurrently be subjected to various disciplinary hearings. The minister put that on the record then and he has made it plain since that he does not resile from that opinion.

I think it is fair to say that the Kirkham report had some areas in it which made clear the fact that that was a controversial element of what transpired at ADFA.

Senator Humphries: That wasn't what Kirkham said.

Senator FEENEY: Again, I will take that interjection, Mr Deputy President. I think that if you look at what Kirkham said you will see very clearly that that was an area of concern and Kirkham made it clear that there were several ways that matter could have been handled.
Senator Humphries: He also made clear that Kafer did nothing wrong.

Senator FEENEY: Again, I will take that interjection, Mr Deputy President: he also made it clear that Kafer had done nothing wrong. Again, in my capacity I have had the opportunity to meet with Commodore Kafer on several occasions. He is a fine and distinguished officer who has indeed been reinstated to his position.

Is it helpful or appropriate to have the partisan opposition—particularly in the defence space, where they struggle to ever say anything of interest or concern—climb into these issues of great sensitivity? Of course it is not, but it is going to happen. That is politics; that is the politics of no, as personified by the opposition. But let us be clear: Stephen Smith, in the conduct of his duties, deserves nothing but our highest acclaim and praise. He has done a fine and outstanding job not only in defending the interests of Defence when that is required but also in making sure that the public of this country have absolute confidence in the ADF and the institutions that sustain the ADF. We on this side are very proud and pleased that not only have we supported our Defence and ADF men and women in their work and in the dangerous things they do on our behalf but we also believe that the values they espouse must be supported and consistently backed. That is what the Minister for Defence has done here.

The Minister for Defence is not going to be railroaded into any kind of apology or any kind of backdown on the back of all of you on the other side suggesting that he owes this country an apology because he has defended the rights of a victim. These matters are complex. We on this side are not interested in finding any senior officer or any other person as a scapegoat. We on this side are not interested in bringing the world of partisan politics into defence. That is a matter for you. But what we on this side are clear about is that we are not going to attack any of the senior officers who have entered this debate. (Time expired)

Senator HUMPHRIES (Australian Capital Territory) (15:11): Senator Feeney is right to suggest that these are quite exceptional circumstances, but they are circumstances that are entirely appropriately raised by the opposition in the Senate today, because we face a most extraordinary situation. It is a situation where a very senior member, recently retired, of the Australian Defence Force, General John Cantwell, has criticised very directly the Minister for Defence for not just his competency but also the lack of respect that he has engendered from members of the Australian Defence Force. He is joined in that criticism by a host of other senior figures within the defence space, particularly General Peter Leahy, former Chief of the Army, writing in the *Sydney Morning Herald* on Friday; General Jim Molan, a very highly respected member of the Defence Force who has also made criticisms of the performance of the minister; and, in effect, the present Chief of the Defence Force, General Hurley, who saw fit when the Kirkham report was brought down to immediately reinstate Commodore Kafer to his role of Commandant of ADFA, notwithstanding the fact that the minister said, 'I stand by my criticisms'. In effect, General Hurley indicated his disagreement with the approach the minister was taking.

So we have here several key figures within the Defence Force, or at least recently part of the Defence Force, making criticisms, and the point that the government needs to get—which it obviously has not got to this point—is that General Cantwell, General Leahy, General Molan and, to the extent that I have attributed his remarks in the same direction, General Hurley, speak for the
Defence Force. They speak for the members of the Defence Force, the men and women in uniform who do not have confidence in this minister. It is not a pleasant thing to have to say that those people who are in the field, who serve in uniform across this country and beyond its shores, have reached a serious point where they do not have support for or confidence in their minister, but I know from conversations I have had with many members of the Defence Force that that is true. I ask members of the government, if they believe that Mr Smith enjoys the support of members in uniform in this country, to go and talk to some of them and ask them what they think, because I do not think they will have any doubt about the answers they will receive. Earlier today Minister Ludwig lectured us in question time on how we must respect the independent investigation being conducted by Fair Work Australia. Well, we have another independent investigation, the Kirkham report. It was exhaustive and it went on for a long period of time. It sat on the minister's desk for three months, but the minister saw fit not to release that report, leaving the tarnish on Commodore Kafer's reputation while he did so, and eventually released the report when it was obvious he was not going to get shifted out of the portfolio. He could not shovel this responsibility onto somebody else, so he decided that he had to release it himself—a report which extensively exonerates Commodore Kafer in respect of the Skype affair. And where is the apology to Commodore Kafer? It is not forthcoming. That is not the issue on which Mr Smith is currently being condemned. It is his failure to acknowledge that in that process he did the wrong thing by Commodore Kafer, who handled himself well, dealt with the issue appropriately within ADFA and got no credit for it from the minister. That kind of behaviour simply cannot be tolerated. That kind of behaviour has brought the minister to this low point, and he ought to read the signs and do something about it.

Senator MARK BISHOP (Western Australia) (15:16): I must say that I was quite intrigued that the shadow minister for defence, Senator Johnston, spent four minutes and 27 seconds of his five minutes reading from a newspaper article. He left himself 33 seconds out of five minutes to think about it, to analyse it, to draw a conclusion and to offer a comment. It was so important to the shadow minister for defence that all he could do was refer to an article in the *Sydney Morning Herald* and, for four minutes and 27 seconds, read out from it. I have never seen such a poor attack on a minister of the Crown in my entire life.

But, having said that, let us give some consideration to the article referred to by Senator Johnston. I was amazed when I read...
it over the weekend. Let me say here on the public record that the article and the report were vicious, they were contrived, they were equally vacuous and they had no point. In an attack on a minister of the Crown, making those sorts of remarks, the writer and the newspaper operators knew that no minister of the Crown would descend into the gutter and respond to that sort of commentary coming from a former two-star or three-star general—who, I might posit the proposition, never, ever thought to make a complaint to his line commanders when he was a serving officer and never thought to make a memo up the line to the Chief of Defence Force or the Chief of Army on what he thought he saw in Afghanistan and other places, but now, some two years after the event, is put up to make some sort of set of allegations against a minister of the Crown in a context where the minister cannot defend himself.

Let us now, having dismissed that nonsense article from a former officer in the Defence Force, turn to the incident at ADFA. No other person in this place has more familiarity with the arguments, debates and history of military justice than I. There is no other person. I have been intimately involved in the discussions, debates and reports for 10 years—firstly under Minister Hill for a good five years, and then subsequently under a set of Labor Party ministers. Each of those men put a lot of effort and a lot of heart into reforming what is generally recognised as a then poor culture in Defence which resulted in a large number of public and Senate inquiries into unnecessary deaths and a series of assaults, cases of sexual malfeasance against women and other high-level offences. Those matters were the subject of public inquiry. They have been the subject of public report. They have been the subject of efforts by successive governments, successive capability managers within the Defence Force and successive ministers of defence to remedy them.

Let me tell you something in the context of the ADFA report and the ADFA complaint: in the last four years—since this government came into power, but the trend line started in the last 12 months of the previous government—the incidence of reports of the nature I referred to a minute ago has gone right down. Once upon a time there were dozens and dozens of reports every year to the offices of members of parliament by writing, by email, by texts or by phone conversations. I lost count of the number of parents who came to see me in my office in Perth and here, crying over a range of incidents. It has stopped completely. It stopped completely under previous ministers of defence, starting with Senator Hill and then Mr Fitzgibbon, Senator Faulkner and Mr Smith. All of the issues that were the subject of serious address were reformed. The incident that occurred at ADFA at best can be described as now an aberration, which is a reflection of the good work that is being done.

So is there confidence in Mr Smith as Minister for Defence from this government and the wider defence community? Yes. I have not received one text, one email or one letter complaining about his behaviour from members of the Defence Force. (Time expired)

Senator IAN MACDONALD (Queensland) (15:21): The arrogance and disrespect shown to our fighting men and women in uniform, displayed by Mr Smith in his recent activities, was repeated by Senator Bishop in this debate this afternoon. The very personal attack Senator Bishop has just made on a distinguished, courageous and competent former officer, Major General Cantwell, is very typical of how some in the Labor Party view our men and women in
uniform. I enter this debate, I shadow Senator Feeney and I am also a Queensland senator. Senators would know that Queensland is a state where there is a large number of serving people. My office is in Townsville, the home of Australia's largest Army base.

The disrespect shown by Minister Smith to the Defence Force, generally, which has been noted increasingly by senior officers, is also being commented upon by the diggers on the ground. As I travel around North Queensland—around Townsville where there are a lot of diggers, around Cairns which is the home of Australia's second largest naval base on the east coast, around Brisbane where there are a great number of soldiers at Enoggera—I hear a general distrust of Minister Smith. My colleagues in Queensland are well in tune with the thoughts, aspirations and feelings of the troops on the ground as well as with the officers. The feeling is coming through that Mr Smith has no respect for people in uniform. The publicised accounts of how Mr Smith showed no respect when he was in Afghanistan is being reflected at all levels.

I know people in the Defence Material area. I dare not mention their names lest they befall the same fate as Major General Cantwell who, because he dares to say what he believes to be the truth, is personally attacked by the likes of Senator Bishop in this chamber where he has parliamentary privilege. Who would dare to criticise anyone in the Labor Party? It is the same in my state of Queensland. With anything that involves the Labor government in Queensland, if you dare raise your head and criticise the clear mismanagement—mishandling that borders on corruption in Queensland—you get the whole force of the Labor Party turned upon you. I think it is a terrible day for the bipartisan control and support for the Defence Force that you have Senator Bishop going on with that quite disgraceful, personal attack on a distinguished officer and former commander of our armed forces.

My colleagues have mentioned Mr Smith's ill-considered and hasty comments on the ADFA chief, Commodore Kafer. They have said, which I will repeat, what Mr Kirkham QC found:

... in the circumstances it was reasonable for ADFA staff, including Commodore Kafer and the Deputy Commandant, to reach the conclusion that it was appropriate to proceed with and conclude the two disciplinary charges against the female Officer Cadet.

Commodore Kafer was completely exonerated by that independent inquiry, yet Mr Smith cannot see it within his being to apologise for the slur that he cast on the career, future and past, of a distinguished soldier.

Mr Smith clearly did not want this job. He wanted to be foreign minister. Ms Gillard thought he was incapable and incompetent to be foreign minister so she brought in someone from outside. I think Ms Gillard should look a bit more closely—not only is Mr Smith incapable of being foreign minister, he is incapable of being the defence minister. (Time expired)

Question agreed to.

Trans-Pacific Partnership Agreement

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

That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Milne today relating to the Trans-Pacific Partnership Agreement.

The Trans-Pacific Partnership free trade agreement talks ended in Melbourne last week. We understand from those
negotiations that Australia and the US now have very different positions in relation to the investor-state dispute settlement criteria. We know that big pharmaceuticals, big tobacco and big oil were coming back to get what they did not get in the US-Australia free trade agreement. As we all know, it has been a dud compared with the Howard government claim, particularly by, at the time, Minister Vaile, that there would be hundreds of thousands of jobs—which, of course, did not actually materialise.

We now have an agreement where the Americans have come back and Australia is involved in this process. The investor-state dispute settlement, for example, was for big tobacco to sue the Australian government because of its plain-packaging legislation. The provision will allow companies to sue governments if governments take action that have an adverse impact on profits or on business. It would be an absolute disaster if we allowed American companies to do that. You can imagine what would happen with the oil companies, the tobacco companies and the rest of them. Of course, the big pharmaceuticals could have a go at the Pharmaceutical Benefits Scheme, which is one of the great things we have in Australia that keeps medicines affordable.

I am very pleased to see that the minister today—and this is the first time it has happened in the parliament—made it clear that Australia is not going to include the investor-state dispute settlement in the Trans-Pacific Partnership Agreement. The minister has said that they will not support greater legal rights for foreign businesses than those available to domestic businesses. I understand that has been a cabinet decision. It clearly has the support of the Prime Minister, and that means the Americans are clearly on notice that Australia is not going to agree to that. But what else does it mean? Does it mean that the Trans-Pacific Partnership is dead? How important is this provision for the United States? Is it simply going to mean that Australia signs up to the Trans-Pacific Partnership Agreement with an exclusion clause saying that we are excluded from those particular provisions?

What I want to know is: what exactly is Australia negotiating in this free trade agreement? We know that the United States lobbyists have been informed by the United States government as to what is on the table. There are 600 of those lobbyists, and they know exactly what the US is lobbying for. But Australians do not know. Nobody in Australia has been informed by the government as to the things on the table that are being negotiated away in this so-called free trade agreement.

One of the areas has been the Pharmaceutical Benefits Scheme, as I mentioned. Not only that, but there are copyright and patent laws that we want to preserve. We do not want to see the Americans able to push for keeping patents longer and therefore stopping generic medicines. We do not want to see the Americans coming back and trying to take more in terms of copyright law and, in particular, undermining Australia's legislation on local content in our media.

So what we have left is services. This is a big worry, because we understand that what is on the table here for the first time—and this is much more secretive than the WTO processes—is in fact a negative list. So it would be an assumption that all services are in the Trans-Pacific Partnership Agreement except those that appear on the negative list. The problem is that the service industry is expanding and changing so fast in light of the new communications sector and so on that people will not get things on the negative list. Therefore, they will automatically be covered in the future.
This is a worry, and what we need from the government is some transparency. The government are saying, 'We are consulting stakeholders,' but they are not. Stakeholders in Australia—from the Chamber of Commerce and Industry right down through all the industry sectors, the NGOs and the service providers—do not know what Australia is negotiating away on behalf of the people. This is a national interest issue, and we should have transparency. Yes, I welcome the government's commitment to not include investor-state dispute settlement processes. But I want to know what they are putting on the negative list in the services sector. I want to know how we are being protected in terms of the copyright laws, the patent laws, the Pharmaceutical Benefits Scheme and, in particular, that negative services list. It is up to the government now to make public the negotiating text.

Question agreed to.

NOTICES
Withdrawal

Senator MADIGAN (Victoria) (15:32): I withdraw general business notices of motion Nos 508 and 531 standing in my name.

Presentation

Senator Bob Brown To move—

That the Senate—

(a) notes:

(i) the impact of the Government's efficiency dividend and reduction in all capital budgets on the Parliamentary Library and its ability to continue to provide quality services to senators and members, and

(ii) that, whilst a number of cultural agencies are exempt from the additional 2.5 per cent efficiency dividend announced in December 2011 in the mid-year economic and fiscal outlook, the existing efficiency dividend of 1.5 per cent is continuing to have a disproportionate and unfair impact on many cultural agencies which are being forced to make savings by cutting staffing numbers, curtailing operations and limiting and delaying exhibitions; and

(b) calls on the Government to restore the Parliamentary Library's budget in full.

Senators Bushby, Cormann and Williams To move—

That the following matter be referred to the Economics References Committee for inquiry and report by 31 October 2012:

An examination of recent developments in the banking sector arising out of the impact of the global financial crisis and subsequent events, including:

(a) the impact of international regulatory changes on the Australian banking sector, particularly including changes to liquidity and capital holding requirements;

(b) the impact on relative shares of specific banking markets;

(c) the current cost of funds for lending purposes;

(d) the impact on borrowing and lending practices in the banking sector both during and since the global financial crisis;

(e) the need for further consideration of the state of the broader finance and banking sector; and

(f) any other relevant matters.

Senators Back, Nash and McKenzie To move—

That, as 2012 is the Australian Year of the Farmer, the Senate:

(a) recognises that the Australian agricultural industry offers excellent career opportunities, including:

(i) approximately 100 000 jobs in the agricultural sector,

(ii) 2.5 jobs for every agricultural graduate, and

(iii) a diverse range of careers requiring a wide range of skill levels;

(b) acknowledges that responding to the expanding global food task will require Australia to substantially up-skill and increase the size of its agribusiness workforce;
(c) recognises that there are declining participation rates and graduates in the agriculture sector as tertiary agricultural science courses on offer decline, and secondary school students do not take up undergraduate courses; and

(d) calls on the Government to:

(i) resource the promotion of careers in agriculture through the primary and secondary school system,

(ii) incentivise universities to offer agricultural science courses, and

(iii) encourage industry in the development of agribusiness educational and training resource material.

Senator Abetz To move—

That the following matter be referred to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 10 May 2012:

The Law Council of Australia’s concerns about the Government’s amendment to the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2012.

Senator Humphries To move—

That the Senate rejects calls to reduce funding to non-government schools to 2003-04 levels that would put at risk the financial viability of many non-government schools and leave many students disadvantaged.

Senator Bilyk To move—

The Joint Select Committee on Cyber Safety be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 21 March 2012, from 4.15 pm.

Senator Birmingham To move—

That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Monday, 19 March 2012, from 10.30 am.

Senator Singh To move—

That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 21 March 2012, from 10.30 am.

Senator Wright To move—

That the time for the presentation of the report of the Legal and Constitutional Affairs References Committee on prospective marriage visas be extended to 7 June 2012.

Senator Birmingham To move—

That the following bill be introduced: A Bill for an Act to provide for the expenditure of money appropriated for the Solar Hot Water Rebate scheme, and for related purposes. Solar Hot Water Rebate Bill 2012.

Senators Ronaldson and Williams To move—

That the Senate—

(a) condemns the wanton desecration of 238 Allied and Australian graves at the Benghazi Commonwealth War Cemetery in Libya by radical militants;

(b) acknowledges that the headstones of 52 Australians were damaged in the attack;

(c) remembers all Australians who served in north Africa during World War II; and

(d) calls on the Libyan Government to meet the costs of restoring the cemetery, noting that Australia alone has given more than $44 million in humanitarian aid assistance to Libya since 2011, making Australia the third-largest aid donor to Libya.

Senator Crossin To move—

That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 15 March 2012, from 4 pm, to take evidence for the committee’s inquiry into the provisions of the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012.

Senator Crossin To move—

That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012 be extended to 21 March 2012.
Senator Moore To move—
That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 22 March 2012, from 1 pm, to take evidence for the committee’s inquiry into the 2011-12 additional estimates.

Senator Hanson-Young To move—
That the Senate—
(a) notes:
(i) the launch of the Third Optional Protocol on the Convention on the Rights of the Child, which proposes four procedures for children, young people, and their advocates to report a violation of child rights directly to the Committee on the Rights of the Child,
(ii) that the Third Optional Protocol opened for signature on 28 February 2012 and was signed on that day by countries, including Austria, Belgium, Chile, Costa Rica, Finland, Germany, Italy, Luxembourg, Maldives, Mali, Montenegro, Morocco, Peru, Portugal, Serbia, Slovakia, Slovenia, Spain and Uruguay; and
(iii) the Third Optional Protocol offers a crucial opportunity to strengthen mechanisms for equality and justice for all children and young people in Australia; and
(b) calls on the Government to ensure that Australia signs on to the Third Optional Protocol on the Convention on the Rights of the Child without delay.

Senator Mason To move—
That the Parliamentary Joint Committee on Law Enforcement be authorised to hold a private meeting otherwise than in accordance with standing order 75 during the sitting of the Senate on Thursday, 15 March 2012, from 10.30 am.

Senator Bob Brown To move—
That the Senate calls on the Government to begin the safe withdrawal of Australia’s troops from Afghanistan while increasing our civilian aid program.

Senator Bob Brown To move—
That the Senate—
(a) condemns the awful loss of life and liberty in Syria;
(b) notes the receipt of the Syrian Chargé d’Affaires reply to the Senate’s resolution of 9 February 2012; and
(c) renews its call for President Assad to resign immediately.

Senator Collins To move—
That—
(1) On Wednesday, 14 March, Monday, 19 March, Tuesday, 20 March and Wednesday, 21 March 2012, any proposal pursuant to standing order 75 shall not be proceeded with.
(2) On Wednesday, 14 March and 21 March 2012, consideration of government documents shall not be proceeded with, and instead the routine of business shall be government business only.
(3) Divisions may take place on:
(a) Thursday, 15 March and 22 March 2012, after 4.30 pm; and
(b) Monday, 19 March 2012, before 12.30 pm.
(4) On Thursday, 15 March 2012:
(a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to 11.10 pm;
(b) consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with;
(c) the routine of business from not later than 3.45 pm shall be government business only; and
(d) the question for the adjournment of the Senate shall be proposed at 10.30 pm.
(5) On Tuesday, 20 March 2012:
(a) the hours of meeting shall be 11 am to 6.30 pm and 7.30 pm to 12.05 am, Wednesday, 21 March 2012;
(b) the routine of business from 11 am till not later than 2 pm, and from not later than 7.30 pm shall be government business only; and

(c) the question for the adjournment of the Senate shall be proposed at 11.25 pm.

(6) The following government business orders of the day shall have precedence over all government business, be called on in the following order and be considered under a limitation of time, and that the time allotted for all remaining stages be as follows:

<table>
<thead>
<tr>
<th>Bill and Amendment</th>
<th>Commencement Dates</th>
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<tbody>
<tr>
<td>Fairer Private Health Insurance Incentives Bill 2011 and 2 related bills</td>
<td>commencing immediately until 10.30 am on 19 March 2012</td>
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<tr>
<td>Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2012</td>
<td>commencing immediately after the preceding item until 8.30 pm on 19 March 2012</td>
</tr>
<tr>
<td>Higher Education Support Amendment Bill (No. 1) 2012</td>
<td>commencing immediately after the preceding item until 9.30 pm on 19 March 2012</td>
</tr>
<tr>
<td>Road Safety Remuneration Bill 2011 and a related bill</td>
<td>commencing at 11 am until 1 pm on 20 March 2012</td>
</tr>
<tr>
<td>Crimes Legislation Amendment (Powers and Offences) Bill 2012</td>
<td>commencing immediately after the preceding item until 1.50 pm on 20 March 2012</td>
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<tr>
<td>Indirect Tax Laws Amendment (Assessment) Bill 2012</td>
<td>commencing immediately after the preceding item until 6.15 pm on 20 March 2012</td>
</tr>
<tr>
<td>Tax and Superannuation Laws Amendment (2012 Measures No. 1) Bill 2012</td>
<td>commencing immediately after the preceding item until 8 pm on 20 March 2012</td>
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<tr>
<td>Fair Work Amendment (Textile, Clothing and Footwear Industry) Bill 2011 [2012]</td>
<td>commencing immediately after the preceding item until 9.30 pm on 20 March 2012</td>
</tr>
<tr>
<td>Fairer Private Health Insurance Incentives Bill 2011 and 2 related bills</td>
<td>commencing immediately until 10.30 am on 19 March 2012</td>
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<tr>
<td>Telecommunications Universal Service Management Agency Bill 2011 and 2 related bills</td>
<td>commencing immediately after the preceding item until 10 pm on 20 March 2012</td>
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<tr>
<td>Broadcasting Services Amendment (Regional Commercial Radio) Bill 2011 [2012]</td>
<td>commencing immediately after the preceding item until 10.10 pm on 20 March 2012</td>
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<tr>
<td>Insurance Contracts Amendment Bill 2011</td>
<td>commencing immediately after the preceding item until 10.20 pm on 20 March 2012</td>
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<tr>
<td>Excise Amendment (Reducing Business Compliance Burden) Bill 2011 and a related bill</td>
<td>commencing immediately after the preceding item until 10.30 pm on 20 March 2012</td>
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<tr>
<td>Australian Research Council Amendment Bill 2011</td>
<td>commencing immediately after the preceding item until 10.40 pm on 20 March 2012</td>
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<tr>
<td>Financial Framework Legislation Amendment Bill (No. 1) 2012</td>
<td>commencing immediately after the preceding item until 10.50 pm on 20 March 2012</td>
</tr>
<tr>
<td>Appropriation Bill (No. 3) 2011-2012 and a related bill</td>
<td>commencing immediately after the preceding item until 11.20 pm on 20 March 2012</td>
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(7) Paragraph (6) of this order operate as an allocation of time under standing order 142.

Senator Collins To move—

That the Minerals Resource Rent Tax Bill 2011 and 10 related bills shall have precedence over all government business and be considered under a limitation of time, and that the time allotted for all remaining stages be as follows:

commencing immediately until 1.30 pm on 22 March 2012.
Senator Cormann To move—

That there be laid on the table by the Minister for Finance and Deregulation, no later than noon on 15 March 2012, a copy of the two page memo to the Department of Finance and Deregulation containing advice from Mr David Gonski about the appointment of the next chair of the Future Fund.

BUSINESS

Consideration of Legislation

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:33): I move:

That the following general business orders of the day be considered on Thursday, 15 March 2012 under the temporary order relating to the consideration of private senators’ bills:

No. 84 Assisting Victims of Overseas Terrorism Bill 2012.

No. 51 Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011.

Question agreed to.

Leave of Absence

Senator McEWEN (South Australia—Government Whip in the Senate) (15:33): by leave—I move:

That Senator McLucas be granted leave of absence for today, on account of parliamentary business.

Question agreed to.

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:34): by leave—I move:

That Senators Boswell and Heffernan be granted leave of absence for 13 March 2012, for personal reasons.

Question agreed to.

COMMITTEES

Community Affairs Legislation Committee

Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (15:34): by leave—At the request of the Chair of the Community Affairs Legislation Committee, Senator Moore, I move:

That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the Personally Controlled Electronic Health Records Bill 2011 and a related bill be extended to 15 March 2012.

Question agreed to.

Treaties Committee

Meeting

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:35): by leave—At the request of Senator Birmingham, I move:

That the Joint Standing Committee on Treaties be authorised to meet during the sitting of the Senate today, from 8.15 pm, for a private briefing.

Question agreed to.

Foreign Affairs, Defence and Trade Joint Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (15:35): by leave—At the request of Senator Furner, I move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 14 March 2012, from 11 am to noon to take evidence for the committee's inquiry into Australia's trade and investment relationship with Japan and Korea.

Question agreed to.
NOTICES
Postponement

The following items of business were postponed:

General business notice of motion no. 673 standing in the name of Senator Ludlam for today, relating to the indictment of Mr Julian Assange, to 9 May 2012.

General business notice of motion no. 606 standing in the name of Senator Madigan for today, relating to the introduction of fair work amendment legislation, to 9 May 2012.

General business notice of motion no. 608 standing in the name of Senator Rhiannon for today, relating to the Bsafe pilot program, to 22 March 2012.

COMMITTEES

Community Affairs References Committee

Meeting

Senator McEwen (South Australia—Government Whip in the Senate) (15:37): by leave—At the request of the chairs of the Community Affairs Legislation and References committees, Senators Moore and Siewert, I move:

That:

(a) the Community Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 14 March 2012, from 9.30 am; and

(b) the Community Affairs Legislation and References Committees be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 14 March 2012, from 3 pm.

Question agreed to.

Corporations and Financial Services Committee

Reporting Date

Senator Kroger (Victoria—Chief Opposition Whip in the Senate) (15:38): by leave—At the request of Senator Boyce, on behalf of the Parliamentary Joint Committee on Corporations and Financial Services, I move:

That the time for the presentation of the report of the Parliamentary Joint Committee on Corporations and Financial Services on the Superannuation Legislation Amendment (Trustee Obligations and Prudential Standards) Bill 2012 be extended to 19 March 2012.

Question agreed to.

Electoral Matters Committee

Meeting

Senator McEwen (South Australia—Government Whip in the Senate) (15:38): At the request of Senator Carol Brown, on behalf of the Joint Standing Committee on Electoral Matters, I move:

That the Joint Standing Committee on Electoral Matters be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 14 March 2012.

Question agreed to.

MOTIONS

Live Animal Exports

Senator Rhiannon (New South Wales) (15:39): I move:

That the Senate—

(a) notes:

(i) footage of animal cruelty at the Temur Petir and Cakung abattoirs in Jakarta that was aired on the Australian Broadcasting Corporation television program Lateline on 28 February 2012 shows serious and systematic breaches of the Government’s new Export Supply Chain Assurance System,
(ii) the Royal Society for the Prevention of Cruelty to Animals [RSPCA] Chief Scientist has identified 61 observed incidents of non-compliance with the Government's own supply chain assurance elements at the Temur Petir and Cakung abattoirs,

(iii) the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) has refused to publicly reveal whether Australian cattle are being exported to the Temur Petir and Cakung abattoirs,

(iv) that making this information public would not compromise any departmental investigation, and without it the public can have no confidence that the Government's new system to protect animal welfare is being monitored and enforced,

(v) a Perth-based cattle exporter, International Livestock Exports, announced on 29 February that it had suspended shipments to one of the Indonesian abattoirs in question, placing the industry response ahead of the Government's response to the situation, and

(vi) that animal rights activists such as Animals Australia and the Indonesian activists who filmed the Jakarta abattoirs are to be congratulated for exposing the continuing cruelty in the live export industry and the failure of Australia's new regulatory regime; and

(b) calls on the Government to:

(i) confirm whether Australian cattle are being exported to the Temur Petir and Cakung abattoirs,

(ii) publicly disclose the names of any companies involved in exporting live cattle to the Temur Petir and Cakung abattoirs in Jakarta,

(iii) immediately suspend the export licences of those companies involved in exporting live cattle to the Temur Petir and Cakung abattoirs in Jakarta until an investigation has been conducted,

(iv) urgently put more resources into monitoring and enforcement of the supply chain assurance system to ensure that animal welfare is prioritised in the Government's new regulatory regime, and

(v) move to introduce a ban on live animal exports.

The DEPUTY PRESIDENT: The question is that Senator Rhiannon's motion be agreed to.

The Senate divided. [15:43]

(The Deputy President—Senator Parry)

Ayes ................. 9
Noes .................. 29
Majority .............. 20

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

NOES
Back, CJ
Boyce, SK
Cameron, DN
Cormann, M
Feeney, D
Fifield, MP
Gallacher, AM
Kroger, H (teller)
Madigan, JJ
McEwen, A
Moore, CM
Polley, H
Sherry, NJ
Sterle, G
Williams, JR

The DEPUTY PRESIDENT (15:46): I inform the Senate that at 8.30 am today Senators Fifield and Siewert each submitted a letter in accordance with standing order 75 proposing a matter of public importance. The question of which proposal would be submitted to the Senate was determined by
lot. As a result, I inform the Senate that the following letter has been received from Senator Fifield:

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

The Gillard Government's waste, mismanagement and profligacy which is undermining hope, reward and opportunity for Australians.

Is the proposal supported?

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

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (15:47): I remember hearing the Prime Minister say this:

We are the people who share and stick together.

You would have to have been living under a rock in the last month to have seen that, because at the moment they might be the people who share and hit people with sticks or hit each other in the head with sticks but they hardly stick together. It has been an absolute debacle as we see one attack the other, as we see deliberations, as we see changes—even today, in the next manifestation of it, on top of all that, we have the new Senator Bob Carr. The trouble with Senator Bob Carr is that he has taken Mr Stephen Smith's job, but Mr Stephen Smith is a bit unhappy about that. He thought he was lined up to be the Minister for Defence but it did not actually happen. They talk about mateship and having a fair go. We have never, ever seen that. But the most peculiar thing was this statement made by Prime Minister Julia Gillard:

We follow it simply because we are us.

'We are us.' What on earth does that mean? Who else could you be? 'We are somebody else'? 'Somebody else is us'? It is a very strange thing to say. It is a job for Inspector Clouseau. 'We are us.' What could this possibly mean?

I will tell you one thing for sure: we are not them. We are definitely not them. We are not them, because what they are in the ALP both in Queensland and at a federal level is just a complete and utter fiasco. I should start at the first one. In the last four weeks the Labor Party have borrowed—and you can see this on the AOFM, Australian Office of Financial Management, website under Australian government securities outstanding—an extra $10 billion. That is just in the last four weeks. Let us paint a picture of what that is. Ten billion dollars would buy about 20,000 houses in Brisbane or, if you were out in the country, I suppose you would buy close to 35,000 houses. Each house has about two and a bit people in it, so it is equivalent to about a regional town of 70,000 people, just in the last four weeks. This shows what a disaster they are. In the last four weeks it is like they have bought all the houses in Roma, St George, Goondiwindi, Dalby, Kingaroy, Charters Towers and probably a few others thrown in—just in the last four weeks. But no, it is not a problem; everything is under control. Wayne Swan, the Treasurer, is the Treasurer of the millennium. He is a stroke of genius. We are so lucky to be blessed with him, to be endowed with his presence, even though we are currently about $18 billion away from bouncing our cheques and hitting our next limit of a quarter of a trillion dollars.

It does not matter where you go. Wherever the Labor Party go they have this Midas touch backwards. I do not know—what is a Midas touch backwards? Sadim, I suppose—a very peculiar way of sending the show upside down. In Queensland they have lost their credit rating, even though we are currently about $18 billion away from bouncing our cheques and hitting our next limit of a quarter of a trillion dollars.

We follow it simply because we are us.
built all the highways and built the dams—which the Labor Party complained about. They said the dams were too big; Wivenhoe was too big; it was profligate. It put aside the country for Wolffdene. It built the universities. It got the universities up and running. It got the international airports up and running. It built the motorways, sealed the roads and electrified Central Queensland before they had even finished electrifying the suburban network in Sydney. And the amazing thing about Joh Bjelke-Petersen is that, when he left, the Treasury was absolutely overflowing with money.

The people are the same. They are the same Queenslanders who were there before. The minerals are still there. They did not disappear. In fact, they went into a minerals boom. The Great Barrier Reef is just basically where we left it, still off the coast of North Queensland. The bauxite is still there. The copper is still there. We have developed the cotton areas—there is actually more of that—but we did that with private money. We could not rely on the government; we did that with private money.

So what changed? How could the government go out the back door? How could they find themselves $62.3 billion in debt, heading towards $85.4 billion in gross debt? What is different between then and now?

It is quite simple: it is them; it is the Australian Labor Party; it is the management of the Labor Party. That is what has taken people out the back door. That is the only thing we have to worry about. The Labor Party says, 'We are us,' whatever that means. Our mantra is simple: 'We are not them'. We are definitely not them.

These are the people who also built the Tugun desalination plant. That is incredible; it is like a work of art. It sits down there at Tugun but it does not work. It is a $1 billion piece of modern art on the Gold Coast. Nothing has ever worked—the seals have never worked; they could never get it up and running. But that is the Labor Party; that is the 'We are us' people. But we are not them. We do not send the place broke. We do not build things that just do not work.

Then we had the Mary River dam. It was going to cost about $1.7 billion in construction costs, and then they had to move all the people, and then move the highway, and then move the railway line. The trouble was that the dam was going to be less than five metres deep at its maximum, with a yield of around 150,000 megalitres. The all-up cost was around $4 billion—the most expensive swamp on the planet. Maybe they were creating a Ramsar site. How could it be such a fiasco? It is their mantra—'We are us'. But we, on this side, are not them. The LNP is not them.

Then we had the Tahitian prince. Where would a health department be without a Tahitian prince? Where did the Tahitian prince come from? A man strolls into the health building and says, 'Aloha'—or whatever they say in Tahiti—'here I am, I am a Tahitian prince.' The health department was so fortunate to have a Tahitian prince working for it. Anyway, he managed to walk out the door with the princely sum of $15 million. That is what happens under Labor. What is a department without a little Tahitian prince in it? Of course that is believable, of course Wayne Swan is on top of the books and of course there are no fractious relationships in the Labor Party. It is all so believable. Why is it believable? Because, they say, 'We are us.' They are obviously Tahitian princes.

The thing for people to remember is that we are not them. When they go to this election they will be asking themselves what it is all about. As they walk up the path and
into the ballot box, they will be thinking about the Labor Party saying, 'We are us,' and they will be thinking about the Labor Party saying, 'We are broke,' and they will be thinking about the Labor Party saying, 'We believe in Tahitian princes,' and they will be thinking about the Labor Party saying, 'We believe in the Tugun desalination plant'—a new piece of modern art on the Gold Coast. They will be thinking about, 'We believe in the Mary River dam,' and they will be thinking about, 'We believe in tree-clearing guidelines'—the guidelines that took away the property rights of so many Queenslanders—and they will be thinking about, 'We believe in coal seam gas licences,' when the Labor Party ran out of money and so sold the licences for everything they could possibly conjure up out from underneath the rights of so many farmers. The people will be thinking about those things as they walk up the path, and will be saying, 'That's right, they are them—they are a complete and utter disaster.' The Labor Party up there at the moment are trying to dive away from their policies, because now it is not about the Labor Party; it is about keeping Kate and keeping Bill and keeping Pam—about keeping everything, but do not say anything about the Labor Party because if you mention the fact that they are actually in the Australian Labor Party people will not vote for them. People just think they are completely shoddy.

We have to think about a party that has taken a powerhouse state to the point where it has one of the highest unemployment rates—5.7 per cent is the unemployment rate in Queensland today. How do they manage to go broke and put everybody out of a job with all that was left to them at the start? It is simple. Whenever you want to know the answer, you just have to listen to Julia Gillard's speech and hear her say, 'We are us'—whatever that means. It is a fantastic statement. This is going to be an interesting election in a couple of weeks time. The people of Queensland are not fools. They understand that, if they keep Kate, they keep the Labor government. If they keep Kerry Shine, they keep the Labor government. If they keep Mr Fraser—they would almost have to be committed for that—they keep the Labor government. We cannot keep the people who have caused the problems. We have to get rid of those people to get Queensland back on the rails and doing what it did before, which was being the powerhouse of our nation.

Senator THISTLETHWAITE (New South Wales) (15:57): I walked late into this matter of public importance debate. I thought I had come in for the wrong debate because I heard very little from Senator Joyce about the subject of the matter of public importance or about issues associated with the federal government or the federal economy. I heard a lot about Queensland but very little about our nation and our government. This matter of public importance really is one of the greatest ironies I have ever witnessed in my very brief time in this very esteemed chamber. If one wants to talk about waste, mismanagement and profligacy undermining hope, reward and opportunity for Australians, one need look no further than those opposite.

One should be suspicious of a motion that includes the word 'profligacy'. One can only imagine where this particular topic we are debating today—supposedly a matter of public importance—would have been dreamed up by those opposite. Perhaps it came from the offices of Senator Brandis. One can only imagine Senator Brandis and his mates—some of his barrister mates or his Senior Counsel or Queen's Counsel mates; whatever they call themselves these days—sitting around in their wigs and gowns,
chewing on their cigars and sipping their cognac, trying to work out how they could get the word 'profligacy' into a motion in the Senate. And here is Senator Brandis—great timing. Perhaps he can explain how the word 'profligacy' got into this matter of public importance today. I would suggest that it is designed to bamboozle and to pull the wool over the eyes of the Australia public about the fact that those opposite are not willing to debate issues of policy in this chamber—and for good reason. When we do talk about issues of policy, when we do talk about real matters of public importance, those opposite come up woefully short.

One need only look at the coalition's record on economic management, particularly their attempts at the last election to justify their election costings. When their costings were submitted, they came up $11 billion short—an $11 billion black hole in their election costings. Yet they come in here and criticise this government about its record on economic management.

The MPI seeks to criticise the government for undermining hope and reward. I wonder how the coalition's accountants are feeling and what they are thinking in the wake of their performance in 2010. What sorts of rewards did they get out of teaming up with the Liberal Party and analysing their election costings? What sorts of rewards did the firm of accountants in Perth get for analysing the coalition's election costings? They got a wonderful reward. It came in the form of a $5,000 fine for breaches of professional standards—simply for teaming up with the coalition and providing analysis of their election costings. One cannot blame the firm of accountants; they were being asked to do things that were simply not possible. The money was just not there. That came out in the audit by the professional standards body.

The MPI from those opposite talks about the government's waste and mismanagement and how this is a destroyer of hope and opportunity. There is no greater destroyer of hope and opportunity than the Liberal Party. If you look at the budget cuts they are intending to make when they come to government, you get a pretty good indicator of future destruction of hope and reward by the coalition. They are planning to cut $70 billion from the budget. What will that mean for working Australians and their families? It will mean that important government programs, such as the childcare rebate—support which is critical for helping people with young children to survive, to get by from week to week—are on the chopping block. For senior Australians, there is no greater reward for the efforts they have put in over their working lives than an adequate pension. Yet who opposed the increase in the pension when it was put forward by the Labor Party? Those opposite.

There are Australians who are single parents, there are families who require support and there are Australians who are trying to get back on their feet after facing difficult circumstances. Instead of hope and opportunity, they face, from the coalition, the prospect of $70 billion worth of cuts to the services they rely on every day of the week. Yet the coalition seek to criticise us for destroying hope and opportunity.

This comes from the party who take every opportunity they get to talk down the Australian economy. They claim that there are sovereign debt risks in our economy. They claim that our level of net debt is unsustainable when they know very well that our economy has one of the lowest levels of net debt in the OECD. They ignore facts—such as the fact that Australia has a rolled gold AAA credit rating. For the first time, all three ratings agencies have us as AAA; all three have given us the tick of approval.
Senator Brandis: Who do we have to thank for that? Peter Costello!

Senator THISTLETHWAITE: Senator Brandis mentions Peter Costello. The real saviours of the Australian economy were the Keating and Hawke governments. They were the ones who built the bridge upon which—

Senator Brandis: On a point of order, Mr Deputy President: I am not sure what standing order it is which prohibits senators misleading the chamber, but Senator Thistlethwaite has disregarded the fact that Australia's credit rating was downgraded twice during the Hawke and Keating governments.

The DEPUTY PRESIDENT: Senator Brandis, there is no point of order. That is a debating point.

Senator THISTLETHWAITE: The strength of the Australian economy at the moment is directly related to the reforms made by the Hawke and Keating governments. They were the ones who built the bridge over which the train driven by Peter Costello travelled. They were the ones who opened up our economy, floated the dollar, reduced tariffs and opened up our banking sector and our bond market to competition. All of these were reforms introduced by the Labor government.

The great irony is the posturing of the Leader of the Opposition, Tony Abbott. He claims that he can balance the budget; cut income taxes; reduce the company tax rate; increase pensions; spend more on infrastructure; deliver new social programs, such as an unfair and unfunded parental leave scheme, a national disability insurance scheme and a Medicare dental scheme; and restore the private health insurance rebate for high-income earners whilst at the same time cutting carbon emissions in our economy by five per cent by 2020—without a market based mechanism. He claims that he will scrap the minerals resource rent tax and he claims that he will do this while still providing reductions in the company tax rate. He will not say how he will fund any of these promises. And he will not say that he will support an independent process to cost their budget promises through the Parliamentary Budget Office.

This MPI is another admission from those opposite that they are not interested in debating the issues that really affect Australians—keeping our economy strong and providing adequate services that support working families in this country. We are happy to discuss policy on any occasion in this place. We are happy to discuss hope, reward and opportunity for Australians. We talk about hope, opportunity and reward; we delivered that during the global financial crisis. We protected jobs in our economy. When we talk about opportunity, we need look no further than the government's Building the Education Revolution program. It provided $16 billion worth of investment in better education facilities. I have visited some of those facilities, and the greatest irony of all is the coalition MPs turning up at them and sneaking their heads in the photos being taken when the plaques are unveiled. They were not too shy to come along to the openings of those new facilities. (Time expired)

Senator MASON (Queensland) (16:08): We now know that after 4½ years of Labor government the principal problem for the Australian Labor Party and our country is not that the government breaks its promises but that it tries to keep them. The genesis of Labor's failure is not only the make-up of its policies but that Labor has been totally ineffective in implementing them. You see, what always happens in the Labor Party is that some prepubescent adviser in the Prime Minister's office gets an idea, a brain-snap. Their main consideration is never good
public policy, such as: will the idea work; is it in the national interest? No, it is all about: will this be a good six-second grab on Channel 9 or Channel 7, or will it make a good headline? That is what they are about. There is no cost-benefit analysis. There never is. There is no budgeting. And there is never a workable timetable. That has been the story of the Labor Party for 4½ years. Ideas are pushed off to departments and never seen again. Implementation is a shambles. And then the government is onto the next good thing. That has been its story for 4½ years.

Of course, just like prepubescent children, the government does not know and, indeed, does not care where the money comes from. Daddy will pay. In this case the 'daddy' is the taxpayer. Senator Thistlethwaite mentioned something very interesting before. He used the phrase 'the great daddy of them all'. The greatest shambles this government has been responsible for thus far—I think there are more coming—is the Building the Education Revolution program, the school halls debacle. It is one of the greatest public policy failures in Australian federal history. It is certainly one of the most expensive failures. I well remember the Labor Party handing over the task of analysing the success of the program to poor old Mr Brad Orgill. When he finally reported back he found that government schools, state schools, cost nearly twice as much per square metre as independent and Catholic schools did. That is a disgrace. It meant that kids attending state schools received half as much as kids attending non-government schools. I was once one of those kids and I would not have been terribly impressed. Why? Because the state schools missed out.

The government's greatest failure did not receive a lot of publicity, and it is this: the Auditor-General's office said that the Commonwealth department of education was culpable for this failure because it did not have in place the oversight mechanisms to determine whether in fact state governments were securing value for money for state government school halls. That is the greatest failure of this government thus far. Can you imagine spending $14 billion—$14 thousand million—and not having a Commonwealth department sufficiently up to speed, with sufficient oversight mechanisms, so that it could be sure that state governments were getting value for money? That is the greatest failure of this government's 4½ year tenure. It got the Public Service to do something it did not even know how to do. How much money was it? It was $14 thousand million. That is what the Auditor-General's office found. The government has spent all that money—$14 billion.

You might think with the government spending $14 billion on this program that somehow our school children would be getting better test results. You would think that, after the government has spent $14 billion on this program, comparative school testing across the world would show Australian schoolchildren going forward. What in fact have the international test results showed? They have shown Australia going backwards not only relatively but absolutely in this area. That is an absolute indictment. We are moving backwards absolutely and relatively against all our major competitors. You spend $14 billion and what is the outcome? Kids do less well in international comparative examinations. It is nearly unbelievable but that is a fact. This government can spend $14 billion and our schoolkids are actually worse off. It is nearly unbelievable but that is the outcome of its policies. And it does not stop there.

It is nearly a debacle a day with this lot. There is the great new carbon tax, the centrepiece of their economic reform. I read today that Australia faces a $30 billion hit to
growth by 2018. Why? Because the price of carbon is too high? We learnt that today. And this lot is the only political party—sorry, not the only political party, there is that lot too: the Australian Greens and the Australian Labor Party are the only political parties on earth that believe that in an energy-rich, trade-exposed nation it is a good idea to act unilaterally; that irrespective of whether any other nation does anything, they believe that we should have a carbon tax.

Let me say that again, slowly, because it is nearly unbelievable. They believe—the government of this country believe—that even if no other nation on earth has a carbon tax we should have one. It is nearly unbelievable. We are in an energy-rich, trade-exposed nation. Do you think that comparable countries will do anything like that? Do you think that the Canadians are about to do that? Or the Brazilians? Or the Russians? No. This lot believe that. When you compare us with similar nations—not countries like Luxembourg that do not export energy but energy-rich, trade-exposed nations like Australia—we are the only one. And, even worse, they believe we should do it even if no nation on earth does it as well. It is nearly unbelievable!

But what do we know now about the Australian Labor Party? We know this: every time the Labor Party are forced from office they always leave Australia further in debt. I have mentioned this many times before in this place: every time since 1901 when the Labor Party are forced from office the nation is further in debt. It has been so since 1901. The Labor Party always talk about social justice—they always do. Is it socially equitable to leave a nation further in debt on every occasion since 1901 that they have lost office? Is it socially just to make intergenerational debt—to lump our kids and our grandkids with debt? Because that is what they have done whenever in government since 1901.

The heads always go down now, and do you know why? Because it is true. Every time they leave office Australia is further in debt. It has been so since 1901—through wars, through peace, through good times and bad times—always further in debt every time the Labor Party lose office. Every single time! There has never, ever been, I might add, an exception. Most Australians believe they want to build wealth for their kids and leave a bequest, don't they? They want to build up property and leave a bequest to their children. What does Labor leave Australia's children? Debt. They leave our children debt. That is Labor's family values.

They talk about working families. What does Labor leave working families? Debt. It always has been and it always will be. The Labor Party will never change their spots and they never have since 1901. The one thing that runs through Labor DNA is that four-letter word: debt. Always has been, always will be.

**Senator PRATT** (Western Australia) (16:18): Mr Deputy President, I can tell you where I think the profligacy in this chamber is coming from: it is coming from the coalition and from wordy and meaningless motions like this—motions that offer no substantive policy critique whatsoever but, rather, just throw words around. We also see it in question time here in this chamber day after day.

**Senator Boyce interjecting—**

**Senator PRATT:** There is nothing substantive in your arguments whatsoever. You want to talk about waste, mismanagement and profligacy? You need look no further than the coalition's policies, or their lack of policies and the lack of fiscal discipline. We know, for example, that Mr Tony Abbott has confirmed that the
opposition will keep secret their planned $70 billion in cuts to services. They will keep their cuts secret until after the next election. In his 30-minute speech to the Victorian Employers Chamber of Commerce and Industry, Mr Abbott—

Senator Brandis: He never said that. That's not the truth, that's a lie!

The DEPUTY PRESIDENT: Order! Senator Brandis, you will have to withdraw that remark.

Senator Brandis: Mr Deputy President, I heard Senator Pratt say that Mr Abbott had said that the coalition's economic plan would be kept secret until after the election. I called it a lie; I withdraw that. But it is not the truth.

Senator Pratt: Mr Abbott, in his speech to the Victorian Employers Chamber of Commerce and Industry, offered no policies, no costings to fund his pledges and gave no explanation of how he would manage our nation's economy. All he offered Australians were an audit, more slogans and the same old negativity.

On the one hand, shadow Treasurer Joe Hockey promised us two days ago that the opposition's $70 billion worth of cuts would be made public before the next election, whereas Mr Abbott told the Australian people just a few days ago that they will have to elect him into office first. Clearly, the coalition is in disarray on this question.

We know that shadow Treasurer Joe Hockey has recently said that the opposition has in fact finalised its policies and costings, including its $70 billion planned cut in services, but refuses to tell Australians what and where they are. A journalist asked Mr Hockey: 'As recently as last Tuesday Tony Abbott said Australia needs an election and that he called on Julia Gillard to have one as soon as possible. Does that mean that your policies that you would take to this election that could be held in 33 days are done, costed and ready to roll out?' Mr Hockey said:

Based on what we know now we are doing all the costings. All our policies are costed …

The journalist asked, 'So you have found those savings you are looking for?' and Mr Hockey said:

Yes, we have found the savings we were looking for.

I say to you that if the opposition have truly finalised its costings then they need to come clean with the Australian people. They cannot just think they will coast into government on slogans and negativity: they need to come clean now. They need to reveal what they want to cut and how; how much their policies cost; and where they plan to get the money to fund their undeliverable promises.

Mr Hockey has in fact contradicted his own shadow finance spokesperson, Andrew Robb, who said less than 10 days ago that the opposition had not finalised any of their major policies. So, if the opposition cannot even agree between their Treasury and finance spokespeople which of their policies are ready to go, how is it that they will be able to come clean with the Australian people? Tell me how it is that they will have a plan for our future. Does Mr Abbott truly think he can slide into government without telling people how he will manage our budget, where $70 billion will come from? From health? From education? From skills? Perhaps from the national disability support scheme? Where are his policies?

Let's talk about hope, opportunity and reward, shall we? It is what the coalition has sought to put forward today. I can tell you there is a great deal of hope, opportunity and reward in the more than 700,000 jobs that Labor have created since we were first elected, in the fact that we have bulletproofed our Australian economy and
kept it out of recession in the worst economic downturn in three-quarters of a century. Our economy’s fundamentals have remained strong—

Senator Brandis: What is the unemployment rate today, Louise?

The DEPUTY PRESIDENT: Order! Ignore the interjection.

Senator PRATT: I do not have to take your interjection. Our economy’s fundamentals have remained strong, with outstanding employment growth, a record investment pipeline and a budget position the envy of our peers.

Where is the hope and reward for Australian families? It is right here in Australia’s first national paid parental leave scheme, with 18 weeks pay at the minimum wage. More than 130,000 working parents have already benefited, and I think that is fantastic.

What I also think is fantastic—and there is a great deal of hope, reward and opportunity in this one—are the increased payments of up to $4,200 a year from 1 January this year to help with the costs of raising teenage children. I know, like everyone in this chamber would know, that raising teenagers costs a lot of money. Indeed, for too long we have punished families at the tail end of those child-rearing years just as children get more expensive. So there is a great deal of hope, opportunity and reward in that.

And what about the future opportunity that will come with our National Broadband Network? It is affordable high-speed broadband to all Australians and Australian businesses no matter where they live. It will mean better education, better health care and better access for Australian businesses to the biggest marketplace in Australian human history. That is the kind of infrastructure opportunity and reward that our nation should be aspiring to.

And what about hope? What about the hope that comes with getting the health care that you need? A healthcare agreement between the states and the Commonwealth delivers more doctors, more nurses and more beds with less waste and waiting time.

What about the importance of the agreement on carbon price when it comes to hope for the future? There is a plan to cut pollution, cut taxes, increase the pension and create clean energy jobs. Most importantly from a hope point of view, I think, is hope that we can move from being part of the problem in climate change to being part of the solution. That is my great hope.

What about the minerals resource rent tax? What about the hope and opportunity that comes from giving Australians a fair share of the mining boom, a boost to retirement savings, tax breaks for small business and a company tax cut? There is a great deal of reward, opportunity and hope in that. It frees up money to invest in states like WA so that we can keep our economy moving and invest in the generation of future wealth for our nation.

What about the hope and opportunity that comes with doubled investment in school education, upgraded facilities at every school and the provision of more information to parents than ever before? I think that is fantastic. We have also created 130,000 new training places. What do we speak to when we speak of hope, opportunity and reward for Australians? It gives them the opportunity to make the most of the opportunities that are in our growing economy today in states like Western Australia that have a huge demand for skilled people. We must invest in these skilled training places to make the most of the opportunities that are before us as a nation. That is why we created these 130,000 new training places. It was exactly so we could
deliver hope, opportunity and reward to Australians.

What about hope, opportunity and reward for seniors? What about the historic increase to the Australian pension? What about the fact that we are now looking at improving aged care to give older people more choice and more control? What about the record investment of more than $36 billion in projects around the country? What about the flood levy—the fact that we needed to deliver tough savings to provide the $5.8 billion to flood affected regions in Queensland, Victoria and my home state of Western Australia? What about the hope that comes for those families that are really looking forward to Australia's first national disability insurance scheme?

More than 280 bills have passed through the House of Representatives and more than 230 through—(Time expired)

Senator BOYCE (Queensland) (16:28): I hate to disappoint Senator Pratt, but I would like to point out that, in fact, our policies and costings are not going to be released so that they can be a template for this government to try to worm its way out of the image it has as being wasteful, mismanaging and profligate. I am afraid there is no opportunity for you to fix your terrible mismanagement reputation on the back of our policies. It was late last year when the current Prime Minister caused a great deal of derision amongst the Australian public by her wonderful line to the Labor Party conference saying, 'We are us.' The general reaction I have had is that she actually meant to say, 'We are useless.' That would have been quite true. They are useless, they are wasteful, they mismanage, they are profligate.

If you look at Labor's record to date—and I would like to thank Senator Mason and others for the information he has given us—not only have they never, ever left a surplus in the bank when they have been thrown out of office but also they have not handed down a surplus since they won office in 2007. They have accumulated $167 billion of budget deficits in less than five years. It will take the coalition government, when we are re-elected, up to a decade once again to pay off their debt.

Let us look, though, at what this wasteful and mismanaging profligate government actually means for people in the streets. When it undertook the review of the Fair Work Act, it forgot to include productivity in the terms of reference. It is no wonder it forgot. Every retail outlet and manufacturer in Australia could tell the government that productivity was the way forward. It was interesting that Senator Pratt used a number of social welfare policies as examples of what the government has done. Yes, social welfare policies are necessary and good, but hope, reward and opportunity do not come out of government handouts; they come out of government policies that give people in manufacturing, industry and small business the chance to develop their own businesses. That is where you get genuine hope, reward and opportunity—from the innovation, the entrepreneurialism of Australians—and not from government handouts.

Of course, the troglodytes on the other side did not include productivity in their terms of reference for the Fair Work review. We discovered one of the reasons in an academic survey that has recently been released that shows that the success rate for employees undertaking unfair dismissal claims against Labor's Fair Work Act is running at 51 per cent. More than half of the unfair dismissal cases succeed. That is more than 17,000 a year. The troglodytes on the other side of the house would perhaps like to suggest that this means that small business have been lousy employers.
Senator Ludwig: Madam Acting Deputy President, I raise a point of order in that Senator Boyce did reflect upon members in the other chamber quite adversely. I am not going to use the phrase that she did, but I ask you to look at the word and ask for it to be withdrawn.

Senator Brandis: Madam Acting Deputy President, on the point of order: with respect, you should rule against that point of order for this reason: it appears to be an attempt to invoke standing order 193. Subrule (3) says: A senator shall not use offensive words against either House of Parliament—
the senator was not using offensive words against the House of Representatives—
or of a House of a state or territory parliament—
which obviously is inapplicable here—
or any member of such House …
Then it goes on to refer to other things as well. That standing order, as I am sure the Clerk will advise you, has always been understood to prohibit reflections on individual named or identifiable members of the House of Representatives or of other parliaments. If, for example, I were to say the Australian Labor Party is full of scoundrels that would not be unparliamentary, but if I were to say a particular Labor member of the House of Representatives was a scoundrel that would be. Senator Boyce was referring in general categories to members of the House of Representatives in aggregate, not identifiable members of the House of Representatives. Therefore, the standing order does not apply to her.

The ACTING DEPUTY PRESIDENT (Senator Fisher): Thank you, Senator Brandis. I am advised by the Clerk that the standing order is not as clear as Senator Brandis would have it be. That said, it is able to be interpreted as explained by Senator Brandis. Senator Boyce, perhaps you would care to reflect on your language and continue.

Senator BOYCE: I will not use that particular term again, although it does not change my view that members on the other side in both houses of the parliament do not have a clear view of how to build a proper and productive economy. I will continue to suggest that they certainly are not living in the real world or in the real commercial world, that they are behind the times in understanding what drivers are needed to make the Australian economy strong and to make Australian businesses, services and industry strong. They just do not get it.

I was talking about the lack of concern by this government to productivity and the massive increase in the number of successful unfair dismissal claims by employees since this government put its Fair Work Act through. As I said, some of the less sophisticated people on the other side of the House might want to suggest that this is simply because small business unfairly dismisses staff at a great rate of knots. I am sorry, but Senator Pratt cannot have it both ways. She cannot have a wonderful employment rate and suggest that people are being unfairly dismissed all the time by their employers. What is happening is that a minority of employees are finding a little treasure trove that takes us back to the sorts of institutionalised misbehaviours that went on before the Howard-Costello government came to office, when employers often paid do-not-come-back money to employees simply to save themselves the cost and the time involved in going to court. There is an example in today's Financial Review of a Wagga Wagga businessman, Martyn Tapfield, who has had two cases taken out by employees against him—both of which he has won. But he points out that, with the time and the stress involved, if it happens again he is likely to close his business.
productive is that for Australia! How much would anyone on the other side of the house know or care about that sort of waste, mismanagement and profligacy?

I would like to turn to one of the most unproductive aspects of this government's behaviour over the last 4½ years—in tandem with that of the Bligh Labor government in Queensland, which has managed to end up with a downgrade on its credit rating despite record earnings from royalties from the mining industry. In terms of waste, mismanagement and profligacy the two of them deserve to be in the same bucket. Let us look at the Bruce Highway, which is the main highway running through Queensland—the main source of productive distribution of products within Queensland—and what has happened to it as a result of the many floods and cyclones we have had recently. If it were a one-in-100-year flood or cyclone, fine; you would expect problems with the highway. But that is not how it is in Queensland with the Bruce Highway. Earlier this month, the Bruce Highway was cut in three places south of Gympie. For those who do not understand Queensland geography, this is close to the major heartland of distribution throughout Queensland. From south-east Queensland to Townsville and through Gympie is one of the major traffic areas in Queensland for distributing items of transport.

I was driving from Cairns to Innisfail earlier this year. It had not rained. In fact, people were pleased that it had not rained and that a cyclone was not on the cards. But there were the flashing signs on the Bruce Highway telling you where the closures were going to be—where the road, the national highway between Brisbane and Cairns, was going to be down to a single lane. If you travelled it three or four months after the cyclones—

Senator Faulkner: They should have been on the Hume Highway last night, like I was. At Marulan there was an 18-kilometre traffic jam.

Senator BOYCE: I will take that interjection. An 18-kilometre traffic jam might be preferable to 20 or 30 road closures with the highway being reduced to a single lane, which increased the time for a truck to travel from Brisbane to Cairns by more than 30 per cent. This is not just a one-off problem; this is an ongoing problem. Once again, this government just does not get what it is that will create hope, reward and opportunity.

Senator FAULKNER (New South Wales) (16:41): Today the business of the Senate—in fact, an hour of the Senate’s very valuable time—is being used to promote the Liberal Party of Australia's new advertising catchcry and slogan about hope, reward and opportunity. I do predict that this debate will receive precisely no publicity. It will not be reported in tomorrow’s newspapers, because, frankly, this is such an amateurish exercise from the opposition. It is just so banal. Just think: some spivvy advertising spin merchant from the Liberal Party of Australia has thumbed their way through Roget’s Thesaurus and pulled out three words, I assume at random, and attached them to the Liberal Party to give it this new whiz-bang advertising catchcry: hope, reward and opportunity. How cliched can you get! It is so unimaginative—even for the Liberal Party. Just as easily, the same Liberal spin merchant could probably have taken some time off from trying to sell the Sydney Harbour Bridge to some poor, unsuspecting tourist and might have come up with three better words to encapsulate the contemporary Liberal Party and its approach to politics. We have not had that effort put in by anyone from the Liberal Party, so of course I am here to help.
The antonyms for 'hope', 'reward' and 'opportunity' seem to fit the bill. I think I can sum it up quite easily for the Liberal Party. This is what I think that they stand for: not hope, but hopeless. The dictionary definition is along these lines: providing no hope; desperate; not able to learn or act or perform as desired. That sounds like the Liberal Party to me. Not reward, but punishment; severe handling or treatment; or subject to pain, loss and confinement; and so forth. Again, it sounds like the Liberals to me. Not opportunity, but misfortune. Think about misfortune—adverse fortune, mischance or mishap—does that not also ring true of the opposition?

I think it is worthwhile looking at this new advertising slogan from the Liberals. I do not think there is any doubt that they are hopeless. There was the $70 billion black hole, cooked up by the three stooges of Liberal Party economic policy. Remember all those leaked internal minutes from the shadow ministry that revealed how the opposition planned to make up $70 billion in cuts to vital services over four years to pay for this growing list of promises. That is hopeless. Mr Abbott himself pointed out how abysmal the opposition is at handling the field of foreign affairs, commending Mr Josh Frydenberg of all people as the only Liberal MP who understood foreign policy. That is hopeless. The opposition opposed measures that protected Australia from the worst effects of the global financial crisis and kept over 200,000 Australians in work. They opposed it. That was hopeless on their part. Mr Abbott, of course, is really committed to three-word slogans. We know that he believes a three-word slogan is an effective substitute for policy: 'stop the boats' is yet another example. He thinks that is an effective policy for dealing with the issue of asylum seekers. That is hopeless, too.

You really get to grips with the Liberal Party when you look at punishment, not reward. Punishment, they love it. They love being punishers; they love beating up on people, particularly the defenceless. What would the Liberals do if elected? They would bring back Work Choices; they would strip away basic workplace protections again; cut penalty rates, overtime, holiday, shift allowances and meal breaks. That is not reward; it is punishment. What about the automotive industry? The Liberals would slash vital support there as well, costing 46,000 jobs. That is not reward; it is the sort of punishment that the Liberals like. The Liberals would rip up the National Broadband Network, punishing Australians again with a substandard and costly internet service.

What else would the Liberals do? They would punish struggling borrowers by saying 'no' to the banning of exit fees on home mortgages by banks. The Liberals are determined to punish Australians by saying 'no' to Medicare, 'no' to national health reform, 'no' to public hospital funding. The opposition would also want to punish students, not reward them, by scrapping the Computers for Schools program and trade training centres. They would really enjoy doing that. That is not reward; it is punishment.

Then there is misfortune: the adverse fortune and missed opportunities Australians would face if we ever experienced an Abbott government. It would be 'no' to pricing carbon and missing the opportunity to finally taking action on climate change. In fact, Mr Abbott, as we know, thinks that climate change is 'absolute crap'. He is missing the opportunities of the mining boom by not giving Australians a fair share of our country's mineral wealth. He is missing the opportunity to increase contributions to
individual superannuation funds and cutting the company tax rate. And so it goes on.

How trite to use the valuable time of the Senate as a sounding board for the latest Liberal Party slogan. How disrespectful of the Senate that is and how contemptuous of the proper role of the Australian parliament. You can see it now: some snake-oil salesman from the Liberal Party shovelled away in some advertising agency—some slick, trendoid, pinstripe suited, bow-tied individual—coming up with these three words to try to switch the political play from negative, which of course characterises Mr Abbott and the opposition, to a couple of positive words. They were rifling through the dictionary, rifling through the thesaurus, to see what they could come up with. My suggestion to this person is: try to do a bit better than that. It is abysmal.

The ACTING DEPUTY PRESIDENT (Senator Fisher): Order! The time for the discussion has expired.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Fisher) (16:52): Pursuant to standing orders, I present the following documents which were presented to the Deputy President and a temporary chair of committees after the Senate adjourned on 1 March 2012. In accordance with the terms of the standing orders, the publication of the documents was authorised:

(a) Government response to parliamentary committee report

Community Affairs References Committee—Report—Professional Services Review Scheme (received 6 March 2012)

(b) Letters of advice relating to the Senate order on contracts:

- Foreign Affairs and Trade portfolio (received 6 March 2012)
- Agriculture, Fisheries and Forestry portfolio (received 6 March 2012)
- Sustainability, Environment, Water, Population and Communities portfolio (received 6 March 2012)

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

The document read as follows—

Government response to the Senate Community Affairs References Committee Review of the Professional Services Review (PSR) Scheme

Recommendation 1

The committee emphasises the importance of communicating the methodology utilised by Medicare Australia to the wider medical community. The committee recommends that Medicare Australia publish its current auditing methodology and any subsequent improvements to the methodology as they come on stream.

Response

Accepted

The Department of Human Services (DHS) currently describes its risk based audit methodology in its annual publication of the Health and Aged Care Compliance Program (the Compliance Program). The Compliance Program provides information on DHS’ compliance approach including:

- Risk identification and assessment methods;
- Education and support;
- Audit and investigation activities;
- Stakeholder engagement; and

Key areas of focus and priorities for compliance activities.

DHS will ensure that any changes or improvements to its audit methodology will be published in the annual Compliance Program and relevant stakeholders across the wider medical community will be informed through stakeholder engagement activities.
Recommendation 2
The committee recommends that agencies involved in health policy and regulation review their online information policies and procedures to ensure that changes in important information, regulations and policies affecting stakeholders are regularly updated on agency web pages.

Response
Accepted
Relevant Government agencies will review the information on their web pages and update accordingly.

Recommendation 3
The committee recommends that there be a simplification of the ways in which official lists of professions, specialties and sub-specialties are constructed. It recommends that, at a minimum, all bodies that use lists with a statutory basis be required to publish only the current version of such a list.

Response
Accepted
Relevant Government agencies will work together to explore ways of reducing the complexity of the lists of professional specialties and sub-specialties.

Recommendation 4
The committee recommends that the March 2011 changes be reviewed one year after their implementation and this should be carried out in consultation with all relevant medical professional bodies, and other key stakeholders such as the MDOs and consumer representative organisations. The findings of the review should be publicly available.

Response
Accepted
The Professional Services Review Advisory Committee (PSRAC) will review the March 2011 Guidelines after one year of their implementation.

The Committee recommends that the government liaise further with stakeholders to ascertain the desirability for a legally qualified person to be involved in the PSR process.

Response
Accepted
DoHA will undertake a review of the legislation following the PSRAC review of the Guidelines to examine the capacity of the PSR to consider inappropriate practice as affected by different employment structures.

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:52): by leave—I move:
That consideration of the government response to a committee report just tabled be listed on the Notice Paper as a separate order of the day.

Question agreed to.

Responses to Senate Resolutions Tabling
The ACTING DEPUTY PRESIDENT (Senator Fisher) (16:52): I present a
response from the Charge d'Affaires, a.i. (Jawdat Ali), Embassy of the Syrian Arab Republic, to a resolution of the Senate of 9 February 2012 concerning Syria.

COMMITTEES
Finance and Public Administration Legislation Committee
National Broadband Network Committee
Rural and Regional Affairs and Transport Legislation Committee
Rural and Regional Affairs and Transport References Committee
Fuel and Energy Select Committee
Scrutiny of New Taxes Committee

Government Response to Report

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (16:53): I present government responses to committee reports as listed at item 15(b) on today's Order of Business. In accordance with the usual practice, I seek leave to have the documents incorporated in Hansard.

Leave granted.

The documents read as follows—

Government Response to the Senate Standing Committee on Finance and Public Administration

Annual reports (No. 1 of 2008)

Recommendation 1

The committee recommends that the government implement the committee's updated 2005 recommendations regarding the publication of an annual report on government advertising expenditure.

Responses to updated recommendations 10 to 12 of the Finance and Public Administration References Committee, Government Advertising and Accountability Report, December 2005

Updated Recommendation 10

The Committee recommends that the Department of Finance and Deregulation publish an annual report on government advertising, commencing in 2007-08. The annual report should be modelled on the Annual Report on the Government of Canada's Advertising Activities 2003-04. It should include:

- a total figure for government expenditure on advertising activities;
- total figures by agency for expenditure on advertising activities;
- figures for expenditure on media placement by type and media placement by month; and
- detailed information about major campaigns, including a statement of the objectives of the campaign, the target audience, a detailed breakdown of media placement, evaluation of the campaign including information about the methodology used and the measurable results, and a breakdown of the costs into 'production', 'media placement' and 'evaluation research'.

Response

Agreed in principle. Following the introduction of new advertising guidelines in July 2008, and updated guidelines in March 2010, Finance has published five reports related to campaign advertising expenditure.

Three of these reports were Half Year Reports on Campaign Advertising by Australian Government Departments and Agencies, covering media expenditure costs for campaigns that ran during the first six months of a financial year (from 1 July to 31 December). The first report was tabled in March 2009.

The remaining two reports were Full Year Reports on Campaign Advertising by Australian Government Departments and Agencies, covering both direct campaign advertising expenditure and associated indirect expenditure such as campaign research, consultancy services and other costs. The Full Year reports provide a summary of individual campaigns in terms of target audiences and campaign objectives. Full Year Reports cover the period 1 July to 30 June in each financial year and the most recent was tabled in October 2010.
Updated Recommendation 11
The Committee recommends that from 2007-08, the annual reports of each government agency must include:
- a total figure for the agency's advertising expenditure; and
- a consolidated figure for the cost for each campaign managed by that agency.

Response
Agreed in principle, but at a whole of government level. This recommendation will be delivered as Finance publishes whole of government biannual reports on Campaign Advertising by Australian Government Departments and Agencies.

Updated Recommendation 12
The Committee recommends that from 2007-08 the annual reports of each government agency must include:
- a total figure for departmental expenditure on public opinion research;
- a breakdown of the type of research, including the expenditure on research for advertising as a percentage of total research costs;
- highlights of key research projects; and
- a listing of research firms used by business volume.

Response
Agreed in part. The full year report on campaign advertising includes information on the campaign research costs, the research firms involved as well as other campaign related costs.

Recommendation 2
The committee recommends that the government comply with the Senate Order relating to agency advertising and public information projects of 29 October 2003.

Response
See response to Recommendation 1, in particular, the response to updated Recommendation 10 of the Committee's 2005 Report.

Recommendation 3
The committee recommends that Centrelink review its current outcome and output structure with a view to their modification to better reflect the comprehensive nature of Centrelink's operations and functions.

Response
The recommendation is superseded by the review of financial structures in the lead up to integration of the Department of Human Services.

Recommendation 4
The committee recommends that the Australian River Company Limited provide the committee (on a confidential basis if necessary) with a written explanation as to:
- what issues have prevented the completion of the deliberations;
- when the Australian River Company expects the deliberations to sell the company will be finalised; and
- why it has not been possible to wind up the company on a commercially supportable basis since May 2002.

Response
The Australian River Co. Limited (ARCo) was created to hold the residual assets and liabilities of the Australian National Line group (ANL), formerly the Australian Shipping Commission, which were not able to be included in the Government's sale in 1998-99 of most of the ANL operations.

Since May 2002 ARCo has operated under a 'charter' from the Government (represented by the Minister responsible for the 'Finance' portfolio) to manage the remaining operations of the company with a view to winding it down at the earliest opportunity on a commercially supportable basis, including the pursuit of any sale opportunities.

In 2004-05 the then Board was able to complete the sale to Patrick Shipping Pty Ltd of two 'roll on / roll off' vessels operating across the Bass Strait. The net profit on the sale of approximately $2.3m was paid to the Commonwealth as a dividend. SeaRoad Holdings Pty Ltd continues to operate these vessels between Melbourne and Devonport.
A wind down of ARCo's remaining operations must deal with two separate and largely unrelated aspects of the residual assets and liabilities. In both cases characteristics which would have influenced the original exclusion from a commercial sale remain relevant.

The first aspect is the appropriate future management of insurance settlements for ARCo's ongoing legal liability to former employees of ANL for the period 1946 to 1997. The ARCo annual report for the year to 30 November 2010 shows a gross provision for these claims of $18.9m based on an annually updated actuarial review of the company's claims exposure going forward. When ARCo's insurance arrangements are taken into account, the net provision reported in November 2010 is an estimated $3.6m. The actuarial review notes that some claims may take up to 40 years to settle. The potential for asbestos related disease is a factor in this analysis.

This insurance liability for former employees is largely covered by long standing insurance agreements which could not be expected to be replaced on favourable terms. Continuation of this insurance policy cover is dependent on the workers' compensation liability remaining with ARCo. This effectively precludes alternative arrangements involving a liquidation of the company, such as a transfer of the liability to the Commonwealth insurer Comcare, from being commercially supportable at this time. The uncertainty and sensitivity surrounding the liability, with its exposure to asbestos disease, means that a disposal of ARCo shares by the Commonwealth that includes the necessary safeguards for former ANL employees would necessarily be on terms unattractive to the Commonwealth.

The second aspect is the future of the two remaining vessels owned by ARCo and operated between Weipa and Gladstone by Queensland Alumina Limited (QAL) on a yearly renewable charter basis. These bulk ore carriers, the River Boyne and the River Embley, were specifically designed for this task, including a shallow draught for operation within the Great Barrier Reef, and the use of coal fired turbine propulsion, now virtually unique in commercial maritime operations. Two similar ships, which together with the ARCo owned ships were dedicated to the Weipa I Gladstone operation, were recently retired and sold for scrap.

The ARCo Board was restructured in 2007, with two of the three positions being filled with senior executives of the Department of Finance and Deregulation, The Board continued to explore the divestment option for both the company's legal liabilities and the two remaining ships. As a result of this process, the Board has concluded that the retention of the net insurance liabilities within the legal entity of ARCo, and the retention and continued operation of the ships until the end of their economic lives with QAL (expected to be in 2012-13), is the appropriate commercial course for the company. The Board considers this optimises the Commonwealth's financial position and other risks in relation to its ARCo shareholding.

The Government has agreed to an ARCo wind down strategy that involves the sale of the two ore carriers in 2012-13, with the expectation that this will reflect scrap value. This has been the long-standing basis for valuation of the vessels, reflecting the realities of the ships' role and configuration. The administration of the workers' compensation liability will continue for the foreseeable future under the existing insurance arrangements and through the entity of ARCo under Commonwealth ownership.

Following the sale of the ships and the crystallisation of ARCo's financial position, the Government will determine in consultation with the Board, the dividends payable to the Commonwealth and the financial and governance arrangements appropriate for the administration of the insurance settlements process going forward. It is expected that the long standing practice of contracting this role to the private sector under broad ARCo Board supervision will continue. It is also anticipated that the use of the ARCo entity under Commonwealth ownership to manage the insurance settlements would be subject to periodic review having regard to changes in the claims portfolio, the insurance arrangements or the regulatory framework.

Recommendation 5

The committee recommends that the Australian River Company Limited provide a
comprehensive description of its principal activities in all future annual reports.

Response
ARCo has taken the committee's recommendations into consideration in preparing its subsequent annual reports, including reporting on the progress made regarding divestment of assets and future management of residual liabilities. The 2010-11 report will include the strategy referred to in the response to Recommendation 4.

Recommendation 6
The committee recommends that the Australian River Company Limited provide the committee with an explanation as to:

what measures were taken to ensure that there was no real or perceived conflict of interest in the appointment of the Secretary; and on the basis upon which the Australian River Company Limited made the decision to pay for the services of a company in which an Australian River Company Limited Director is a shareholder and director.

Response
The ARCo Company Secretary was an employee of ANL Container Lines Pty Ltd (ANLCL). ANLCL was contracted by ARCo to provide management, secretariat and financial reporting services, including administration of the insurance settlements process. At the time the contract was signed, ARCo analysed the different industry sectors in which the two companies operated (bulk carrier transport for ARCo and container transport for ANLCL) and formed the view that the interests of ANLCL and ARCo were not in conflict. As a result, ARCo does not consider that there is any actual or perceived conflict of interest in this arrangement. If such a conflict had emerged the arrangement would have been reviewed.

For commercial reasons only, there has been a change in the contract allocation, with ASP Ship Management Pty Ltd currently providing these services. ARCo is satisfied there is no actual or perceived conflict of interest in this arrangement.

In relation to services purchased by ARCo from a company in which an ARCo Director is a shareholder and director, at the time the decision was made to purchase these services, they were expected to be minor in extent and cost and uncertain in relation to scope and nature. In these circumstances ARCo considered that the interests of the company would best be served by purchasing the services as and when required directly from Acton Corporate Partners Limited (Acton Partners). ARCo considered that this would most likely deliver best value for money for the company. The ARCo director that had an ownership interest in Acton Partners was excluded from all deliberations relating to the engagement.

Recommendation 7
The committee recommends that:

- all agencies review the level of detail provided in their annual reports in order to fully comply with the reporting requirements under section 516A of the Environment Protection and Biodiversity Conservation Act 1999.
- agencies, where appropriate, adopt the practice of reporting on environmental impacts and mitigation measures as outlined in the 2006-07 annual reports of the Department of Parliamentary Services and the Department of Health and Ageing.

Response
Departmental annual reports must be prepared in accordance with guidelines approved on behalf of the Parliament by the Joint Committee of Public Accounts and Audit (JCPAA).

The 2009 Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999 (the Review) recommended that the requirements for section 516A reporting be amended to provide more detail to government agencies regarding the type of information that should be reported and to give the reporting requirements greater force. The government response to the Review agrees to amend the Act to allow the minister to specify the requirements for this reporting in regulations under the amended Act. This will provide further guidance in order to improve the quality of reporting and the community's understanding of Commonwealth actions to contribute to improved sustainability. Consistent with its election
commitment, the government will introduce amendments to the Parliament in 2012.

**Joint Committee on the National Broadband Network**

**Review of the Rollout of the National Broadband Network**

**First Report**

**Australian Government Response to the Committee's First Report of 31 August 2011**

**February 2012**

**INTRODUCTION**

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

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

The Committee's first report was informed by four public hearings held in a number of locations throughout Australia, and public consultation which attracted twenty one submissions and eleven exhibits. As part of the review the Committee also conducted two infrastructure inspections in Broken Hill and Melbourne on 27 and 28 July 2011. On 31 August 2011, the Committee tabled its first report, entitled Review of the Rollout of the National Broadband Network. The report made five recommendations ranging across: future reporting arrangements; government readiness to take advantage of the NBN; the impact of the Definitive Agreement process on timing of the rollout; the expected productivity, jobs and competitive benefits of the NBN; and timeframes for regional and remote rollout and satellite service levels. The Committee has since released its second report on the rollout of the NBN to the Parliament on 24 November 2011, to which the government will provide a separate response.

**BACKGROUND**

The Australian Government believes that access to affordable, high-speed broadband is increasingly essential to the way Australians communicate and do business. It will help drive productivity, improve education and health service delivery and connect our cities and regional centres.

The Australian Government has established NBN Co to design, build and operate a new high-speed NBN. The NBN will be the single largest infrastructure investment made by an Australian Government and will be accompanied by historic reforms to the telecommunications sector. The NBN is about more than having a faster internet connection. The productivity gains associated with this investment will mean that the full benefits will continue to flow for decades beyond the completion of the project.

NBN Co's central objectives, as set out by the government are to:
- deliver significant improvements in broadband service quality to all Australians;
- address the lack of high-speed broadband in Australia, particularly outside metropolitan areas, and
- reshape the telecommunications sector.

In implementing the government's policy initiative, NBN Co's specific objectives include:
- providing access to broadband to 100 per cent of Australian addressable premises;
- connecting 93 per cent of homes, schools and businesses with a high-speed fibre network capable of providing NBN Co's retail service...
provider customers with download speeds of up to 100 megabits per second (Mbps)* at the wholesale level. As outlined in the Statement of Expectations, the government expects NBN Co to upgrade the NBN. NBN Co expects future services over the upgraded fibre network to enable wholesale download speeds of up to 1 gigabit per second (Gbps) within the fibre footprint

- serving all remaining premises by a combination of leading edge fixed-wireless and satellite technologies capable of providing NBN Co's retail service provider customers with peak download speeds of up to 12 Mbps at the wholesale level*
- establishing a wholesale-only, open-access network, subject to Australian Competition and Consumer Commission (ACCC) scrutiny, to support the government's objective of structural market reform
- offering open and equivalent access to wholesale services via Layer 2 bitstream services, which in time will help enable multi-operator delivery of data, voice and video services
- charging retail service provider customers uniform national wholesale pricing within technologies and uniform national entry level pricing across technologies consistent with the government objective of providing uniform national wholesale prices. Where new technologies become available, NBN Co will seek to maintain this principle.

The NBN will be Australia's first national, wholesale-only, open access broadband network offering equivalent terms and conditions to all access seekers. This means NBN Co will roll out the network and sell wholesale services to retail service providers, who will then provide services to end users. This represents a significant structural change in the

telecommunications industry and will support vibrant retail competition. The NBN will be built and operated on a commercial basis, at arm's-length from government, by NBN Co.

AUSTRALIAN GOVERNMENT RESPONSE

The Australian government has considered the Committee's first report and provides the following response to the recommendations.

Recommendation 1

The committee recommends that NBN Co together with the Department of Broadband, Communications and the Digital Economy, commencing for the first quarter 2011-2012, provide a six-monthly report on the progress of the rollout of the National Broadband Network, using established Key Performance Indicators and performance measures, no later than three months before the committee is due to report to the Parliament.

The government supports this recommendation and submitted its first report to the Committee on 23 September 2011.

The government will submit six-monthly reports to the Committee and adopt this reporting pattern on an ongoing basis. The reports will provide quantitative and qualitative advice outlining NBN Co's key performance information across the following areas:

- progress on the rollout
- deployment and installation
- take up rates
- key financial information: profit and loss statement; balance sheet; cash flow statement; and cash flow reconciliation
- quality of service including service levels and faults
- industry and consumer consultation including complaint handling
- issues associated with health, safety and environment.

The information provided to the Committee will become more meaningful as the rollout progresses and more premises are connected and as NBN Co's operating and business systems come online during 2012.

Recommendation 2

The committee recommends that Government agencies take measures to ensure they are ready for the rollout of the National Broadband
Network (NBN), prior to receiving and working with the NBN for service delivery.

The government supports this recommendation.

The government outlined its vision for the NBN-disabled digital economy in its release of the National Digital Economy Strategy, including the goal that by 2020, four out of five Australians will choose to engage with the government through the internet or other type of online service.

Significant progress is already being made in Australia to expand delivery of government services and programs online. Recently, the government released a draft Strategic Vision for Information and Communications Technology (ICT) that outlines a long term plan for the government's use of ICT to support increased public sector productivity.

The Strategic Vision for ICT and its implementation will include measures to ensure that government agencies are ready for the rollout of the NBN.

In addition to this the government has announced several new initiatives to advance the digital economy goals outlined in the National Digital Economy Strategy. A number of these initiatives relate to government services delivery including:

- Whole of Government Service Delivery Reform - the government is undertaking investigation and testing of some preliminary developments to improve people's ease of use and access across government services. The government will examine service delivery reforms that will enable individuals to manage their government transactions and personal information via a single on-line account and provide the basis for a range of new services. It is expected that the NBN will allow greater flexibility and long-term adoption of innovative interactive experiences between the public and government that can be linked to Whole of Government Service Delivery Reforms.

- Service Delivery Reform - to ensure government service delivery is modern and flexible, the government has committed to Service Delivery Reform initiatives within the Human Services portfolio that will transform the way people receive services and interact with government. Over time, this work may leverage the NBN through the increased use of real-time interactive customer service tools, including, for example, using the voice-over the Internet protocol (VOIP) and high-definition video conferencing to access services in regional and remote areas of Australia.

- Digital Local Government program - to assist local governments to deliver innovative online services - in particular to homes and businesses, the Digital Local Government program will provide funding to local governments in communities that first benefit from the NBN. The program encourages the development of online services that are repeatable and scalable, and that other local governments across Australia can adapt for their purposes.

- Telehealth Trials - to support Australia's health system to effectively integrate digital technologies and broadband-delivered services to drive efficiency, improve patient outcomes and temper the rate of growth in hospital and other admissions, the government will conduct two Telehealth trials. One trial will occur in Armidale and Kiama and focus on the delivery of high-quality NBN-enabled telehealth services to older Australians living at home with chronic medical conditions. The other trial will be conducted in Townsville and will deliver high-quality monitoring and video-conferencing services to people suffering type 2 diabetes.

- NBN Enabled Telehealth Pilots Program —to support the provision of high quality health care services, particularly aged care, cancer care and palliative care services, utilising NBN-enabled telehealth services to the home. By providing better access to health services to homes within NBN early release sites, this $20.6 million program will investigate and demonstrate opportunities for the extension of telehealth services in the future and the business case for doing so.
- NBN Regional Legal Assistance program - to demonstrate the ability of NBN-based collaborative activities to strengthen and improve access to legal assistance services for people living in regional Australia and support professional staff delivering these services.

- NBN-Enabled Education and Skills Services program - to support the goal of expanded online education, the four year $27.2 million NBN-enabled education and skills services program will support the development and trialling of innovative online and interactive education and skills services that take advantage of the high-speed broadband connections made available through the NBN. This program will contribute to the development of services that connect teachers and learners to increase access to information and enhance collaboration; to address skills shortages, and improve teaching and learning experiences as well as improving professional development, enhancing community links, and facilitating workplace training to improve workplace productivity. This program is complemented by the work undertaken through the Australian Flexible Learning Framework with $1 million provided to support the development of NBN e-learning programs.

**Recommendation 3**

The committee recommends that NBN Co Limited publish a detailed account of impacts on timing and cost of the National Broadband Network as a result of the time taken and resources used to complete the Binding Definitive Agreements between NBN Co and Telstra and NBN Co and Optus, and the decision to increase the number of Points of Interconnect from 14 to 121.

The government notes this recommendation.

The Definitive Agreements between NBN Co and Telstra and NBN Co and Optus are currently being scrutinised by the ACCC and are therefore not yet finalised.

At the time that NBN Co's 2011-2013 Corporate Plan was finalised, there were a number of issues which — due to their complexity — had implications that could not fully be anticipated. These issues included the time needed to finalise the Definitive Agreements, the impact of the government's acceptance of the agreement between NBN Co and the ACCC to have 121 points of interconnect and the suspension of the construction tender process.

While the agreement with Telstra was extremely complex and took longer than first anticipated, the government is confident that these agreements will protect the interests of Australian taxpayers and support the NBN rollout by providing access to existing infrastructure, minimising overhead cabling and reducing the overall costs of the NBN. Further, NBN Co will proactively manage the construction timetable over the life of the project to minimise and overcome any delays.

In line with Commonwealth Government Business Enterprise Governance and Oversight Guidelines (October 2011), NBN Co is required to submit a corporate plan to Shareholder Ministers each year. NBN Co is currently developing its second Corporate Plan 2012-15 which will take into account any impact there may be on the timing and cost of the NBN as a result of agreements with Optus and Telstra and other factors.

Following the finalisation of the agreements the government will consider the recommendation, but notes that any decision to publish details of the impacts would need to be taken following finalisation of the ACCC consideration and take into account the extent to which the legitimate commercial interests of parties, including Telstra and Optus would be compromised by publication.

**Recommendation 4**

The committee recommends that the Minister for Broadband, Communications and the Digital Economy publish a detailed statement outlining the productivity, jobs and competitive benefits of:

- the overall rollout of the National Broadband Network for the cost-efficient provision of basic broadband infrastructure for all Australians;
how competitive markets will operate at the wholesale and retail levels, with particular reference to the impact on small, existing internet service providers and other fibre deployment companies; and

the impact on wholesale and retail competition of the increase of the Points of Interconnect from 14 to 121.

The government supports this recommendation in principle and this Statement outlines those productivity, jobs and competitive benefits of the NBN. It also provides comments on how competitive markets will operate at the wholesale and retail levels, and summarises the impact on competition of the increase of Points of Interconnect from 14 to 121.

The NBN will give 100 per cent of Australian addressable premises access to high-speed* broadband and will provide the enabling infrastructure to support Australia becoming one of the world's leading digital economies by 2020. High-speed* broadband will be available to 93 per cent of Australian homes, school and business premises via fibre to the premises technology; the remaining 7 per cent of premises will be connected via a combination of leading edge fixed-wireless and satellite technologies. This represents a significant step change over broadband speeds currently experienced by users of this technology today.

The establishment of NBN Co to build and operate a National Broadband Network followed a decision by government to terminate the NBN Request for Proposals (RFP) process. The government conducted a robust open competitive process in accordance with the requirements of the RFP [and the Commonwealth Procurement Guidelines], which included rigorous analysis and evaluation of proposals, with the aim of selecting a preferred proponent to build and operate the NBN. The decision to terminate followed advice from the panel of experts that none of the national proposals submitted offered value for money for the Commonwealth against the criteria set out in the RFP. The government decided that as the private sector was unable to provide an acceptable solution for Australia's broadband needs, the government would establish NBN Co to build and operate the NBN and provide the infrastructure the economy was demanding.

With the release by NBN Co of its first 12-month construction timetable on 18 October 2011 the NBN is rapidly moving to realise tangible benefits for productivity, jobs and competition:

- NBN services are currently available in eight communities
- NBN construction is underway in 19 communities
- The 12-month plan identified 49 locations, 28 of which were new, covering approximately 485,000 premises across all states and territories where construction is expected to commence before September 2012 — with a further 63,500 premises included for where the rollout is already underway.

To remain competitive in our region as the world moves to a 21st century digital economy, Australia needs to maintain the momentum and make this investment.

The most recent OECD statistics (for June 2011) indicate that Australia is ranked 21st out of 34 countries in terms of its number of fixed broadband subscribers per 100 inhabitants.1

Other OECD statistics indicate that Australians pay more for broadband than most other OECD countries. Regarding average subscription prices (as at September 2010), Australia is:

- 3rd most expensive for low-speed connections (out of 24 countries);2
- 14th most expensive for high-speed connections (out of 33 countries); and3
- 12th most expensive for very high-speed connections (out of 28 countries).4

These OECD statistics are further evidence that Australia cannot afford not to reform industry structure and infrastructure.

The demand for higher bandwidth will continue to grow. Cisco estimates that Australia's internet traffic will grow six-fold by 2015.5 This is a compound annual growth rate of 41 per cent. Cisco says that:

When coupled with the Government's National Digital Economy Strategy, the results reveal that Australia is on the verge of a substantial evolution...
in how new jobs, businesses and even new public services will be enabled by a broadband-enabled economy7 (News Release - Cisco Visual Networking Index Forecast (2010-2015), 9 August 2011).

The latest Australian Bureau of Statistics figures indicate that fixed line networks carried 93 per cent of the data downloaded over the internet in Australia in June 2011 and fixed line downloads grew by 79.7 per cent over the 12 months between June 2010 and June 2011.8 Our telecommunications systems are increasingly relying on fixed networks to do the heavy lifting in a high growth operating environment.

The UN Broadband Commission Report released on 6 June 2011 states:

'Developing isolated projects or piecemeal, duplicated networks is not only inefficient, it delays provision of infrastructure that is becoming as crucial in the modern world as roads or electricity supplies'.

The Chief Executive of Singapore Telecommunications was reported in The Australian (10 June 2011) as supporting the competitive opportunities arising with the NBN:

'If you look at NBN in Australia, that presents an excellent opportunity for a fixed communications network ...with NBN, which will be an open access network, I think you will be able to see the entire fixed telecommunications industry reshaped and I think you'll see more competition and a lot more innovation, and with that, improved productivity for businesses and added convenience for consumers'.

Productivity benefits

The NBN is a key nation-building project; it will help drive Australia's productivity in business, education, health, and government service delivery; and improve social inclusion through fast and reliable broadband services to our cities, regional centres and rural communities.

The NBN will play a significant role in enabling new ways of doing business, participating in work, gaining an education and access to services across regional Australia and in our economy as a whole.

In a recent paper Business Innovation and the Use of Information and Communications Technology, the Australian Bureau of Statistics has analysed the effects of sophisticated information and communications technology use — which is reliant on reliable high-speed broadband — on business growth and productivity. It has concluded:

'Business innovation is regarded as a key determinant of both individual business success and national economic growth. At the micro level, business innovation has the potential to increase consumer demand through improved product or service quality and simultaneously decrease production costs. At the macro level, strong business innovation can increase multifactor productivity, thus lifting international competitiveness, economic growth and real per capita incomes. It is thus of great interest to businesses and policy makers to identify those factors which stimulate innovation and to understand how these factors interact.

We expect that ICT plays an important role as a source of business innovation because it enables closer communication and collaboration between the business and other organisations, allowing businesses to more quickly exploit opportunities for innovation. It also provides a platform from which businesses can build innovations, and provides significant efficiency gains. We find strong evidence that businesses which use ICT more intensely are more likely to innovate and furthermore, develop more types of innovation and also more novel innovations'.

The NBN will enable households to access a range of online services and participate in a range of activities simultaneously. Evidence shows that households are continuing to increase the amount of data that they consume, with the recent Australian Bureau of Statistics Internet Activity Survey as at 30 June 201110 showing there is strong and growing demand from Australians for broadband services. Evidence for this includes:

- Australians are quick to take up technology, with access for household and business internet connections increasing an estimated 80 per cent over 2007 -2010, and use of the Internet by households, business, and government more than doubling over the same period,11
- Australians continue to embrace the digital economy with the increasing adoption of social media. During June 2011, approximately 8.6 million Australians accessed social networking and user-generated content sites from home, this compares to under 8 million during June 2010.\(^{12}\)

- Australia has demonstrated a high level of broadband adoption by businesses compared to the OECD average; with 90 per cent of businesses with 10 or more employees having a broadband connection in 2007 (OECD 2010),\(^{13}\)

- 79 per cent of Australian households now have access to the internet at home — with almost all of them — 6.2 million households (73 per cent), representing almost three quarters of all Australian households — having access to broadband at home. This is an increase of over one million households with broadband from the situation in 2008-09,\(^{14}\)

- the phasing out of dial-up Internet connections, with 95 per cent of internet connections now being broadband,\(^{15}\)

- Australians continuing to access increasingly fast download speeds, with 87 per cent of access connections advertising download speeds of 1.5 megabits per second or greater,\(^{16}\)

- the number of internet subscriptions at speeds less than 1.5 Mbps has consistently decreased between September 2006 and June 2011,\(^{17}\) and

- increases in the domestic market mirror global trends in international demand growth, Global IP traffic having increased eightfold over the past five years.\(^{18}\)

The NBN will also provide opportunities and incentives for businesses to innovate in the way they provide goods and services to consumers, advertise, collaborate with business partners, and interact with customers more broadly.

As noted in the NBN Implementation Study, for Australia's small businesses (SMEs) in particular, 'fibre connectivity is a productivity enabler'.\(^{19}\) On 8 November 2011 NBN Co announced that 'as Australia's two million small businesses look at alternative ways to reach new markets, boost their efficiency, and cut costs ... NBN Co intends to offer telcos and internet service providers new high-speed* wholesale broadband services which telcos and internet service providers can tailor to the specific needs of the Small Office/Home Office (SOHO) and small business market' (News Release — NBN Co to offer new services to ISPs tailored to small business, 8 November 2011).

SMEs will be particular beneficiaries of the NBN as they are currently unable to access the high-speed fibre connections available to large businesses located in Central Business Districts. SMEs will benefit from both themselves being connected to high-speed broadband as well as their Australian customers being connected to high-speed broadband.

A McKinsey Global Institute survey of SMEs in 12 countries\(^{20}\) found that:

- SMEs utilising web technologies grew more than twice as fast as those with a minimal presence.

- On average the internet enabled a 10 per cent increase in profitability. The impact came half from increased revenues, and half from lower costs of goods sold and lower administrative costs.

The NBN will make it easier for some businesses to compete nationally, particularly in relation to projects that they would not normally compete for because it was previously geographically impractical. Increased competition is likely to deliver lower prices and other benefits to consumers.

High-speed broadband has the potential to remove barriers to online transactions and encourage more businesses and consumers to participate in online retail. A 2010 Access Economics report found that about 23 per cent of dissatisfied, and 18 per cent of dissuaded, online shoppers cite lack of speed as a factor in their dissatisfaction or failure to complete a transaction.\(^{21}\) Online retail can boost efficiencies for businesses and allow consumers to buy quality products at more affordable prices.

The NBN can also provide Australian businesses with opportunities to expand into new export markets. Businesses can set up high quality websites that act as a salesperson...
accepting orders and enquiries 24/7. Businesses that work with graphics, videos, animation and other digital media, which have large file sizes, can upload and send these products to their clients faster and more reliably, while businesses can also reduce IT costs by utilising emerging cloud computing technologies. These technologies will also encourage greater remote collaboration between businesses. The government has announced the following new initiative to support Australian businesses in maximising the benefits of the NBN:

- **Digital Enterprise program** — to enable more Australian businesses and not-for-profit organisations in communities which will first benefit from the NBN, particularly those located in non-metropolitan areas, to leverage the benefits of broadband-empowered online engagement. This initiative will assist these organisations to achieve cost savings, productivity enhancements and improved marketing through greater online engagement.

The government has also set the digital economy goal that by 2020, Australia will rank in the top five OECD countries in the portion of households that connect to broadband at home. This will deliver positive benefits for Australian families and communities in the form of improved access to business and job opportunities, health, education and government services. To help reach this goal the government has announced the following new initiative:

**Digital Hubs program** — to help more Australian households get online and to narrow the gap between Australian households and businesses in capital cities and those in regional, rural and remote Australia. Through Digital Hubs being provided in communities which will first benefit from the NBN, local residents will be able to experience the NBN and receive training to develop the digital skills necessary to participate safely and securely and have trust and confidence in the digital economy.

Evidence confirms investment in high-speed broadband delivers productivity gains. For example, The Economic Journal provides an estimate of the effect of broadband infrastructure on economic growth in the panel of OECD countries in 1996-2007, suggesting ‘...that a 10 percentage point increase in broadband penetration raised annual per capita growth by 0.9-1.5 percentage points.’

As superfast broadband penetration and use increases, and more innovative online services are developed by government agencies and the private sector, people in regional Australia will have more opportunities to access first class services delivered online to their own homes. In time, regional Australians will be accessing education, health and consumer services and employment opportunities that were previously only available to those in larger centres. The NBN will deliver economic benefits to rural and regional Australia through greater employment opportunities and better access to information and services. A 2010 Allen Consulting report found that on average a 10 per cent increase in internet connectivity increased regional output by 0.53 per cent. This is significantly greater than the 0.38 per cent increase for metropolitan areas.

The ubiquity of the NBN will allow addressable household and business premises in regional Australia to have access to high-speed* broadband services provided by retail service providers who can acquire wholesale services from NBN Co at a uniform national wholesale price. NBN Co proposes to deliver speeds on fibre of up to 1000 Mbps* downstream and 400 Mbps* upstream.

In a regional sense, NBN Co has brought forward the introduction of wireless and satellite services so that regional and rural Australia can get access to better broadband as soon as possible.

- **Teleworking**

By establishing the NBN the government will transform the way Australians work. The NBN has the potential to widen the pool of skills and talent available to all employees by making teleworking a viable option. Proximity to a physical workplace will be less important. Access Economics has found that if 10 per cent of Australian employees were to telework 50 per cent of the time, the total annual gains from teleworking would be $1.4-$1.9 billion a year.

- **Online education and training**

The NBN fibre network will change the way our education system accesses information,
collaborates and communicates, in addition to improving connections to the household for students to engage with learning institutions. Experts, academics and industry leaders are endorsing the NBN as a driver for improved learning which in turn will result in productivity benefits. For example, the Australian Information and Communications Technology in Education Committee views access to affordable high-speed broadband as essential to realising the transformative potential of ICT in education and training and hence to advancing Council of Australian Governments’ wider productivity agenda.26

Overseas experience is showing that online education can produce better results than traditional learning. Carnegie Mellon University’s Open Learning model, for example, is resulting in as much as a 50 per cent reduction in the time it takes to learn a subject, with course completion rates twice as high.27 Cornell University has established eCornell offering a wide ranging curriculum authored by an Ivy League faculty. This is just the start of an online global tertiary studies market.

A British schools study found students with broadband access in their classroom achieved better results in national tests than those without. Further to this 86 per cent of teachers believed pupils were more motivated and attentive when computers and the internet were used in class.28

This was confirmed anecdotally by Patrick Bakes, Principal of Tasmania’s Circular Head Christian School in Sinithton, the first school connected to the NBN. He said, ‘We are finding that students are engaged, they can move from one task to another much more quickly, and they can access a range of media when they are researching...’ 29

These benefits also apply to work-based training. The greater bandwidth capacity offered by the NBN will allow businesses to up-skill workers through participating in webinars and online forums or by watching online videos or utilising interactive or immersive technologies. Workers can engage in online learning to access specialised courses being run in different locations without the need of the financial and time cost to businesses of travel.

Online training programs can also offer unemployed jobseekers the opportunity to develop the skills and knowledge that will help them get back into the workforce faster.

- Health services

The NBN will support health reform and has the potential to raise productivity in the health sector through more timely diagnosis, treatment and monitoring of patients. Video conferencing technologies will mean that specialist doctors can assess patients in regional and rural locations without the need for time-consuming travel. Remote diagnosis and home-care may also reduce the need for people to travel to hospitals. Higher bandwidth will allow reliable, faster transfer of high definition images and videos, which will enable clinicians to collaborate and consult on diagnosis and care for their patients. Reliable and ubiquitous broadband will also facilitate better access to the personally controlled electronic health record system. eHealth and telehealth, supported by access to fast, reliable broadband, are key enablers of health reform, and essential in addressing the increasing burden of an ageing population and rising levels of chronic disease in the Australian health system.

The NBN rollout has already sparked the development of new applications in the delivery of health services. Trials are underway in a number of areas to first benefit from the NBN and include the monitoring and in-home treatment of various ailments. For example, an Australian-developed health solution that can be delivered over the NBN was showcased at the 29 July 2011 launch of the Kiama first release site. Developed by Neuroscience Research Australia (NeuRA), the application is delivered via broadband to the home and has the potential to help decrease the incidence of injury among the elderly caused by falls. The 1 September 2011 launch of the Townsville first release site also showcased ways that the NBN will provide the connectivity to allow telehealth to become part of the primary healthcare system between a patient at home and their GP in profiling an application to assist people living with diabetes.

- Government services

The NBN also offers significant opportunities to increase productivity and reduce costs for the
delivery of government services. PricewaterhouseCoopers has found the average cost of an online transaction in the UK was £0.08 (about $A0.12), compared to £10.53 (about $A16) for face-to-face transactions, £3.39 (about $A5.15) for telephone engagement and £12.10 ($A 18.40) for engagement by mail.30

Video conferencing and telepresence can be used in meetings and stakeholder consultation, reducing the need for travel. Shared platforms through cloud computing could enhance the quality, timeliness and variety of government services available, as well as reducing the time and cost of government agencies developing their own platforms. Faster, more reliable broadband will also help speed up the resolution of government enquiries and transactions.

Jobs benefits

The NBN is the national infrastructure project that will form the basis of Australia's prosperity in the information economy. The government established NBN Co Limited to design, build and operate the nation’s new high-speed* National Broadband Network, a process that will create jobs in upstream industries as new applications are developed to utilise the network, as well as create new jobs in related sectors supplying to NBN Co and its subcontractors in the construction, manufacturing, IT and telecommunications industries.

NBN Co projects that between 16 000 and 18 000 construction jobs alone will be created at the peak of the rollout. At 30 September 2011, NBN Co employed 1170 people. This number is likely to grow to 2000 direct employees over the life of the rollout.

On 20 December 2010, the government publicly released its Statement of Expectations to NBN Co. The document highlighted the government's expectation that NBN Co will actively promote opportunities for small and medium enterprises to participate fully in this project in meaningful and continuing ways. In support of this, NBN Co is working with the Industry Capability Network—a government funded web portal set up to put builders of major projects and buyers of industry goods and services in touch with potential suppliers—to help regional businesses find contracts within the project.

Australian companies have already been contracted to assist with the rollout of the NBN. On 17 January 2011, NBN Co awarded three equipment contracts worth over $1.6 billion to Australian located companies to supply passive network infrastructure to build the NBN during the next five years. On 15 November 2011, NBN Co announced contracts worth up to $635 million over the next five years to six companies operating in Australia to provide an array of equipment for installation in homes and businesses as part of an NBN connection. Corning Cable Systems, which was awarded an equipment contract with NBN Co, is also expected to add 300 to 400 new staff over the next couple of years as a result of its NBN deal.

NBN Co has also recently entered into a number of significant construction agreements which pave the way for the large scale deployment of NBN optic fibre. For example:

- in June 2011 NBN Co entered into a ten-year contract with Ericsson (which already has a large Australian presence) worth up to $1.1 billion to design, build and operate a 4G fixed-wireless network to serve premises outside the fibre footprint in regional and rural Australia
- in June 2011, NBN Co signed construction contracts with Silcar to begin rolling out the NBN in Queensland, New South Wales and the ACT
- in September 2011, NBN Co announced agreements with Transfield Services for the rollout of the NBN in Victoria, and Syntheo (a Lend Lease/Service Stream joint venture) for work in Western Australia
- in November 2011, NBN Co signed construction contracts with Syntheo to begin rolling out the NBN in South Australia and the Northern Territory.

The process adopted by NBN Co to engage multiple contractors and civil works vendors in a project of this scale, ‘help[s] create competitive tension between suppliers to drive productivity improvements and bring costs down’.31

The rollout of the NBN will also provide opportunities for upstream industries, for example, the NBN has stimulated job growth in the research and development sector. The
Institute for a Broadband Enabled Society, a cross-disciplinary research institute dedicated to products, services, and innovations that maximise the benefit of new broadband technologies to Australian society, was established in 2009 in the wake of the NBN announcement.

This institute grants PhD scholarships and employs researchers such that in 2010-11, 169 Melbourne University researchers and 46 external collaborators contributed to the Institute's research.

The government is also committed to ensuring there is a well trained and accredited workforce for Australia's largest infrastructure project. The Department of Employment, Education and Workplace Relations (DEEWR) is working with the Department of Broadband, Communications and the Digital Economy (DBCDE) and industry stakeholders including NBN Co to identify the employment opportunities for job seekers associated with the NBN rollout.

DEEWR will support NBN Co to bring together Second Release Site Principal Contractors, State Government and Commonwealth representatives, including Local Employment Coordinators and Regional Education, Skills and Jobs Coordinators, to develop a coordinated state and regional approach to working together. This will ensure that employment and training opportunities created by the NBN rollout are identified and can be maximised for job seekers and existing workers.

In addition, in support of the Definitive Agreements between Telstra and NBN Co, the government has entered into an agreement with Telstra to provide funding of $100 million to assist it in the retraining and redeployment of Telstra staff affected by reforms to the structure of the telecommunications industry, including to enable their transition to employment in deploying and supporting a fibre network.

The funding will ensure that Telstra's workforce, including technicians and engineers, is appropriately skilled. This will contribute to the level of skilled and experienced workers available for the rollout of the NBN.

Under the Retraining Deed, Telstra will give priority to retraining staff who currently work on the copper and hybrid fibre-coaxial (HFC) networks and staff whose roles are linked to supporting the copper and HFC networks, including the wholesale copper workforce and the direct field support workforce. Telstra will give priority to retraining these employees in NBN related technical, process and system activities.

The rollout of the NBN will also assist in developing new and wider workforce opportunities in regional areas in the sectors of health and education, and with the greater use of new online markets. In the health sector, the growth of the digital economy is providing new opportunities to train world class doctors for regional Australia. The University of New England's (UNE) partnership with University of California's Irvine School of Medicine will connect health care professionals in regional areas with world class medical teaching institutions via broadband to share teaching resources and share simulation facilities. Fast broadband enables high-speed data exchange, meaning health care students will now have access to resources that would otherwise be impossible to access in regional Australia.

Competition benefits

One of the government's key policy objectives in establishing the NBN is to address the structural problems in the Australian telecommunications industry which have hindered the development of effective competition and better outcomes for consumers.

By establishing the NBN as an open access platform and providing uniform national wholesale pricing the government has enabled the telecommunications sector to provide more competitive and innovative services to Australian consumers. The structural separation of Telstra's copper customer network and its HFC network will be achieved through Telstra's Structural Separation Undertaking and Migration Plan (subject to approval by the ACCC) and the progressive migration of customer services to the NBN. As Graeme Samuel, then ACCC Chairman, confirmed in a speech delivered in April 2011, 'this provides the opportunity to remedy the errors of the past, reshape the industry and ensure that the underlying structural foundations encourage
investment and competition as we transition to the NBN'.

As a result, Australia will have a wholesale-only fibre network that will connect homes and businesses across the country. This network will not be controlled by any retail company. The resulting separation between the network provider and retail providers will mean better and fairer access for service providers, regardless of size, and greater retail competition and better services for consumers and businesses.

To ensure that there is robust retail competition, the NBN is subject to company-specific legislation to ensure it operates now and into the future on an open-access, non-discriminatory and wholesale only basis and that it is subject to close scrutiny by the ACCC. As Graeme Samuel said As we transition to the NBN the framework is now in place to make a major break from the past and remove underlying structural impediments to investment and competition development in the telecommunications industry. The structural separation of Telstra and NBN Co being a wholesale only provider could go a long way towards delivering the more competitive telecommunications sector that was envisaged when the industry was first opened up to competition'.

The competitive benefits of the NBN are emerging. As Australia's first national, wholesale-only, open access fixed-line network, the NBN will provide a platform for more vigorous competition between retail service providers, leading to better and more choice for consumers and businesses. Australia's prices are currently high by international standards. Strong retail competition will put downward pressure on prices.

On 30 November 2011, following extensive consultation with industry, NBN Co released an executable version of its Wholesale Broadband Agreement (WBA). As of December 2011, Aardvark Internet, AARNet, Ace Internet Services, Adam Internet, Club Telco, Eftel, Engin, EscapeNet, Exetel, iNet, Internode, Internet Solutions, iPrimus, mVoice, North Queensland Telecom, NuSkope, Optus, Redback Communications, Rivertel, SkyMesh, Telstra and Westnet were listed on NBN Co's website as active certified service providers in first release sites and new developments. Many of these certified service providers have signed or are now signing NBN Co's WBA.

Retail service providers have publicised attractive pricing packages for the NBN-based services, including those announced by Exetel, Internode, iNet, iPrimus and Optus. These prices compare very favourably with prices in the market for similar products particularly noting that NBN-based services do not require payment of additional line rental fees, offer superior performance with the option to upgrade to faster speeds not available over the copper network and that some providers include access to telephony at no extra cost or for a small additional fee that typically includes phone calls.

Such pricing includes, for example:

- Exetel, offering a basic 12/1 Mbps* plan with a 20 Gigabit (GB) data limit for $35.00 per month, which includes access to a VoIP telephone service. Exetel's top-of-the-range plan with 100/40 Mbps* speed with a 150 GB limit costs $60.00 per month.
- Australia's second biggest DSL provider, iiNet, has a range of offers from a basic 12/1 Mbps* plan with a 40 GB (20GB peak + 20GB off-peak) data limit for $49.95 per month up to a high end 100/40 Mbps* plan with 1,000 GB (500GB peak + 500GB off-peak) data limit for $99.95 — all plans can be upgraded to include a VoIP service for an additional $9.95 per month, which includes all local and national calls; and
- Optus is offering a range of packages including a basic 12/1 Mbps* plan with a 40 GB (20GB peak + 20GB off-peak) data limit for $39.99 per month when bundled with a $19 per month mobile phone plan — Optus also offers 12/1 Mbps* plan with a 120 GB (50GB peak + 70GB off-peak) data limit and home phone, including $30 worth of calls, for $64.94 per month.

On 18 October 2011, WhistleOut, a comparison website, released its analysis of NBN-based prices versus ADSL2+ prices. This analysis concluded that users could pay up to 43 per cent less for a broadband service deployed
over the NBN than what they pay today for an ADSL2+ service in the 200 GB to 1000 GB per month data allowance range. We are seeing evidence that the NBN is welcomed with NBN Co expecting the majority (52 per cent) of residential consumers who sign up to broadband plans in the 2012 financial year to take up retail services based on NBN Co’s entry-level wholesale 12/1 Mbps service.43

The government's objective is that the NBN will provide access to high-speed*, affordable broadband for all Australians. The NBN has the potential to advance competition in the telecommunications sector by creating a wholesale-only high-speed broadband network that all providers may access on equal terms.

A strong wholesale aggregator market is already emerging to take advantage of the NBN. Nextgen Networks and ISPone are already offering services, and companies such as AAPT, Platform Networks, Optus and Telstra are expecting to offer services. These intermediary wholesale providers are developing products for retail service providers, particularly smaller providers, by integrating products and reducing costs through aggregating services.

In June 2011 Nextgen Networks announced44 its NBN Connect product, which offers wholesale Virtual ISP Service to small and medium consumer and business service providers. Nextgen Networks also expects its service will be used by larger service providers, particularly in the early rollout stages of the NBN.

On 5 December 2011, NBN Co submitted a special access undertaking (SAU) to the ACCC. Within this document, NBN Co has proposed a regulatory framework for it to establish the price and non-price conditions required for its investors to recover rollout costs. The document also provides details of the ACCC's oversight role and will consider whether or not to accept NBN Co's SAU.

Operating as a wholesale-only provider, NBN Co will solve the current structural issues in the telecommunications sector where one provider owns the only ubiquitous fixed-line network in Australia and competes against its wholesale customers in downstream retail markets.

Maintaining a clear distinction between the separate roles of the NBN and service providers will deliver better and fairer access for service providers, greater retail competition and better services for consumers and businesses.

• Points of Interconnect

The government is determined to create an NBN that promotes competition, optimises NBN Co's network design, gives opportunities for smaller providers and delivers sustainable uniform wholesale pricing for the benefit of users in regional, rural and remote Australia. NBN Co and the ACCC have a role in promoting sustainable competition, and have demonstrated this with advice in relation to where to locate and the number of Points of Interconnect (POIs). In considering this network structure issue and the ACCC's analysis, the government was seeking to optimise retail and infrastructure based competition and to ensure national uniform wholesale pricing could be delivered.

POIs are locations where traffic is exchanged between one network and another. The number and placement of POIs is important in determining the cost structure of competing access seekers or retail services providers.

In 2010, the government requested the ACCC and NBN Co to undertake a process, including public consultation, on the number and location of initial POIs for the NBN that would best meet the long-term interests of end-users. In response, the ACCC advised the government that the semi-distributed model of approximately 121 POIs would best promote retail and wholesale competition across all geographic markets.

The ACCC concluded the semi-distributed model will result in:

• 'POIs being established in all locations where transmission services are workably competitive and it is technically and operationally feasible',45 and

• 'the most efficient use of existing infrastructure and will minimise the amount of stranding of competitive transmission assets that will occur through the transition from copper to fibre'.46

In supporting the semi-distributed model, recommended by the ACCC, the government was seeking a balance between:
• NBN Co optimising its network design and technical operation with a view to reducing its costs and maximising its ability to deliver uniform national wholesale pricing; and

• minimising the disruption to existing investment in competitive backhaul and thereby leveraging competition in the supply of such backhaul to put downward pressure on backhaul prices and, by keeping backhaul prices relatively low (and thus a small proposition of overall costs), supporting uniform national retail pricing overall.

The semi-distributed POI model enables small providers to service a discrete area using a limited number of POIs. For example, each POI will service around 80,000 to 100,000 premises. Providers wanting to deliver direct services nationally will need to interconnect with all POIs. Smaller broadband providers not wanting to interconnect with all POIs can use a wholesale aggregator to provide services over a wider area of the NBN. There is already a strong wholesale aggregator market emerging providing backhaul and other services to small providers who wish to compete on a wider scale. For example, as NBN Co announced on 1 September 2011, Townsville-based service providers Internet Solutions and North Queensland Telecom have started connecting some of their customers to the NBN via NBN Co customer and wholesaler Nextgen Networks.

This illustrates the potential competitive benefits to the telecommunications sector of having an open access network like the NBN.

A number of service providers have signed up to the NBN trial to offer ready-made services to smaller retail service providers for them to resell to consumers and businesses. This means that small, or even some larger service providers, have the potential to enter parts of the telecommunications market with a reduced requirement to invest in their own infrastructure to interconnect with the NBN. Such flexibility has the potential to support a range of wholesale and retail business models and is expected to facilitate lower barriers to entry for service providers and to open up competition — both in major centres and in regional areas like North Queensland. This flexibility will in turn support the critical role of the fixed network in meeting growth in demand for data transmission.

The government has set itself a goal of making Australia one of the world’s leading digital economies by 2020. This goal will be achieved by the productivity, jobs and competitive benefits delivered by the NBN. In 2020 Australia will rank in the top five OECD countries in terms of businesses and not-for-profit organisations using high-speed broadband to drive efficiency and productivity improvements; expand their customer base and enable growth. The NBN will provide equitable outcomes for Australians in regional, rural and remote Australia and improve access to business and job opportunities, health services, education, social and government services.

Recommendation 5
The Committee recommends that NBN Co:

• publish timeframes for the rollout of National Broadband Network (NBN) services to regional and remote areas and communicate these to the areas to which they apply;

• investigate the impact of the transition to the NBN on currently available levels of service for satellite technology; and

• taking into consideration findings of this investigation, formulate contingency plans against potential reduction of capacity in regional and remote areas as a consequence of the NBN rollout, if required.

The government supports these recommendations in principle. Rollout Timeframes

On 18 October 2011, NBN Co released its first 12-month national construction rollout plan. The schedule lists the communities in each state and territory where work on the fibre network will begin before September 2012. This marks the end of the NBN trial phase and the beginning of the volume rollout to Australian premises.

In the year to September 2012 NBN Co will have started construction on a high-speed fibre network to nearly half a million Australian premises.

The schedule includes 28 newly-released sites across the country as well as locations containing over 63,000 premises where work is currently underway, including second release sites, such as
Geraldton, Western Australia and extensions of first release sites such as Townsville, Queensland. The time taken from start of construction to services being available is about 12 months. The schedule will be updated each quarter to include new locations.


In the first quarter of 2012 NBN Co will also issue its first three-year indicative schedule of the rollout, which will be updated annually until the rollout is complete.

Service levels supported over NBN Co's long term satellite service

NBN Co's leading edge satellite services will represent a step change, both in terms of speed and reliability, compared with existing satellite services.

The services will be significantly better for the 3 per cent of Australians in remote areas receiving services from the satellite broadband network. Applications that are utilised by satellite users today, such as the NT School of the Air will be supported over the long term satellite service that will offer vastly improved services to residential and small business users and commercial grade services.

Residential and small business grade satellite services are currently typically provisioned at 10 kilobits per second (Kbps) average busy hour throughput.

NBN Co's interim satellite service is offering NBN Co's retail service provider customers broadband speeds of up to 6 Mbps downlink and 1 Mbps uplink speed* and 30 Kbps average busy hour throughput at the wholesale level.

The interim satellite service has been well received with many end users providing positive feedback on the standard of equipment and the quality of service received from NBN Co. One Whirlpool user commented that 'As anticipated, the NBN first release satellite service has been an absolute model of reliability and consistency'.

For the long term satellite service, designed to offer NBN Co's retail service provider customers broadband speeds of up to 12 Mbps downlink and 1 Mbps uplink* at the wholesale level, NBN Co anticipates that the service will support average busy hour throughput speeds of 300 Kbps at the wholesale level.

The new satellites will have multiple focused high-capacity beams that maximise spectral usage. NBN Co will also use the next generation of ground equipment and acceleration techniques to maximise performance.

NBN Co has also recently provided more detail about the capabilities of the long-term satellite service in relation to e-health services which demonstrates just what a step-change in experience its long term satellite service will offer to end users. For example, it will be able to support content streaming and applications such as delivering training videos for remote health certification.

NBN Co's long term satellite product roadmap will include various features such as increased capacity and return path speeds that are designed to support large file transfers and real time video communications.

Over time, it is expected that further services will be supported as NBN Co upgrades its networks and through other technological improvements. There is no expected reduction in capacity in regional areas as a result of the NBN rollout, but rather an expectation of significant improvement in capacity. It is unlikely that current commercial services will be withdrawn in advance of the rollout because demand for these services is expected to only increase as regional and rural Australians use broadband technologies increases. These communities will be able to take advantage of the increased capabilities offered by the long term satellite service.

* NBN Co is designing the NBN to be capable of delivering these speeds to NBN Co's wholesale customers (RSPB). Speeds actually achieved by retail customers (end users) will depend on a number of factors including the quality of their equipment and in-premises connection, the broadband plans offered by their RSP and how their RSP designs its network to cater for multiple end users.
OECD Broadband Portal, Chart 1d. Fixed and wireless broadband subscriptions per 100 inhabitants, June 2011, see http://www.oecd.org/document/54/0,3343,en264934225386901021111100.html

OECD Broadband Portal, Chart 4f. Average monthly subscription price for connections below 2.5 Mbps with/without line charge, September 2010, see http://www.oecd.org/document/54/0,3343,en264934225386901021111100.html#prices

OECD Broadband Portal, Chart 4h. Average monthly subscription price for connections between 15 and 30 Mbps with/without line charge, September 2010, see http://www.oecd.oradocument/54/0,3343,en 264934225386901021111100.html#prices

OECD Broadband Portal, Chart 4j. Average monthly subscription price for connections faster than 45 Mbps with/without line charge, September 2010, see http://www.oecd.org/document/54/0,3343,en264934225386901021111100.html#prices


Australian Communications and Media Authority, Communications Report 2010-2011, p.164


Deloitte Access Economics, The connected continent: How the Internet is transforming the Australian Economy, August 2011, p32, see http://www.deloitte.com/au/connectedcontinent


Deloitte Access Economics, The connected continent: How the internet is transforming the Australian Economy, August 2011, p.34, see http://www.deloitte.com/au/connectedcontinent


Allen Consulting, Quantifying the possible economic gains of getting more Australian households online, November 2010. Commissioned by the Department of Broadband, Communications and the Digital Economy. p.36 http://www.dbcde.gov.au/data/assets/pdf_file/0004/135508/Quantifying the possible economic gains of getting more Australian households online.pdf


D. Carter, Program goes beyond open course model, ecampusnews.com, September 2009, see http://www.ecampusnews.com/top-news/program-goes-beyond-open-course-model/


Deloitte Access Economics, The connected continent: How the Internet is transforming the Australian Economy, August 2011, p.22 see http://www.de loitte.com/au/connected continent


ibid p.11

OECD Broadband Portal, Chart 4e. Average monthly bit/data limits, by country, September 2010, see http://www.oecd.org/document/54/0,3343,en_2649_34225_38690102_1_1_1_1,00.html


See www.iinet.net.au/about/


NBN Co Corporate Plan 2011-2013, p.118, see www.nbnco.com.au/assetsidocuments/nbn-
co-3-year-gbe-corporate-plan-final-17-dec-10.pdf
44See
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ACCC Advice to Government National Broadband Network Points of Interconnect, p.41-42, see
http://www.accc.gov.au/content/item.phtml?itemID=963436&nodeID=128cca6c23842d65726b861f88d6a490
&fn=ACCC%20Advice%20on%20NBN%20Points%20of%20Interconnect%20Nov%202010%20PUBLIC.pdf

ACCC Advice to Government National Broadband Network Points of Interconnect, p.41-42, see
http://www.accc.gov.au/content/item.phtml?itemID=963436&nodeID=128cca6c23842d65726b861f88d6a490
&fn=ACCC%20Advice%20on%20NBN%20Points%20of%20Interconnect%20Nov%202010%20PUBLIC.pdf

ACCC Advice to Government National Broadband Network Points of Interconnect, p.41-42, see
http://www.accc.gov.au/content/item.phtml?itemID=963436&nodeID=128cca6c23842d65726b861f88d6a490
&fn=ACCC%20Advice%20on%20NBN%20Points%20of%20Interconnect%20Nov%202010%20PUBLIC.pdf

ACCC Advice to Government National Broadband Network Points of Interconnect, p.41-42, see
http://www.accc.gov.au/content/item.phtml?itemID=963436&nodeID=128cca6c23842d65726b861f88d6a490
&fn=ACCC%20Advice%20on%20NBN%20Points%20of%20Interconnect%20Nov%202010%20PUBLIC.pdf

Coalition senators also made three additional recommendations on the Bill covering the proposed establishment of additional guidelines and in relation to registration of these guidelines on the Federal Register of Legislative Instruments.

The Government provided initial advice to the Committee on these recommendations on 23 June 2011 pending the completion of consultation with key stakeholders on the preparation of the proposed guidelines.

The Government's final response to each of the recommendations in the report is now outlined below.

Formal Recommendations

Recommendation 1

The Committee recommends that, subject to the amendments foreshadowed by the Department of Infrastructure and Transport in correspondence to the Committee dated 15 November 2010, the Bill be passed.
Response
The Government supports this recommendation and the Airports Amendment Act 2010 received Royal Assent on 17 December 2010.

Additional Recommendations

Additional Recommendation 1
Coalition Senators recommend that the Department of Infrastructure and Transport develop guidelines in consultation with key stakeholders to clarify the level of detail and analysis to be included in airport master plans in order to satisfy the requirements set out in paragraph 71(2)(h) and 71(3)(h) of the Airports Amendment Bill 2010. For the avoidance of doubt, such guidelines should be registered on the Federal Register of Legislative Instruments and subject to the tabling and disallowance requirements of the Legislative Instruments Act 2003.

Response
As indicated in the response to Recommendation 1, the Government supports and has implemented the recommendation to develop these guidelines.

However, the Department of Infrastructure and Transport's legal advice confirms the guidelines are not legislative instruments for the purposes of the Legislative Instruments Act 2003 and therefore, registering the guidelines on the Federal Register of Legislative Instruments is not considered appropriate.

The Department will publish the guidelines on its website.

Additional Recommendation 2
Coalition Senators recommend that the Department of Infrastructure and Transport develop guidelines in consultation with key stakeholders to clarify the range of developments that may be considered to be of a kind that is likely to have a significant impact on the local or regional community for the purposes of paragraph 89(1)(n) of the Airports Amendment Bill 2010. For the avoidance of doubt, such guidelines should be registered on the Federal Register of Legislative Instruments and subject to the tabling and disallowance requirements of the Legislative Instruments Act 2003.

Response
The Government accepts the recommendation to develop guidelines in consultation with key stakeholders.

Significant Impact on the Local or Regional Community Guidelines were approved by the Hon Anthony Albanese MP, Minister for Transport and Infrastructure, in January 2012, following consultation with industry stakeholders.

As outlined in the response to Additional Recommendation 1, the guidelines will not be registered on the Federal Register of Legislative Instruments but will be made available on the Department's website.

Additional Recommendation 3
Coalition Senators recommend that the Department of Infrastructure and Transport develop guidelines in consultation with key stakeholders to clarify the structure, composition, agenda and reporting requirements of Community Aviation Consultation Groups and Planning Coordination Forums. For the avoidance of doubt, such guidelines should be registered on the Federal Register of Legislative Instruments and subject to the tabling and disallowance requirements of the Legislative Instruments Act 2003.

Response
The Government accepts the recommendation to develop these guidelines in consultation with key stakeholders.

Community Aviation Consultation Group and Planning Coordination Forum Guidelines were approved by the Hon Anthony Albanese MP, Minister for Transport and Infrastructure, in February 2011.

As outlined in the response to Additional Recommendation 1, the guidelines will not be registered on the Federal Register of Legislative Instruments but have been promulgated widely and are available on the Department's website.
Australian Government Response to Senate Rural and Regional Affairs and Transport References Committee Inquiry into Rural and Regional Access to Secondary and Tertiary Education Opportunities.

Introduction

The Australian Government notes the findings of the Senate Inquiry into Rural and Regional Access to Secondary and Tertiary Education Opportunities. The Australian Government has demonstrated a commitment to improving educational access and opportunities for students and their families who experience geographical disadvantage, through specific initiatives and its broader social inclusion agenda. The Australian Government's vision of a socially inclusive society is one in which all Australians feel valued and have the opportunity to participate fully in the life of our society.

The importance of this issue is highlighted by the large number of submissions to the Inquiry (over 750), including one by the Australian Government Department of Education, Employment and Workplace Relations (DEEWR). As outlined in the DEEWR submission, "rural and regional students and their families are recognised and targeted by the Australian Government, and State and Territory education authorities, as a group who have special educational needs and may not be adequately assisted through general education assistance". DEEWR's submission discussed Australian Government initiatives that cater for this need. The Committee's report comprised a majority report along with a minority dissenting report by Government Senators. The Government is disappointed that the elements of the minority report appear largely not reflected in the majority report.

The Australian Government believes that every student should have access to a world-class education no matter where they live. In the Commitment to Regional Australia (the Commitment), agreed with the Independent Members Mr Oakeshott and Mr Windsor on 7 September 2010, the Australian Government renewed its commitment to regional education by strengthening national policies to ensure that they effectively meet the needs of students across the country.

TheCommitment identifies specific new education and skills commitments and builds on work already underway by the Australian Government. In September 2010, the Office of Regional Education, Skills and Jobs was established, to better drive and coordinate DEEWR's efforts for regional Australia, including those initiatives detailed in the Commitment to Regional Australia. These initiatives have been included below relevant to the specific recommendations.

Response to Recommendations

Recommendation 1

The committee recommends that the Australian Government commission an investigation into the barriers to rural and regional secondary educational opportunities with a view to developing a long-term strategy to address the inequity in secondary educational opportunities in rural and regional Australia.

Response: Supported, initiatives already in place. As outlined in the Government Senators Dissenting Report, the Australian Government has been proactive in addressing barriers faced by students from rural and regional areas in accessing secondary and tertiary education opportunities.

For example, legislation under the auspices of the Social Security and Other Legislation Amendment (Income Support for Students) Act 2009 that was passed by the Parliament on 18 March 2010 mean significant improvements for many students and their families living in rural and regional areas in accessing secondary and tertiary education opportunities.

In particular, to assist young people disadvantaged by the geographic location of their home from educational institutions, students living in Outer Regional Australia, Remote Australia, or Very Remote Australia who are required to live away from home to study, are able to access the second and third elements of the former workforce participation criterion. The workforce participation criterion comprise: full-time employment averaging 30 hours or more per week for at least 18 months over a two year period; worked part-time (at least 15 hours each week) for two years since last leaving secondary...
school; or had cumulative earnings totalling at least 75% of Wage Level A of the National Training Wage schedule included in a modern award ($21,009 in 2011) in 18 months since last leaving secondary school.

From 1 January 2011, these young people have been able to qualify for payment by meeting any of the three elements of the workforce participation criterion for independence, provided their parents' income is less than $150,000 per annum (in the case of the second and third elements). With the Review of Student Income Support Reforms now complete, the Australian Government introduced the Social Security Amendment (Student Income Support Reforms) Bill 2011 on 21 September 2011 to further extend this provision to students living in Inner Regional areas who are required to live away from home to study from 1 January 2012.

The DEEWR submission outlined several Australian Government programs in place that directly assist students living in rural and regional Australia and their families. This is also in the context of the Government's initiatives under the COAG productivity agenda in relation to school retention and increasing the skills base of those entering the workforce. Along with existing assistance, these initiatives already form part of the Australian Government's long-term strategy in this area.

**Recommendation 2**

In developing a long-term strategy to address the inequity in secondary education opportunities in rural and regional Australia, the committee recommends that consideration should be given to strategies for ensuring that literacy and numeracy programs, once introduced into schools, are able to be maintained within those schools.

**Response: Supported, initiatives already in place.** The Government Senators Dissenting Report notes the Australian Government has made available funding of $540 million through the Smarter Schools – National Partnership Agreement on Literacy and Numeracy.

The National Partnership supports states and territories to implement evidence-based practices that will deliver sustained improvement in literacy and numeracy outcomes for all students, especially those who are most in need of support. States and territories, in collaboration with non-government education authorities identified the schools and students to be targeted under this National Partnership. The funding support and reform initiatives to be implemented were negotiated with each participating school.

This National Partnership focuses on the key areas of teaching literacy and numeracy, stronger school leadership and the effective use of student performance information to identify where students need support. This will lead to improvements in literacy and numeracy outcomes for all students, with a priority focus on those primary aged students most in need of support.

Of the schools participating in this National Partnership, approximately 430 (48 per cent) are located in regional Australia. Under this National Partnership, each Partnership school has identified their priorities and developed an implementation plan tailored to the needs of students at that school.

**Recommendation 3**

The committee recommends that as part of the investigation into the barriers to rural and regional secondary educational opportunities with a view to developing a long-term strategy to address the inequity in secondary educational opportunities in rural and regional Australia, consideration should be given to whether the current level of funding under the AIC Scheme is appropriate.

**Response: Not Supported.** The Assistance for Isolated Children (AIC) Scheme helps isolated families of primary, secondary and certain tertiary students with additional educational costs because they are unable to attend an appropriate government school on a daily basis.

The AIC Scheme has five allowance types which are tailored to assist a range of education options for isolated families. The applicable allowance for a student will normally reflect the student's living arrangements while they undertake an approved course. In 2009, 11,098 students received AIC allowances at a cost of $59.9 million.

As noted in the Majority Committee report, the DEEWR submission points to a variety of
payment types with an annual basic boarding allowance of $7,141 (2011 rate) along with possible additional allowances (for example the Additional Boarding Allowance of $2,366 in 2011). The Australian Government recognises that the Majority Committee report wishes to consider the appropriateness of the particular rate for each allowance, however the Government believes the Scheme provides adequate assistance to students and their families.

The assistance provided under the AIC Scheme is demand driven and is uncapped, with applications assessed by the Department of Human Services – Centrelink in line with established program guidelines and eligibility criteria. There is therefore no limit placed on the number of families assisted per year, provided they meet the eligibility criteria. The Scheme is funded under a special appropriation authorised under the *Student Assistance Act 1973*.

It should also be noted that assistance under the AIC should not be treated in isolation. For example, as discussed in detail within the DEEWR submission, there are other forms of Australian Government assistance for schools in rural or regional areas and their students.

One notable Australian Government initiative is the Country Areas Program that assists schools and school communities in improving the educational outcomes and opportunities of students who are educationally disadvantaged because of their geographical isolation.

Other Australian Government generic initiatives that assist schools in rural or regional areas include funding for new facilities and refurbishments through the Building the Education Revolution (BER) and the Australian Government's Capital Grants Program for non-government schools. In terms of the latter, the Australian Government provided approximately $106 million in funding to schools in remote, rural and regional areas in 2008-2011. This includes funding for government schools in 2008 and funding for non-government schools in 2008-2011. From 2009, Australian Government funding for government schools is delivered through the intergovernmental funding framework under the National Education Agreement (NEA) with states and territories.

Under the Commitment, schools in regional Australia will be the first to receive funding, including a minimum funding entitlement based on the population share, equating to around 32 per cent of available funding. This funding will be in the form of at least $125 million of the $388 million of payments being awarded under the Rewards for School Improvement initiative to the schools in regional Australia that have shown the most improvement in student outcomes.

The government has also committed $480.5 million by 2018 to increase the capacity of schools to make decisions at a local level under the Empowering Local Schools (ELS) initiative. Approximately one third of the 1000 schools expected to participate in ELS over 2012 and 2013 will be located in regional areas. Participating schools will receive start-up grants of $40,000-$50,000 to assist them to manage their increased decision making responsibilities effectively.

**Recommendation 4**

The committee strongly recommends that the Australian Government introduce a Tertiary Access Allowance for students who are required to move away from home to access tertiary education.

**Response: Not Supported.**

In the Commitment to Regional Australia, the Government noted that it has reformed student income support to expand access by including: 150,000 new scholarships; an increase to the parental income test which will benefit over 100,000 students; and a review of student income support to be brought forward by 12 months.

As identified in the Government Senators Dissenting Report, the *Social Security and Other Legislation Amendment (Income Support for Students) Act 2010*, significantly reformed income support for students. On 1 April 2010, Relocation Scholarships were introduced for eligible university students receiving Youth Allowance or ABSTUDY who have to live away from the family home for study. The Relocation Scholarship assists dependent rural and regional students, in particular, with relocation for study.

The Review of Student Income Support Reforms was presented to the Government on 8

The Social Security Amendment (Student Income Support Reforms) Bill 2011 introduced on 21 September 2011 provides for the value of Relocation Scholarships for non-regional students to be $4000 in the first year they are required to live away from home to study and $1000 in subsequent years from 1 January 2012. In recognition of the higher costs of relocation for regional students and subject to the passage of legislation, Relocation Scholarship values for eligible dependent regional higher education students will be reset to provide more assistance in the second and third years of living away from home to study. The 2012 values will be $4000 in the first year of living away, $2000 in each of the second and third years and $1000 in any subsequent years of study. The Scholarship is indexed by CPI annually. Many students will also qualify for Rent Assistance.

From 1 January 2012, the value of Student Start-up Scholarships available to university students receiving Youth Allowance, Austudy or ABSTUDY will be reset to $2,050 in 2012 and indexed by CPI thereafter. The DEEWR submission pointed out that these scholarships would assist with the costs of textbooks and specialised equipment.

The existing reforms also include relaxation of the parental income test threshold and associated withdrawal taper rates increasing access to Youth Allowance and ABSTUDY. As students living away from home also attract a higher rate of payment and generally Rent Assistance as well, this reform particularly benefits rural students, who are more likely to come from low-to-middle income families.

While the Australian Government believes that parents, where they are able, should support their children until they reach financial independence, through the measures contained in the Social Security Amendment (Student Income Support Reforms) Bill 2011, students from Inner Regional areas will be able to access independent Youth Allowance and ABSTUDY under the same rules that apply to students from Outer Regional, Remote and Very Remote Areas from 1 January 2012.

Students accessing the second and third elements of the workforce participation criterion must have parental income of less than $150,000 per annum.

The Australian Government is already providing substantial support for students who need to move away from home to study. The Australian Government considers that a Tertiary Access Allowance as described by the Committee, without any means testing in place, would be costly (impacting on provision in other areas of educational need), inequitable and possibly open to abuse.

**Recommendation 5**

The committee recommends that the Australian Government investigate the establishment of a capital works program to assist tertiary institutions to increase the stock of affordable housing for students.

**Response: Not Supported.** The Government Senators Dissenting Report notes that since taking office the Australian Government has committed almost $5 billion in capital funding for tertiary institutions to support the development and renewal of campus infrastructure.

As the Dissenting Report also notes, the guidelines of the Better Universities Renewal Funding (BURF) and Teaching and Learning Capital Fund for Higher Education (TLC-HE) funds, worth $1 billion in total, were broad enough to allow universities to spend this on student housing. A number of institutions have taken the opportunity to do so. For example, the Australian National University used $4 million of its BURF allocation to develop student accommodation on campus.

The involvement of the private sector in the development and/or provision of student accommodation is widespread. For example, a 507 bed student accommodation complex opened by the University of Canberra in 2009 was developed through a partnership between the University and Campus Living Villages. The private rental market, 'homestay' programs and
independent residential colleges will also continue to play important roles in responding to the housing needs of students.

In line with the Commitment, the Government will provide $400 million in funding for the Structural Adjustment Fund: $200 million to meet universities' capital requirements of $10 million or more and $200 million to meet non-recurrent requirements. This funding is to assist universities, particularly those in regional and outer metropolitan areas to adapt to the new student focused university funding system being introduced in 2012.

The Government has also reviewed the Regional Loading paid by the Government to eligible higher education providers in recognition of the higher cost of providing places at regional campuses. In the 2011-12 Budget the Government announced that it would increase the regional loading by $109.9 million over four years (for a total of $249.4 million over four years). The regional loading funding will be distributed through a new formula that is transparent and responsive to student demand.

Another potential source of funding for student accommodation is the Education Investment Fund (EIF). While the focus of EIF is on large-scale strategic infrastructure projects for teaching, learning and research, it does not exclude funding for student accommodation if it can be demonstrated that the accommodation is integral to fully delivering the intended outcomes of the project.

Recommendation 6

The committee therefore recommends that the Australian Government investigate the implementation of a form of temporary income support for students while they are on clinical placements or block release.

Response: Noted. The Australian Government has committed, in response to the Review of Student Income Support, to undertake development work on the feasibility and merit of an income-contingent loan scheme targeted specifically at students who are required to move away from home to undertake formal clinical practicums or other formal practicum periods as part of their course.

The Government's reforms to student income support include a Student Start-up Scholarship as an entitlement for higher education students receiving Youth Allowance, ABSTUDY and Austudy. This scholarship, valued at $2,050 in 2012, is intended to assist with education expenses, including text books, laptops, field trips and practicums or placements.

Students eligible to receive Youth Allowance, ABSTUDY or Austudy will continue to receive these payments while undertaking practicums or clinical placements that are a requirement of their course. Some dependent students receiving the 'at home' rate of Youth Allowance may claim the 'away from home' rate when moving away from home to undertake a practicum. These students may also be able to claim Rent Assistance, but this would depend upon whether a rental agreement was in place while they were living away from home during the practicum.

If a student receiving income support is engaged in a tertiary external course that has a compulsory residential component, including practicums, they are entitled to Fares Allowance which includes reimbursement for one return trip from their permanent home to the institution and back. A student is eligible for Fares Allowance for each external course or practicum undertaken during a year that requires attendance at an institution for a residential component.

ABSTUDY students may also claim 'Away from Base' assistance to help cover the cost of practicums (up to a maximum of $2,080 for Masters and PhD students) per year.

Students receiving Youth Allowance, ABSTUDY and Austudy may also obtain an advance of up to $500, if required.

Universities offer limited support in some courses through scholarships and bursaries to assist with the additional costs associated with practicums. State Governments also offer scholarships and loan schemes to assist students undertaking practicums. This assistance may not be tied to receipt of student income support payments.

Recommendation 7

The committee recommends that a review be undertaken in 2013 to assess the impact of
funding compacts, student-driven demand funding and the Structural Adjustment Fund on regional universities.

Response: Supported in principle, initiatives already in place. The Australian Government regularly monitors the impact of policy changes on universities.

Ongoing discussions with universities as part of the compacts process will inform the Government of the impact of its higher education reforms on individual universities and regional universities generally.

The Australian Government regularly monitors higher education enrolments. Early indications are that demand driven funding for undergraduate student places is of benefit to regional areas. Growth in enrolments has been strong, with regional universities together enrolling 10 per cent more students in 2011 than in 2009. This equals the 10 per cent growth at metropolitan universities over the same period.

In response to the Review of Regional Loading, the Government announced in the 2011-12 Budget that it would increase the regional loading by $109.9 million over four years (for a total of $249.4 million over four years). The regional loading funding will be distributed through a new formula that is transparent and responsive to student demand. These changes will start in 2012. The new regional loading formula will involve annual monitoring of enrolments at regional campuses.

The Structural Adjustment Fund was announced in May 2009 with funding of $400 million to assist universities to prepare for the new operational requirements of a demand driven funding system with new quality measures in place.

Regional universities and TAFEs will have access to a Regional Priorities Round of funding from the Education Investment Fund of $500 million. Infrastructure projects funded through the Education Investment Fund are monitored regularly during their implementation and grant recipients are required to participate in project evaluation activities following the completion of projects. The implementation of projects may not be complete by 2013.

The Australian Government has also made fresh commitments to governance and transparency reform which will ensure that regional Australia gets a fair hearing and a fair return from its national government. This includes developing a spatial accounting model which will provide greater visibility into Government spending and service delivery by regional location.

Recommendation 8
The committee recommends that the Australian Government investigate options for attracting students to regional institutions, and encouraging graduates to work in rural and regional locations, through programs which provide for reduced HECS-HELP liability.

Response: Supported in part, initiatives already in place. The Government Senators’ Dissenting Report notes that there are already a range of HECS remission policies in place which have already been adopted by this Government to encourage graduates to work in priority fields or areas. The Australian Government provides incentives for targeted areas such as medicine and early childhood education.

Incentives for medicine include:
- the Medical Rural Bonded Scholarship;
- the Rural Retention Program;
- the Practice Incentives Program; and
- the MBS Bulk Bill Incentive Items.

Incentives for early childhood education include:
- a HECS-HELP Benefit for early childhood education teachers, which has a location-based eligibility criterion targeted at regional areas. The Benefit allows eligible early childhood education teachers who work in an area of particular need to reduce their HECS-HELP debt.

As universities are self-accrediting institutions that decide the courses they offer, they are best placed in terms of attracting students to their regional institutions or campuses. The Australian Government already provides significant support to these institutions through initiatives (many of which are detailed in the DEEWR submission) such as regional loading.
The Australian Government also provides incentives for international students to study at regional institutions or campuses. For the purposes of the General Skilled Migration program administered by the Department of Immigration and Citizenship (DIAC), international students can claim migration eligibility points for having lived and studied full time at a campus located in regional Australia or a low population growth metropolitan area for at least 2 years prior to lodging an application for skilled migration visa.

Governments currently provide a range of incentives to teachers to encourage them to take positions in rural and remote areas. Under this scenario, if a State Government chooses, incentives for teachers to take positions in rural and regional areas could include a scholarship or payment to be directed to the repayment of a person’s HECS-HELP debt.

Under the Commitment the Australian Government will develop Regional Education, Skills and Jobs Plans in 2011, in response to the 2010 DEEWR report on access to and participation in higher education in regional Australia. Thirty-four Education, Skills and Jobs Coordinators will be deployed into regional communities to work with local stakeholders to develop the Plans. These Plans will include strategies to increase the participation rates for higher education, where relevant to the needs identified by the local stakeholders and community.

AUSTRALIAN GOVERNMENT RESPONSE TO THE SENATE SELECT COMMITTEE ON FUEL AND ENERGY THE MINING TAX: STILL BAD FOR THE ECONOMY – STILL BAD FOR JOBS (SECOND INTERIM REPORT)

Since the release of this report the Government has undertaken extensive consultation on the design elements of the Minerals Resource Rent Tax (MRRT) and the extended Petroleum Resource Rent Tax (PRRT). Public consultation was initially conducted by the Policy Transition Group (PTG) and this has continued through the Resource Tax Implementation Group (RTIG). The issues and recommendations contained within this report have been discussed by the PTG and RTIG in their deliberations over the detailed design of the draft legislation. Draft legislation for the MRRT and extended PRRT has now been released for public consultation.

The recommendations contained within this report are not supported by all the members of the senate committee. A Dissenting Report was published within the senate report which contains comments outlining the ‘significant concern with the view taken by the report of this committee. This dissenting report outlines the importance of introducing such legislation, the extensive consultation process that has taken place, the modifications made to address small miners concerns and the benefits of ensuring Australians get a fairer return for Australia’s natural resource wealth.

The Government introduced the MRRT Bills into Parliament on 2 November 2011.

AUSTRALIAN GOVERNMENT RESPONSE TO THE SENATE SELECT COMMITTEE ON THE SCRUTINY OF NEW TAXES THE MINING TAX: A BAD TAX OUT OF A FLAWED PROCESS

The Government has undertaken extensive consultation on the design elements of the Minerals Resource Rent Tax (MRRT) and the extended Petroleum Resource Rent Tax (PRRT). The public consultation that was initially conducted by the Policy Transition Group (PTG) prior to the release of this report has continued through the industry based Resource Tax Implementation Group (RTIG). RTIG have been considering the detailed design of the draft legislation. Draft legislation for the MRRT and extended PRRT has also now been released for public consultation.

The recommendations contained within this report are not supported by all members of the Senate committee. A Dissenting Report was published within the Senate report that did not agree with the recommendations contained in the report. This dissenting report contained within the Senate Report outlined:

- the strength of the current mining boom
• highlighted that Australians have a right to share in the profits derived from the mining the finite resources owned by Australians
• outlined that the MRRT revenue is being used to implement important tax and superannuation reforms.
• Detailed the consultative process that was used in the development of the MRRT and extension of the PRRT.

The dissenting report concluded that the MRRT should be implemented from 1 July 2012.

The Government introduced the MRRT Bills into Parliament on 2 November 2011.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (16:54): I seek leave to take note of the response regarding the Rural and Regional Affairs and Transport References Committee report Rural and regional access to secondary and tertiary education opportunities.

Leave granted.

Senator NASH: I move:

That the Senate take note of the document.

We received today from the government their response to the Rural and Regional Affairs and Transport References Committee inquiry into rural and regional access to secondary and tertiary education opportunities. This inquiry was held in 2009. The rural and regional committee reported in December 2009. I chaired that inquiry. It is interesting to note that it has taken the government over two years to provide the Senate with a response of fewer than 12 pages. The response is hardly timely, and I suggest that indicates the lack of understanding that the government has of this issue.

The government indicate in their response:

The Australian Government believes that every student should have access to a world-class education no matter where they live.

I would suggest to the government that perhaps they would like to put their money where their mouth is and ensure that that actually happens, because the response they have given to the committee report in no way does that. The response shows yet again that the government has a complete lack of understanding when it comes to the needs of regional students and the very real issue of inequity.

Recommendation 1 of the committee report is that there be 'an investigation into the barriers to rural and regional secondary educational opportunities' that exist for regional students. What is extraordinary is that in the response the government say they have been proactive in doing this and yet almost the entire response to recommendation 1—that we look at the barriers for regional students—relates to the changes that the government made to the independent youth allowance. Madam Acting Deputy President Fisher, you and others would know that those were the unfair changes that the government put in place in 2010 that meant that students in inner regional areas did not have the same criteria applied to them for accessing independent youth allowance as other regional students did—simply unfair. In the response, the government are claiming the reversal of that unfair change at the end of last year—that they themselves put in place in 2010—as somehow addressing the barriers that exist for regional students. How stupid is that?

This government should never have made those changes to independent youth allowance in the first place. They should never have treated regional students differently simply because of where they lived according to lines on a map. And yet here we have the government in response to the committee report recommendations claiming that the change back to treating all
regional students fairly is some wonderful win for the government, that they have made this great change and that somehow indicates the government are looking to remove the barriers for rural and regional students to educational opportunities. It is simply extraordinary that the government would do that— that they would try to claim that as a win. The changes should never have been made in the first place.

That is virtually the entire response to that particular recommendation. It just goes to show that this government simply does not understand the issue of the inequity for regional students when it comes to their opportunities to educational access compared to those of city students and students in metropolitan areas. The problem is very simple. Regional students so often have no choice but to relocate to attend university or further tertiary education, and that comes at a cost of around $20,000 a year. That is a cost that city students who have the opportunity to live at home, as they very often do, do not have to bear. That is the inequity that this government simply cannot get its head around. It is through no fault of the regional students that they have to relocate.

The government say that they have addressed some of these issues through some of the changes to the independent youth allowance. I have to admit, as I have before, that the changes to the threshold were a good thing. But that does not address the issue for regional students who fall outside of the criteria for assistance through independent youth allowance. We are talking about those with middle-income parents. What this government have done is apply a $150,000 parental income test cap to independent youth allowance. That means that those students whose parents' income combined comes to $150,000 are not eligible for independent youth allowance. How illogical and, again, how stupid is that? These students are proving themselves to be independent of their parents. To then put a parental income test in place is treating this as a welfare measure, and independent youth allowance is not that.

Indeed, it has become quite obvious over time that the government put the cap in place only to free up funding for other areas, which means that regional students are bearing the cost. Let's just look at that for a moment. That $150,000 is combined income before tax. We are not talking about wealthy people. We are talking about, quite possibly, a police officer or a schoolteacher out in a regional area who is going to receive absolutely no assistance from the government for their students to travel away and attend university. It is an absolute mockery when the government say that they believe every student should have access to a world-class education, no matter where they live, when the policies that they have put in place directly contradict that statement. The government say that one of the recommendations was to put in place a tertiary access allowance, which would provide funding for students to assist them with relocation when they have no choice but to relocate to attend tertiary education. The government indicated in their response that that is not supported. Again, this just indicates that the government are not listening to the thousands of regional families who are telling them that the current policies do not work. Indeed, the government put in place enormous barriers for those students to go on to tertiary education, and that is simply not fair.

The ICPA have been pushing for a tertiary access allowance for many years, as have I. This is the way for regional students to be able to have some equity when it comes to accessing education, when we compare them to city students who do not have to bear that financial burden. The government in their
response talk about the relocation scholarships that were introduced, saying that is providing funding. Relocation scholarships do not even apply to students on independent youth allowance. They talk about the fact that the government eliminated the regional eligibility distinctions for youth allowance from 1 January 2012. The government brought those changes in in the first place. They should never, ever have been put in place, and now we see the government again crying that this is some great win for regional students. They disenfranchised an entire two-year cohort of year 12 students who fell into the gap before the government fixed their absolutely appalling mistake, and that is simply not on.

The inequity that exists for those regional students will not be addressed until the government recognises that this is not a means-testing welfare issue. This is about the comparison between the regional student who has to bear the cost of that $20,000 a year when they have no choice but to relocate to attend university and the city student who does not bear that cost. It does not matter if the parents are earning $10,000, $50,000, $100,000 or $150,000—that is not the point. The point is the inequity for the regional students because the families have to bear the costs that other students do not. Until the government pulls its head out of the sand and recognises this as an issue, those students are still going to face those barriers. Those students are still going to face those enormous financial difficulties that are preventing so many of our students from going on to tertiary education. Only 33 per cent of regional students go on to tertiary education compared to 55 per cent of students in the cities. The evidence clearly shows that it is because of the financial burden. The government simply has to admit that its measures have not addressed those barriers. It must clearly start to recognise that there is a huge inequity for regional students and that it has to be addressed.

Senator BACK (Western Australia) (17:04): I join Senator Nash in expressing my concern at the very late response by the government to the inquiry chaired by Senator Nash. Let me give you these statistics by way of evidence. It is a comparison between the dates of 1984 and 2007 regarding people from rural communities and people in the wider community with tertiary qualifications. In 1984, four per cent of people in the rural communities of Australia had a tertiary qualification, whereas 2½ times that figure, 10 per cent, in the wider community had such a qualification. By 2007, the number of people in the wider community having a tertiary qualification had gone up from 10 per cent to 25 per cent. Those in rural communities having tertiary qualifications went from a lamentable four per cent to an even more lamentable seven per cent—equal to the lowest in the OECD, and this is supposed to be the smart country. If one were to actually examine those 2007 figures out to 2012, one would only see a further widening of that gap. This is what the inquiry went to, and we see a gross deficiency in the government's response.

In the last three weeks I have had the opportunity, with my colleague Senator Colbeck, to talk to rural communities about education and agricultural education in Tasmania. In Victoria, two weeks ago, I had that same opportunity with representatives of Marcus Oldham College, and last week throughout rural Western Australia I addressed the same questions in the wheatbelt areas. We have a lamentable and pathetic circumstance that must be handled, must be addressed and surely must be bipartisan. We cannot leave rural communities in the sad demise they are in at the moment.
Senator Nash spoke about independence from parents. How is it that an 18-year-old can vote and can be called up to participate in military service, and yet an 18-, 19-, 20- or 21-year-old somehow or other is beholden to their parents' income when it comes to addressing the question of independent youth allowance?

I will not go back over the words that Senator Nash used except to reflect on the three criteria, the first of which is working full-time for 30 hours a week for 18 months. Where are the full-time jobs in rural Australia, working 30 hours a week over 18 months—not seasonally adjusted, but 30 hours every week? They do not exist, Madam Acting Deputy President Fisher, a fact you know well yourself from your experience in the Dales. In fact, it was in Brookton that we started our visits last week.

The second alternative is part-time work for greater than 15 hours a week for two years after leaving school. We all know about the wastage that occurs when, instead of going on to higher study, a student takes a gap year and particularly a second gap year. They might go on to tertiary study if they have one gap year but it is very, very unlikely if they have two gap years. And who are those who are represented most highly in the group who do not go on to tertiary study after a two-year gap? You guessed it; they are from rural communities. The third group comprise those who might have total savings of greater than 75 per cent of the necessary $21,000 over 18 months.

The question I ask, of course, is: why, at all, are they beholden to their parents' combined incomes? As Senator Nash said, a policeman and a teacher in a country town may well accumulate $150,000 of annual salary—they may work overtime, get some form of penalties or some form of zone allowance in the magical, mystical $150,000—but you would have an argument on your hands if you were to say that such people were wealthy enough to send children away from home. The criterion must be: does that person have to leave their home to access higher education? The answer is yes.

Only last week did I have many people in the rural communities—towns you would know well: Brookton, Kondinin, Hyden—asking me: 'What is the solution to this dilemma? We have to get our children away for higher education, and we have to get them away for upper secondary education but we cannot afford it; it's $40-odd thousand, at least, after tax per student.' This is not for the top boarding schools in the cities, as you would know, Madam Acting Deputy President, but that is the least cost. In many instances, the farmer's wife shifts to the city so that she can be with the children in the city, and that is breaking up the family because we know that, on the weekend, the children also remain in the city. Where does the farmer end up? One farmer said to me, 'Unfortunately, Senator Back, all too often where the farmer ends up is on the end of a rope in his shearing shed.' That was said to me last Tuesday in your old home town of Brookton, Madam Acting Deputy President.

So we have the circumstance, unfortunately, in this country of a wide disparity now between the educational aspirations of those in the cities and those in the country. Those of us who have watched this process for many, many years know that, if a family remains in the country, the educational outcome for their students in years 11 and 12 going into higher education are much lower. We know that. They are much lower than they would be if the family were able to make the decision to move to the city. Of course, we now see that farming families cannot do this. In so many rural communities now, professionals such as doctors, dentists and others—and, in my own
case, my wife and I—make the decision very early to be in a city somewhere by the time their oldest child goes to secondary school. Right across each of the states that I have been in that is the case. It is not just an educational issue; it is an issue right across society, because when that doctor or that dentist leaves that community, as we all know, a valuable person is lost, a valuable family is lost to that community.

These are issues that are not being addressed, yet we see the questions raised. Recommendations were made in this report for external students to try to make their circumstances easier. They did not receive an adequate response from the government. What we now have are compulsory student union fees payable also by external students who can never, ever access the services for which they are subsidising their city cousins and those who are in city based institutions.

We had a circumstance in Queensland—Senator Nash may remember it—in which one of the university vice-chancellors said to us that he was aware of cases where those leaving school at the end of year 12 were saying to the principal: 'Don't tell my parents that I am bright enough or that I have qualified to go to a city university to study, because I don't want to put that pressure on my parents and on my siblings.' This is a wealthy country. What a lamentable circumstance in which a year-12 student says to the school principal: 'I don't want my parents knowing that I am capable of going on to higher studies.' Very often these people from a regional area, a rural area, even a remote area, are the people who come back and provide professional services upon graduation. These are particularly important issues and should not have been the subject of so much delay.

Time does not permit me to go further into the whole question of agricultural and agribusiness education. As you know, that is the subject of a Senate inquiry at this moment, and it is creating an enormous amount of interest. I am delighted that Senator Gallacher is here in the chamber and has participated in the first hearing—and, hopefully, will participate in other hearings. But, again, all it is pointing to is the absolute demise of tertiary institutions. I was at Marcus Oldham College in Geelong the other day, now the only private sector college that is still operating in the same way as it did it in the 1980s. Look at those that have closed: Hawkesbury could not have first-year students this year; Muresk in Western Australia is closed; and Gatton and Roseworthy are largely now veterinary schools with some agricultural education. We are graduating fewer than 700 graduates in agricultural science for an annual demand of at least 3,500. This is not the way that Australia is going to achieve what it needs to achieve to provide food and fibre for the region into the future. These are critically important issues and they are far more deserving of rigour, study and examination than this response has indicated.

Question agreed to.

Rural and Regional Affairs and Transport Legislation Committee

Government Response to Report

Senator FAWCETT (South Australia) (17:14): I seek leave to move a motion in relation to the government's response to the Rural and Regional Affairs and Transport Legislation Committee's report on the Airports Amendment Bill 2010.

Leave granted.

Senator FAWCETT: I move:

That the Senate take note of the document.

The Airports Amendment Bill 2010 seeks to make a number of amendments to the Airports Act 1996 that establishes a
framework for the regulation of Commonwealth leased airports. These amendments and the Senate report came about in part because of a deal of community concern that developments taking place on Commonwealth leased land were not being coordinated with local authorities. This was having impacts on things like road infrastructure and the volume of traffic, and local communities felt that they did not necessarily have the opportunity to put their case forward. I was not here for the actual inquiry, not being in the Senate at the time, but I wish to take note of the government's response to the report and this report because I believe that there are some issues that go to the scope, the detail and the process that the Senate needs to be aware of before this amendment bill is considered.

Firstly, the scope: the concerns that were raised dealt largely with community and local government concerns about the impacts of airport and aerodrome development. The reality is that there is an equal amount of concern about developments on or around airports by aircraft operators and people who run aviation businesses. These concerns are not being taken into account in terms of providing either a viable basis commercially for them to go forward or, more importantly perhaps, the viability of the airport as a piece of national aviation infrastructure either to safely sustain its existing operations or to expand its operations to meet increasing demand into the future. The report, whilst acknowledging that the viability of an airport as an aviation asset is important, did not really go into any details on that level. It focused predominantly on where the community concerns and local government concerns had been raised. Whilst I understand and do not disagree with much of what is discovered or discussed in the first part, I do wish to highlight the fact that the government's response—is quite deficient in terms of dealing with the detail of impacts on the viability, either commercially or structurally, of developments on airports that are affecting aviation capability.

Secondly, in terms of the scope, this report deals only with leased airports. These are airports that were owned by the Commonwealth and then, through the Federal Airports Corporation, were leased under 99-year leases to third parties to operate them. The same issues, particularly for the impact of development on the viability of the airport, also apply to what are known as ALOP aerodromes. These are aerodromes that the Commonwealth gave to local government for the local government to operate on the basis of a deed. What we are seeing around Australia are a number of situations where aviation operations are coming under significant pressure because of developments on or off the airport—some, in fact many, not aviation related.

The detail of the report is appropriate in that it looks to establish some national guidelines. One of the processes that is currently underway, in fact due this week for community consultation and responses, is the NASAG process which is seeking to engage all three levels of government around planning. But my same concern remains in that many of the considerations which address the viability of the airports, as opposed to the impact on communities around them, are not adequately captured in the NASAG process. For example, some of the elements that Queensland has at the moment in their planning are things like public safety areas on the approach and departure end of runways where statistically accidents tend to happen, with light aircraft that have engine failures. That is a critical safety thing which should be factored into a national planning framework drawing on the Queensland model, and yet the NASAG
process has just put that off and said at some point in the future it will be considered. That is an example of one of the critical areas that should be considered as part of a national framework.

More importantly, the reason a national framework is required is to provide certainty to local government, to the state government, to developers of properties as well as to aviation operators, so that we are working with a consistent set of guidelines. One of the problems at the moment is that the planning departments, often at local government and state government levels, do not have any depth of experience in terms of aviation operations, and there is very little understanding as to why some regulations are in place. Regulations are mankind’s poor attempt to capture corporate knowledge and make sure that we do not repeat the mistakes of the past. Regulations talk about safety distances required, for example. At the end of a runway there is a runway-end stopping area that is required, so if an aircraft has to abort a takeoff when operating at its maximum weight for that type, it will have an area available if it needs to overrun the runway and come to a stop. That regulation is there for a good reason and must be taken into account if you have a master plan. For example, at Archerfield, on the one hand there is a proposal to extend one of the runways, 28, so we can increase capacity and utilisation of the airport while on the other hand, in the same master plan, light industrial zoning is approved in the area that would form that RESA, the runway-end stopping area, for the extended runway. If that planning is approved they have essentially cut off the potential for that airport to expand once something is built. There is a clear conflict between the Commonwealth requirement of the lease, which is to have the leaseholder develop and expand the airport to meet demand, and the local government, which is providing approvals for development that will prevent that expansion. Probably even worse are where safety regulations are not just in conflict like that but are put aside because people do not understand the implications.

A good example is at Bankstown airport where, because of the pressures of commercial development, they did a statistical analysis of the use of the cross-wind runway and decided it was not used very often and so it would be removed. Cross-wind runways, particularly for light general aviation aircraft, are a critical safety feature because there are cross-wind limits that determine when the aircraft can land safely. Without that runway, there is the potential for aircraft to be caught whilst airborne and unable to land safely or, as is now occurring, operators cannot actually continue their operations when the wind is out of limits. An analogy would be if you consider how many times you have needed a seatbelt in your car for real. For most of us, thankfully, that is almost never. If somebody suggested that you should remove all the seatbelts to save money, you would say no, because history tells us that if you do have an accident they are a good thing.

That is the basis of our regulation and that goes to things like buildings built close to airstrips which cause wind turbulence. We have seen here in Canberra instances of reports to the ATSB, the Australian Transport Safety Bureau, of aircraft which have had problems landing due to turbulence generated by those structures. We have seen obstructions into the airspace. We even have a case in Victoria where somebody on the boundary of an airfield has planted a stand of trees which, as they grow, will effectively reduce the useable length of the runway, which will limit its ability to be used for firefighting, agricultural purposes, RFDS etcetera. The local government has no
planning authority at this stage to have those removed. So, at all levels of government, there is a requirement for a uniform, understood and consistently applied framework which means that we will not see development decisions taken by any level of government which will have a long-term detrimental effect to the national aviation capability that this country requires.

Lastly, on process, one of the drivers of this inquiry and these amendments was concern by the public that there was no transparency around what was happening and that they were not being consulted. I would like to put on the record that exactly the same concern exists on behalf of airline and aircraft operators, particularly charter and GA operators, in that they are often consulted but their feedback is that it is a very one-way discussion where they are told what is happening. As it is not transparent and there are no minuted outcomes which can be held up to public scrutiny, even if the people who attend the consultations object to a development because of these regulatory and safety issues, there is no ability for this parliament or other levels of government to actually hold a developer or an approving authority to account for why they have approved something that has gone against the wishes of the operators and may indeed be, at best, a loose interpretation of how the requirements or regulations should be imposed. We need a national framework, we need correct scope, we need consultation and we need transparency for both airport operators and the public.

Question agreed to.

National Broadband Network Committee

Senator BIRMINGHAM (South Australia) (17:25): I seek leave to move a motion in relation to the government's response to this committee's first report on the review of the rollout of the National Broadband Network.

The ACTING DEPUTY PRESIDENT (Senator Fisher) (17:27): Is leave granted?

Senator Feeney: Such is our tolerance that leave is granted.

The ACTING DEPUTY PRESIDENT: Leave is on this occasion granted, Senator Birmingham.

Senator BIRMINGHAM: I move:

That the Senate take note of the document.

Thank you, Madam Acting Deputy President. I thank the Senate and of course Senator Feeney in particular for his indulgence and forbearance to allow such debate to take place. It is showing an indulgence of free debate that is not always seen from those opposite in other ways. That could lead me to want to talk about media regulation and all manner of other things, but I will save those remarks for another opportunity.

This is the government response to the first report of the Joint Standing Committee on the National Broadband Network. I could go through how this response demonstrates how shoddy the delivery of the broadband services the government have promised has in fact been. I could highlight the fact that the speed with which we are seeing the rollout of the NBN and the actual delivery of new services to premises around Australia makes the delivery of home insulation by this government look like a veritable success, compared with the way in which, after 4½ years of talking about more broadband connections, faster broadband speeds and more accessible broadband for Australians, the government have managed to deliver it for a veritable pittance of the population and in fact are failing to even meet the very low targets that were set in the corporate plan of the NBN Co.
I want to go to some of the detail of this government response, and I want to highlight some of the contradictions that are inherent within this response and how they relate to the government's NBN Co. policy. Let us take a look at page 9 of the response, where it says:

To remain competitive in our region as the world moves to a 21st century digital economy, Australia needs to maintain the momentum and make this investment.

The most recent OECD statistics (for June 2011) indicate that Australia is ranked 21st out of 34 countries in terms of its number of fixed broadband subscribers per 100 inhabitants.

This, of course, is the doom and gloom scenario that we have heard from Senator Conroy for many, many years. It predates his time of becoming the minister. It is the scenario in which Australia has these terrible rankings for the rate of broadband connection.

But then, if you turn to page 11 of the government response, it says:

Australians are quick to take up technology, with access for household and business internet connections increasing an estimated 80 per cent over 2007-2010, and use of the internet by households, business, and government more than doubling over the same period.

Australia has demonstrated a high level of broadband adoption by businesses compared to the OECD average; with 90 per cent of businesses with 10 or more employees having a broadband connection in 2007.

So we have this remarkable contradiction here where the government, on the one hand, is citing what it claims is a low rate of broadband subscription in Australia as a reason why we need the NBN but, on the other hand, is citing an embrace of broadband connections in Australia as a reason why the NBN will be popular. Of course, you cannot manage to have it both ways. It is because the government has in this debate managed to confuse time and time again what the accurate measure of broadband should be. It likes to talk about the number of fixed-line subscribers per 100 people—which is the first quote that I used there that shows Australia ranked 21st out of 34 countries—because that ignores the number of premises or residences in play, whereas the more relevant measure is how many individuals or business premises have access to broadband through their business premise, household et cetera. That statistic reveals that Australia is doing very well and is ahead of most countries in the OECD. So we have this strange scenario where, even in this one document, the government is cherry-picking its statistics to argue, on the one hand, that Australia is backward and that is why we need this investment and yet, on the other hand, broadband is popular and that is why we need this investment, because there will be this massive take-up rate. It really does demonstrate in stark black-and-white terms the inconsistency of the government's arguments.

Then, if I look at what the government seeks to achieve, it again justifies this massive investment in the NBN by saying on page 14:

Evidence confirms investment in high-speed broadband delivers productivity gains. For example, The Economic Journal provides an estimate of the effect of broadband infrastructure on economic growth in the panel of OECD countries in 1996-2007, suggesting “… that a 10 percentage point increase in broadband penetration raised annual per capita growth by 0.9-1.5 percentage points”.

The key word in there is that this alleged growth in annual per capita income was a result of ‘penetration’—increased penetration of broadband and the accessibility and availability of broadband. It was not a result of increasing speeds of broadband, which the
government's whole focus seems to be on. The primary consideration when it comes to the increased rate of penetration of households in accessing broadband is the matter of the cost of the service. Once again, the government's response does note this. Page 9 of the report indicates:

… OECD statistics indicate that Australians pay more for broadband than most other OECD countries.

They also show, however, that the nominal retail price of ADSL broadband fell between 2005 and 2010 by 69 per cent and that between 1997-98 and 2008-09 inflation-adjusted prices fell 34 per cent for fixed-line telephone services and 49 per cent for mobile services. So we have seen over the last decade decreasing prices in Australia for access to telecommunications products. We have seen competition delivering decreasing prices for broadband access as well as for other telco products, which has resulted in higher levels of adoption of these products by households and businesses, yet the government is charging ahead in putting in place this anticompetitive regime of the NBN, which will see the exact opposite take place, because in the NBN special access undertaking submitted to the ACCC NBN Co. has asked for the right to increase the nominal price of its main products by half the rate of the CPI. So, far from helping with the penetration rate of broadband into Australian households, the NBN will see, rather than the price decline we have had historically, an increase the cost of broadband services, and that will be what hurts the accessibility and penetration of broadband services.

So this report is littered with inconsistencies that highlight the false premises—to use a favourite phrase of Minister Conroy—on which the case for NBN Co. is built and the false arguments used to justify it, and it demonstrates again that taxpayers are being taken for a ride. This is the government's own report demonstrating the ride taxpayers are being taken on in terms of the billions of dollars being spent on the NBN. Unless there are further contributors to this debate, I seek leave to continue my remarks later.

The ACTING DEPUTY PRESIDENT (Senator Boyce): There are further contributors, Senator Birmingham.

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:34): I rise to make a few brief comments on this report, particularly relating to the way that the NBN has been rolled out in Tasmania. As you would no doubt be aware, the pilot projects for the NBN were targeted in Tasmania, being in Scottsdale, Smithton and Midway Point. They have been rolled out for some time, so it gives us an opportunity to have a look at how that is going. In Scottsdale the number of connection points that have access to the NBN is 1,200, and 12 per cent of those are connected; in Smithton the number that have access is 1,600, 14 per cent of which are connected; and in Midway Point the number of homes that have access is 1,200 and at this stage 25 per cent are connected. It is important to realise that 'connected' does not mean that they are receiving internet services through those connection points. 'Connected' just means that they have taken up the opportunity to have the hardware installed at their house. All the evidence that I can find suggests that the actual number of people who have the NBN connected to their homes and are using the NBN is much smaller.

Senator Feeney: Oh, it's hearsay. You wouldn't have a clue.

Senator BUSHBY: I think that you can look at the estimates figures, and there are all sorts of things which suggest that it is actually quite small. Rather than 12, 14 or 25
per cent, you are probably looking at the single digits in terms of the people who are actually using it. But the low take-up rate does not worry the government at all. They do not really care that in a free market people who are offered the NBN products are choosing not to take them and are choosing to take other alternatives, because they are just going to close all the alternatives down and force you to take up the NBN. If you want to have a phone line, you are going to have to have the NBN. If you want to have the internet, you are going to have to have the NBN. They are just going to put in place a government monopoly, closing down all competition—competition which, it is important to understand, is what people are now choosing when they have the choice of taking up the NBN. They are not choosing to take that up; they are choosing other products which they are no longer going to be able to take up once the government closes down all competition. More particularly, in looking at Tasmania, one of the interesting things that I discovered and discussed at estimates recently was that the pilot programs in Scottsdale, Smithton and Midway Point were all fitted with a technology platform which is not the technology platform that the government are rolling out across the country as they now try and extend to further places. In fact, the technology platform is completely different to the extent that the nation's largest internet service provider, Telstra, are not offering their NBN packages in Tasmania. They have concerns about the level of quality that would be deliverable through their internet service packages if they actually offered them in Tasmania, given that the technology platform rolled out is not the technology platform forming the substantial part of the NBN.

Tasmania was supposed to have received the benefit from being the first mover in the NBN. It was supposed to put Tasmania way ahead of the pack and give Tasmania a huge advantage, particularly Tasmanian business, because Tasmania was getting the NBN first. Tasmania, actually, is now behind the pack as a result of being first. Tasmania has been given what is now redundant technology, a platform that is redundant, which the nation's largest internet service provider will not be offering packages for until such time as that technology has been retrofitted. I think this is an absolutely appalling outcome. Not only does it highlight the hypocrisy of the government in trying to sell a dud to Tasmanians; it also highlights their incompetence generally and their proclivity towards waste and mismanagement.

There will be a cost of retrofitting the technology platforms—to the 12 per cent, the 14 per cent and the 25 per cent that have connected in those three sites. It will not just be a change to a switch in the head office somewhere, but each house will have to be visited and the hardware—which may have been attached to the walls in those houses—removed, taken away and replaced with new hardware. That is going to take time. Until that happens the people who are connected in those houses cannot get Telstra or, possibly, other internet service providers to offer them packages. It is going to cost lots of money, money which will ultimately come from taxpayers.

In summary, Tasmania has not done well from being the pilot project. It has put Tasmania behind the rest of the country. It is going to cost us more, and it is just another example of how this government cannot take any project and manage it well. I seek leave to continue my remarks later.

Leave granted; debate adjourned.
Electoral Matters Committee
Report

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (17:40): On behalf of the Chair of the Joint Standing Committee on Electoral Matters, I present the report on the Electoral and Referendum Amendment (Maintaining Address) Bill 2011, together with the minutes of proceedings of the committee and the transcript of evidence.

Ordered that the report be printed.

Senator CAROL BROWN: by leave—I move:

That the Senate take note of the report.

There are 1.5 million eligible Australians missing from the Commonwealth electoral roll. The Australian Electoral Commission, the AEC, estimates that 600,000 of those 1.5 million eligible electors had previously been on the roll. Many of the 600,000 were removed from the roll when they moved house and failed to update their details with the AEC. This bill will help reduce the number of people removed from the roll. The AEC will have the power to directly update the address details of people already on the roll.

In Australia, enrolment and voting is both a right and an obligation. All Australians should take responsibility to meet their enrolment obligations in order to ensure that they can participate in selecting their representatives. The methods to enrol and update enrolment details are not onerous; however, some electors neglect to update their details until an election seems imminent while others believe that the Commonwealth roll will reflect state enrolment or change of address details that have been supplied to another government agency. Currently, a change to the address details must be elector initiated. When the AEC receives information about a change of residential address, it writes to the person instructing them to update their details, but it cannot take the next logical step and update the details. Worse still, if the person fails to respond, the AEC is obliged to remove them from the roll on the basis that they are no longer entitled to be enrolled at the previous address.

The AEC’s continuous roll update process is limited because it can only use the third-party data received to encourage the elector to update their details; it cannot do it for them. However, if the person does not respond, the same data can be used to remove them from the roll. There is a fundamental inconsistency that this data can be used to remove eligible electors from the roll but cannot be used to keep them on the roll.

The state of the roll necessitates the introduction of direct address update as a matter of urgency. It will provide the AEC with greater flexibility to help counter the trend in declining enrolment over the last decade. It is appropriate for the AEC to have this power and to determine the agencies from which it will receive data. The AEC will continue to use data from Centrelink, roads and traffic authorities and Australia Post, which has been tried and tested in the continuous roll update and objection processes.

I take this opportunity to thank my fellow committee members for their contribution to the inquiry and to the groups and individuals who participated by making submissions or appearing at the public hearings. I also thank the committee secretariat for their assistance. I commend the report to the Senate.

Senator RYAN (Victoria) (17:44): This is the third time that I have had the privilege of dealing with this particular proposal, although in this case it is in a shortened
form. It was previously an automatic enrolment bill that applied both to new enrollees and to those who were moving.

I note that while this actually is only a limited part, dealing with maintaining enrolment, a proposal to allow full automatic enrolment is currently being considered by the Joint Standing Committee on Electoral Matters as well. So all that the government has actually done is to divide a bill that has been rejected previously into two separate measures. I am not sure if that is an attempt to try and somehow overcome the legitimate objections, which I will go through now, that the Senate and a number of those stakeholders have previously had.

It appears that the Labor Party is determined to see automatic enrolment proceed at the expense of the integrity of the electoral roll and at the expense of the possible future pursuit of electoral fraud as well. Underpinning this is what we have just heard from Senator Carol Brown, which is the extraordinary concern that somehow our electoral system lacks legitimacy because of those who do not enrol.

Let us be clear about this: there are no legal barriers to enrolment in Australia. There is no allegation that there is systematic intimidation of voters preventing their enrolment. What we have is a very small form to fill out; smaller than most people would fill out to access a Centrelink payment and smaller than most people would fill out to enrol their child at a primary school. It is a very easy process to enrol to vote in Australia and to find a witness. Yet what the Labor Party and their fellow travellers are seeking to do is somehow to contrive a crisis in our electoral system merely because people are not enrolling to vote. I have said before that I think that is more a reflection upon us than it might be on the voters.

The point is that we have an attempt to change profoundly the way we manage our electoral system. That actually means that at a point in the future for someone who is newly enrolled—if the second bill comes before the Senate—or for someone who potentially changes, we lose the paper trail. The paper trail is very important because when we consider issues of electoral fraud it is handy to have a signature. I note that the Australian Electoral Commission officer downplayed the importance of a signature and a paper trail when this bill was considered before the electoral matters committee, but he did concede that it was a piece of evidence that could be of value in a case or in considering matters of electoral fraud.

I do not think we can legitimately say that because people do not enrol to vote we have a legitimacy problem with our elections. We have education programs and we do not have any barriers to enrolment; we have programs going into schools and universities and no one has yet said at any point that there is a prevention of someone enrolling to vote. That is only one of the problems, but it is important to outline that this contrived crisis is not based on any fact; it is based upon the Labor Party and the Greens seeking electoral advantage.

I say that there does seem to be a fetish in our various electoral commissions at the moment for the use of technology. As voters complain about queues getting longer on the Saturday morning of polling day we seem to have electoral commissions focusing on how they can drag more people into the net. It is effectively conscripted enrolment. You are saying to people that they no longer have the choice to opt out, but the state is too lazy to pursue them for breaching the law so we will just try and drag them in.
Let us go through some of the actual facts about this bill and what it does. They want to be able to use databases that are not designed for this purpose to be able to move people around on the electoral roll. They want to use things like drivers licences or high school examination or graduation databases. There are a number of problems with databases being used for purposes for which they were not designed, and I put to you, Madam Acting Deputy President, that the coalition's view on this particular bill, as is outlined in our dissenting report, is that the integrity of the electoral roll must be maintained. This bill enables the Electoral Commissioner to exercise his or her judgment to determine the use of databases. Madam Acting Deputy President, I say to you and to the chamber in all seriousness that if the Electoral Commissioner makes a mistake and we find that people have been enrolled to vote incorrectly, and if one of those seats happens to be a seat like McEwen, which ends up before the courts with less than a couple of dozen votes that determine the outcome, I think that puts the perception of our electoral system being free, fair and transparent at some risk.

I do not think, and I have said so in a previous dissenting report on this bill, that this is an appropriate decision for the Electoral Commissioner to make, because by its nature it could become partisan. One of the good things about our electoral system is that the Electoral Commissioner is not seen to be a partisan figure, unlike in some comparable democracies. But if the Electoral Commissioner makes a decision that is disputed and they have been warned about it, and that ends up having an impact, even if only in perception, on an electorate where there are only a couple of dozen votes determining the result in, potentially, a hung parliament like we have at the moment, then I put it to you that that is not a situation we should put our Electoral Commissioner in.

What they wish to do when they get hold of these databases is to use them to send a letter to the new address, for example, notifying a person that they are actually going to be enrolled at that address. If they receive no response then they will be deemed to be at that address. I say to you that that seems to me to be perverse; if you do not get a response you are actually deemed to be at that address. The difference between that and the CRU process that we currently enjoy is that you are required to be enrolled at your electoral address. When the Electoral Commission uses databases to check whether you are at your electoral address you are given the option—I have received a letter myself: are you enrolled at this address?—of ticking the box, signing the form and putting it in a reply paid envelope. That is the Electoral Commission doing its job. That is the Electoral Commission maintaining the integrity of the roll. But to reverse that and somehow to say, 'We are going to deem you to be at this address based on the drivers licence database from the state of Victoria, and if we don't get a response we are going to take that as confirmation,' is a perversity of outcome and poses a threat to the electoral roll that no-one on the Labor side or the Green side has been able to come up with an answer to. They simply say, 'Oh, these databases are good, and we won't use databases that we don't trust.'

I do not believe in the perfection of humanity and as long as you involve a person in this decision, be it the Electoral Commissioner or someone else, you will inevitably get a mistake. I do not think that we can say legitimately that our electoral system will be strengthened if we have an electoral result that could be called into question in a single seat of parliament. This bill puts the integrity of our electoral roll at
risk, and it does so through those examples I mentioned.

I will just use a couple of the examples that we mentioned in the dissenting report. A 1999 report by the House of Representatives Standing Committee on Economics, Finance and Public Administration found that an ANAO report discovered that there were 3.2 million more tax file numbers than people at the previous census and there were 185,000 potential duplicate tax records for individuals. I would think that they are the things that the Commonwealth has the greatest incentive in maintaining accurately.

We hear stories of fraud. The government when it was undertaking its second stimulus package managed to send $900 cheques to dead people. Yet we are going to use these databases to determine who can vote? We are going to use these databases to send out a letter, an SMS or an email and if you do not respond we will deem you to have said yes or to be at that address? This makes no sense, so the only explanation for it can be that it is something being done by the Labor Party and the Greens in their political interests. And it is being done so at the risk of our electoral roll.

Let me emphasise again that we strongly oppose this. We did in the last term of parliament and we will continue to do so in this term. No-one is in any way proposing that there not be education campaigns and enrolment campaigns, but the fact that people choose not to enrol or fail to enrol or maintain their details is not something that should be addressed by conscripting them with databases that are unfit for this purpose and that put the Electoral Commissioner in potential breach of a difficult decision that they may not be aware at the time they make it may have unforeseen consequences. The coalition has a strong dissenting report to the government's recommendation on this.

**Senator RHIANNON** (New South Wales) (17:53): The Electoral and Referendum Amendment (Maintaining Address) Bill 2011, as we know, arises from the inquiry of the Joint Standing Committee on Electoral Matters into the 2010 federal election. This is one of the very healthy recommendations to come from that report that, fortunately, have been adopted. Overall that inquiry was a missed opportunity with regard to a number of critical issues to do with electoral funding and protecting our democratic system, and I do look forward to coming back to some of those issues, but right now we have before us a piece of legislation that can increase the integrity of our roll.

So it was very interesting to listen to the previous speaker, Senator Scott Ryan, because he was certainly trying to whip up a crisis around this and was making out that Labor and the Greens were working to contrive a crisis, to use his sensational language. As is so often the case with this senator, he has not provided all the information. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Corporations and Financial Services Committee Report**

**Senator BOYCE** (Queensland) (17:55): I present the reports of the Parliamentary Joint Committee on Corporations and Financial Services on the statutory oversight of the Australian Securities and Investments Commission and on the 2010-11 annual reports of the bodies established under the ASIC Act.

Ordered that the reports be printed.

**Senator BOYCE**: I move:

That the Senate take note of the reports.
In view of the time, I seek leave to continue my remarks.

Leave granted; debate adjourned.

DOCUMENTS

Tabling

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red.

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

BILLS

Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Bill 2011

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.

Corporations Amendment (Phoenixing and Other Measures) Bill 2012

Financial Framework Legislation Amendment Bill (No. 1) 2012

First Reading

Bills received from the House of Representatives.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (17:57): These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper. I move:

That these bills be now read a second time.

Question agreed to.

Bills read a first time.

Second Reading

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (17:57): I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

CORPORATIONS AMENDMENT (PHOENIXING AND OTHER MEASURES) BILL 2012

Today I introduce a Bill to amend the Corporations Act 2001.

The Corporations Amendment (Phoenixing and Other Measures) Bill 2012 contains two key sets of measures.

Administrative winding up of abandoned companies

The first set of measures contained in this Bill strengthens the powers of the Australian Securities and Investments Commission (ASIC) to place companies into liquidation when they have been abandoned by their directors.

This Bill delivers part of the Gillard Government's Protecting Workers' Entitlements Package election commitments.

When a company fails, employees can often end up missing out on some or all of their entitlements—such as unpaid wages and certain other accrued benefits. The Government’s employee assistance scheme, the General Employee Entitlements and Redundancy Scheme or ‘GEERS’, aims to protect workers’ entitlements in these situations, so that employees of failed companies can recoup many of their unpaid entitlements as quickly as possible.

Under GEERS, employees of a failed company are only able to access the scheme where the company that has employed them fails and is placed into liquidation. However, sometimes the directors of a failed company simply abandon the company, rather than go through the appropriate processes to wind-up the company. At present where this occurs, employees are not able to access their unpaid entitlements under GEERS.
If a company has been abandoned but has not yet been deregistered, employees (or ASIC on their behalf) currently have to apply to the courts and incur legal costs in order to place the abandoned company into liquidation before they can access GEERS.

This is further complicated by the fact that where the abandoned company has been deregistered by ASIC or by its members, ASIC or the company's employees have to apply to the courts to reinstate the company and, only once the company is reinstated so that it can be placed into liquidation, could any potential employee eligibility for GEERS be triggered.

To address this impediment and safeguard the rights of employees of failed companies to access GEERS, today I introduce legislation that will provide ASIC with the following discretionary powers:

- the power to place a company into liquidation in circumstances where ASIC currently has a power to deregister the company;
- the power to reinstate any deregistered company and immediately place it into liquidation; and
- the power to place a company into liquidation where ASIC has reason to believe that the company is no longer carrying on business; where ASIC gives notice to the company and its directors of its intention to place the company into liquidation; and where neither the company nor its directors oppose the placement of the company into liquidation.

I anticipate that ASIC will issue guidance to industry on the circumstances in which this power will be used.

**Publication of corporate insolvency notices**

The second set of measures in the Bill will facilitate the future requirement of public notices in corporate external administrations to be published on a single publicly available website.

There are a range of notices that, in the course of external administrations, must be published in the print media or the ASIC Gazette. These public disclosure obligations are in addition to obligations for petitioning creditors and for external administrators to communicate directly with known creditors to inform them of certain events.

There are significant costs to external administrations in complying with these obligations. These costs are ultimately borne by creditors through reduced returns. There are also costs to creditors in monitoring numerous newspapers for relevant notifications – particularly as there is no set newspaper or day of the week on which notices must be published.

The Bill will amend the Corporations Act to remove the requirement for these notices to be published in newspapers or the ASIC Gazette. Instead, the Bill requires these notices to be published in a “prescribed manner” and provides a power for regulations to be made that will prescribe that manner. These amendments will facilitate the future provision of corporate external administration notices via a single website.

As part of the reform package to modernise and harmonise Australia's insolvency industry, which I released together with the Attorney-General on 14 December 2011, the Government announced that ASIC would establish a corporate external administration notices website by 1 July 2012. Online publication of notices will replace approximately 53,000 newspaper advertisements over the next four years, saving external administrations around $15 million over that same period.

The reforms will apply to both advertisement requirements and gazettal requirements.

Removing the requirement for these notices to be published in newspapers, and instead enabling them to be published in a prescribed manner, facilitates the publication of these notices on a single website. Requiring all public notices to be lodged on a single website ensures that these notices are publicly accessible at one location; and able to be searched and accessed by stakeholders quickly and easily.

**Miscellaneous amendments**

In addition to the two key reforms I have outlined, the Bill also contains some miscellaneous amendments in relation to paid parental leave and the powers of the Court in relation to company reinstatements.
Minco approval
The Ministerial Council for Corporations has been consulted and has approved the amendments contained in this Bill.

Summing up
This Bill delivers part of the Gillard Government's Protecting Workers Entitlements Package election commitments.

It strengthens ASIC's powers to place companies into liquidation when they have been abandoned by their directors. This Bill will benefit the employees of these abandoned companies, by enabling quicker access to their unpaid entitlements through the Government's employee assistance scheme.

The Bill also paves the way for a more streamlined and cost-effective process involving the publication of insolvency notices via a single, publicly available website. This will benefit creditors of companies in external administration, by reducing the costs of complying with these regulatory obligations.

FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL (NO. 1) 2012
The Financial Framework Legislation Amendment Bill (No. 1) 2012 would, if enacted, amend 4 Acts and repeal 2 Acts across 3 portfolios. This will help to clarify aspects of the Commonwealth's financial framework.

It is the ninth Financial Framework Legislation Amendment Bill since 2004. It forms part of an ongoing program to address financial framework issues as they are identified, taking a collaborative and whole-of-Government approach.

The breadth of appropriation, governance and financial management issues across the Government compels continued attention. For this reason, the Department of Finance and Deregulation works with all parts of Government, in a strong culture of collaboration, to promptly address financial framework issues in legislation once issues emerge and solutions are designed.

Specifically, this Bill would amend 4 Acts, as follows.

First, the Bill would amend the Auditor-General Act 1997 to clarify that the Auditor General may accept an appointment under the Corporations Act 2001 as the auditor of any company that the Commonwealth controls. This will align the Auditor-General Act 1997 with amendments made to expand the meaning of Commonwealth control, which were made in 2008 to the Commonwealth Authorities and Companies Act 1997.

Second, the Bill would amend the Commonwealth Authorities and Companies Act 1997 itself to:
- ensure that directors of Commonwealth authorities and wholly-owned Commonwealth companies (other than Government Business Enterprises) prepare budget estimates as directed by the Finance Minister, rather than the responsible Minister, consistent with ongoing practice over many years; and
- ensure that directors of Commonwealth authorities and wholly-owned Commonwealth companies notify their responsible Minister of any decisions regarding certain significant events (such as creating a subsidiary).

Third, the Bill would amend 2 minor misdescribed provisions that appear in the Financial Framework Legislation Amendment Act 2010, which sought to update the Commonwealth Authorities and Companies Act 1997 (to replace references to "common law and in equity", and "common law or in equity", with the phrase "under the general law").

And fourth, the Bill would amend the Financial Management and Accountability Act 1997 to make the following four key changes:
- first, to clarify the commencement date for determinations for Special Accounts, and ensure that certain determinations may commence on a day specified in the determination (if that day is later than the last day upon which a disallowance resolution could have been passed by the Parliament);
- second, to focus the operation of drawing rights on payments and remove the penalty relating to drawing rights;
- third, to insert a new whole-of-Government provision to enable the Finance Minister to set-
off, in whole or part, an amount owing to the Commonwealth by a person with an amount owing by the Commonwealth to the same person; and

- last, to increase certain limits around which the Finance Minister may delegate to officials, in relation to the making of certain legislative instruments.

- The Bill would also repeal 2 Acts that include redundant special appropriations, being the:

- Appropriation (Development Bank) Act 1975; and


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

Ordered that further consideration of the second reading of these bills be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

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

Debate adjourned.

**Crimes Legislation Amendment (Powers and Offences) Bill 2012**

**First Reading**

Bill received from the House of Representatives.

**Senator FEENEY** (Victoria—Parliamentary Secretary for Defence) (17:58): I move:

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

Question agreed to.

Bill read a first time.

**Second Reading**

**Senator FEENEY** (Victoria—Parliamentary Secretary for Defence) (17:59): I table a revised explanatory memorandum relating 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—*

**CRIMES LEGISLATION AMENDMENT (POWERS AND OFFENCES) BILL 2011**

Providing law enforcement agencies with modern tools to combat modern forms of crime is the responsibility of every Government. The Gillard Government is delivering on its commitment to combat crime, while also establishing strong safeguards and protections for victims, those accused of crimes, and the general public.

The Crimes Legislation Amendment (Powers and Offences) Bill 2011 contains important amendments to Commonwealth law enforcement legislation that will provide further tools to ensure the effective investigation and enforcement of crimes, and make enhancements to the safeguards applicable in those investigations.

*[DNA Forensic Procedures]*

Firstly, this Bill will increase the transparency and reduce the complexity surrounding the procedures governing the collection, use and analysis of DNA forensic material through amendments to Part 1D of the Crimes Act 1914.

The majority of these amendments are in response to the 2010 DNA Forensic Procedures: Further Independent Review of Part 1D of the Crimes Act 1914 led by Mr Peter Ford.

The Review, which involved detailed consultation with Commonwealth, State and Territory stakeholders, focussed on ensuring the efficiency and effectiveness of DNA forensic sampling, profiling and matching while also appropriately safeguarding civil liberties and privacy.

Those themes are reflected in the amendments contained in this Bill.

Of significance to law enforcement agencies, the Bill contains amendments to help Commonwealth agencies work more effectively...
with their State and Territory counterparts in cross border criminal investigations involving DNA forensic evidence.

The amendments enhance the ability of the Australian Federal Police to respond to requests from foreign law enforcement agencies to match DNA profiles on the National Criminal Investigation DNA Database with profiles obtained as part of criminal investigations by foreign agencies.

The Bill also increases efficiencies in DNA sample collection.

Alongside these law enforcement measures, the Bill will make a series of improvements to the consent processes relating to the collection and use of DNA forensic material and other safeguards that currently apply to forensic procedures.

One such amendment will enable new consent forms to be prescribed under regulations that will ensure the information required to be provided to persons whose consent is being sought to a DNA forensic procedure under the Act, is both consistent and comprehensible.

The Bill will also clarify the processes currently in Part 1D for suspects and offenders to access part of their DNA sample for the purposes of innocence testing, and to other material related to their sample, such as copies of its analysis or copies of related records.

In addition, the Bill will:

- increase the availability of interpreter services to persons whose consent is sought to a forensic procedure
- allow judges, magistrates and senior police officers, when authorising a forensic procedure, to authorise the most appropriate collection method in the circumstances
- place strict restrictions on the purposes for which a DNA sample provided by a volunteer may be used, and
- require laboratories undertaking DNA analysis to be suitably accredited.

The Bill also addresses some minor drafting issues.

A key message that came out of Peter Ford's review of Part 1D of the Crimes Act is that it is a very complex area of law. I am confident that the amendments contained in this Bill go significantly towards reducing that complexity and enhancing the procedures governing DNA collection and use for law enforcement and suspects, offenders and volunteers alike.

[Australian Crime Commission]

This Bill will also enhance the Australian Crime Commission's information sharing capabilities. It will establish a comprehensive regime under which the Commission can share information with Commonwealth, State and Territory agencies and international law enforcement and intelligence bodies.

To effectively combat crime however, Government needs to share its information beyond just government agencies, and proactively collaborate with the private sector.

To assist in the ACC building preventative partnerships with industries that are exposed to serious and organised crime threats, the Bill will provide the ACC CEO with the ability to share information with private sector bodies for a range of specified purposes where the CEO considers it appropriate. This will enable the ACC to share information and intelligence with private sector bodies to enable them to be aware of vulnerabilities and threats that exist in their respective industries. These changes reflect the responsibility held by the private sector to contribute to the fight against organised crime and will ensure that they are better equipped to do so.

Stringent safeguards on the handling, storage and disposal of any information provided will be applied by the ACC CEO. In addition new criminal offences will apply to the misuse or inappropriate disclosure of this information. This will ensure the proper protection of information that has been disclosed to the private sector.

[Australian Commission for Law Enforcement Integrity]

Schedule 4 of the Bill contains amendments to the Law Enforcement Integrity Commissioner Act 2006 to provide the Australian Commission for Law Enforcement Integrity (ACLEI) with a
contempt power and to enhance the Commission's capability to investigate corruption.

The Commission was established in 2006 to investigate allegations of corruption and to enhance the integrity of Commonwealth law enforcement agencies.

The amendments will enable the Integrity Commissioner to refer a person to the Federal Court of Australia or a Supreme Court of a State or Territory for contempt of the Commission. The person will be in contempt if they fail or refuse to co-operate with requests such as refusing or failing to answer the Integrity Commissioner's questions.

These provisions are designed to motivate an uncooperative witness to reconsider his or her position and will provide a swift and powerful mechanism for the Integrity Commissioner to deal with uncooperative witnesses.

These amendments will mirror the contempt provisions in the Australian Crime Commission Act and will align the Australian Commission for Law Enforcement Integrity with various State bodies which exercise comparable coercive investigative powers.

The Bill also extends the sum period for which the Integrity Commissioner may be appointed in response to a recommendation of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (ACLEI). This amendment will allow for continuity of leadership in a situation where ACLEI is undergoing extensive change, or where there is an ongoing, serious investigation.

Under this amendment, the maximum sum period for which the Integrity Commissioner may hold office will be extended to seven years. The requirement that any single period of appointment not exceed five years remains unchanged.

[Commonwealth parole amendments]


Currently, there is no discretion to refuse parole to a federal offender serving a sentence of imprisonment of less than 10 years, even if reports from corrective service agencies do not support the granting of parole.

The amendments will ensure that release on parole of all federal offenders is a discretionary decision. This is consistent with the general approach in the States and Territories.

The Attorney-General will be able to refuse or delay the release of an offender on parole, where this is appropriate.

For example, under current arrangements federal child sex offenders can refuse to participate in sex offender treatment programs, as they know they will be released at the end of their non-parole period regardless. Offenders would be encouraged to take part in rehabilitation programs if they knew that this would be taken into account in deciding whether they should be released on parole.

New measures are also proposed in the Bill to help combat the emergence of new and illicit substances, and are an important step in halting the emergence of a new drugs market in Australia.

It is proposed that the Criminal Code Act 1995 be amended to list additional drug substances and quantities to be subject to the full range of Commonwealth serious drug offences.

As an example, the amendments will enable law enforcement agencies to capture individuals and organised crime groups involved in drug importation and other drug related activities involving substances such as Meow Meow and Special K.

The Bill will also assist the Australian Customs and Border Protection Service perform its vital role in intercepting and seizing illicit drugs detected at the Australian border, by overcoming a legislative anomaly which currently exists in relation to their ability to seize illicit substances without a warrant. The Bill proposes amendments to ensure that the powers available to Customs to seize all illicit drugs – whether proscribed under Customs Regulations or the Criminal Code – are consistent.

[Commonwealth parole amendments]
Further, amendments will be made to provide that the federal offender's parole period ends on the same day as his or her sentence and that the parole supervision period may extend to the end of the federal offender's parole period. Currently, for federal sentences other than a life sentence, the maximum parole supervision period is three years. By establishing that the supervision period may extend to the end of the offender's parole period, this will allow federal offenders who may require ongoing supervision during their parole period to receive this assistance. Such supervision may be required, for example, if the offender is engaging in ongoing drug use, or is displaying other worrying behaviour.

[Commonwealth fine enforcement]

This Bill further amends the Crimes Act to improve the enforcement of Commonwealth fines.

The Commonwealth does not have a fine enforcement agency and relies on State and Territory agencies to enforce Commonwealth fines on its behalf.

Currently, these agencies cannot impose certain penalties on persons who default on the payment of Commonwealth fines unless they first obtain a court order. It is expensive and time consuming for fine enforcement agencies to return to court to obtain an order, and this acts as a disincentive to do so.

These amendments will empower State and Territory fine enforcement agencies to enforce Commonwealth fines through non judicial enforcement actions without first obtaining a court order. These non judicial enforcement actions may include, for example, garnishment of a debtor's wage or salary.

The amendments will not affect other fine enforcement options that are currently available as an alternative to paying a fine - such as voluntary community service or suspension of a person's drivers licence.

[Proceeds of Organised Crime]

Lastly, the Bill will amend the Proceeds of Crime Act 2002 and the Director of Public Prosecutions Act 1983 to allow a court to restrict the publication of certain matters in relation to applications for freezing orders and restraining orders.

As freezing orders and restraining orders are made early in proceedings, it is important that courts are empowered to prevent the early publication of information that could compromise a proceeds of crime investigation or a related criminal investigation.

A minor amendment will be made to the Proceeds of Crime Act to expand the definition of 'authorised officer' to include AFP employees and secondees to the AFP who are authorised by the Commissioner of AFP.

This amendment will ensure that AFP employees and other Government secondees working in the new multi agency Criminal Assets Confiscation Taskforce, can be appointed as authorised officers, and fully utilise their significant expertise in proceeds of crime investigations.

[Conclusion]

The measures contained in this Bill are important to help support the fight against crime by enhancing laws relating to the investigation and enforcement of Commonwealth criminal matters. Importantly, they are also balanced by significant safeguards.

I commend the Bill.

Debate adjourned.

COMMITTEES

Human Rights Committee

Appointment

The ACTING DEPUTY PRESIDENT (Senator Moore) (17:59): A message has been received from the House of Representatives forwarding a resolution agreed to by that House relating to appointment of the Parliamentary Joint Committee on Human Rights.

Copies of the resolution have been circulated to senators in the chamber.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (17:59): by leave—I move:
That the Senate concurs with the resolution of the House of Representatives relating to the appointment of the Parliamentary Joint Committee on Human Rights.

The resolution read as follows—

Proposed Joint Committee on Human Rights, and transmitting for the concurrence of the Senate the following resolution:

That in accordance with section 6 of the Human Rights (Parliamentary Scrutiny) Act 2011, matters relating to the powers and proceedings of the Parliamentary Joint Committee on Human Rights shall be as follows:

(a) the committee consist of 10 members, 3 Members of the House of Representatives to be nominated by the Government Whip, 2 Members of the House of Representatives to be nominated by the Opposition Whip or by any non-aligned Member, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or independent Senator;

(b) every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives;

(c) the committee elect a Government member as its chair;

(d) the committee elect a non-Government member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee;

(e) at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting;

(f) in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote;

(g) 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House;

(h) the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine;

(i) the committee appoint the chair of each subcommittee and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting and in the event of an equally divided vote, the chair will have a casting vote;

(j) 2 members of a subcommittee constitute a quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House;

(k) members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum;

(l) the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced, to move from place to place, to meet and transact business in public or private session and to conduct proceedings at any place it sees fit;

(m) a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate or the House of Representatives;

(n) the committee may report from time to time; and

(o) the committee may appoint counsel to advise the committee with the approval of the President of the Senate and the Speaker of the House of Representatives.

Question agreed to.
BILLS
Customs Amendment (New Zealand Rules of Origin) Bill 2012
Offshore Petroleum and Greenhouse Gas Storage Amendment (Significant Incident Directions) Bill 2012
Nuclear Terrorism Legislation Amendment Bill 2012
Members of Parliament (Life Gold Pass) and Other Legislation Amendment Bill 2012
Tobacco Advertising Prohibition Amendment Bill 2012
Higher Education Support Amendment (VET FEE-HELP and Other Measures) Bill 2012

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

COMMITTEES
Membership
The ACTING DEPUTY PRESIDENT (Senator Moore) (18:00): The President has received a letter from the party leader requesting changes in the membership of various committees.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:00): by leave—I move:

That senators be discharged from and appointed to committees in accordance with the document circulated in the chamber.

The document read as follows—

Appropriations and Staffing—Standing Committee—
Discharged—Senator Lundy
Appointed—Senator Collins

Human Rights—Parliamentary Joint Committee
Appointed— Senators Stephens and Senator Thistlethwaite

Procedure—Standing Committee—
Appointed— Senator Collins

Selection of Bills—Standing Committee—
Appointed— Senator Collins.

Question agreed to

BILLS
Fairer Private Health Insurance Incentives Bill 2012
Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2012
Fairer Private Health Insurance Incentives (Medicare Levy Surcharge—Fringe Benefits) Bill 2012

Reference to Committee
Senator FIERRAVANTI-WELLS (New South Wales) (18:01): I move:

That the Fairer Private Health Insurance Incentives Bill 2012 and two related bills be referred to the Economics Legislation Committee.

I do so because this is the latest betrayal by the Gillard Labor government that really does need to be put under scrutiny. Why? Because this government has absolutely no mandate whatsoever to pass these bills.

The government claims only 27,000 people will drop cover as a result of this measure. Treasury has not done the modelling of the effect of the downgrading of this cover. This is why it needs to be scrutinised. The government's own insurer, Medibank Private, predicted 37,000 of their members alone will drop their cover and 92,500 will downgrade. About 2.4 million people will be directly affected with immediate increases in premiums of 14 per cent, 29 per cent and 43 per cent in the respective income tiers for those under 65.
Deloitte, which is a very respected organisation, has undertaken an analysis which predicts that in the first year 175,000 people would be expected to withdraw from private hospital cover and a further 583,000 people will downgrade. Over five years, 1.6 million people will drop their cover and 4.3 million people will downgrade their cover. Deloitte's analysis also predicts that private health insurance premiums will rise 10 per cent above what they would otherwise be. They also predict that there will be $3.8 billion in additional recurrent costs for the public hospital system. Around 2.8 million people with general treatment cover will withdraw and 5.7 million people will downgrade over five years.

Has Treasury done modelling on the costs and additional burden on the public hospital system, not to mention the effects that this is going to have on waiting lists? No. As we know, a deterioration of the risk pool—that is, healthier, younger people dropping out of private health insurance first—will cause an upward pressure on premiums for all 12 million Australians with private health insurance. What further premium increases will be required as a result of this increased risk? How many people will drop out of private health insurance as a result of these further increases?

When one looks at the people who now rely on private health insurance—the government has been absolutely outrageous in the way that it lied about this measure at the last federal election. For years the Australian Labor Party has been telling us in writing—and it is not worth the paper it is written on—that, 'No, we're not going to touch private health insurance rebates.' They kept telling us that. They lied about this.

Senator Feeney interjecting—

Senator FIERRAVANTI-WELLS: They went to the last federal election and lied about this, Senator Feeney. Of course, now they are perpetrating that by telling us that private health insurance is for the rich. Well, 5.6 million people with private health insurance have an annual household income of less than $50,000. Go and tell those people on less than $50,000 that according to this government they are wealthy, and 3.4 million of those people have an annual household income of less than $35,000. What this government is doing in relation to private health insurance is absolutely outrageous. What is going to happen when all the patients in the private hospital system move over? Therefore, these bills need to be scrutinised by a Senate committee. (Time expired)

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:06): I rise to oppose the motion seeking to refer the—

Senator Williams: Let the Senate do its job.

The ACTING DEPUTY PRESIDENT (Senator Boyce): Order! Senator Williams, please do not make any interjections. Senator Feeney, please ignore the interjections.

Senator FEENEY: I do try, Acting Deputy President. There is no justification for these bills to be referred to the committee, despite what Senator Fierravanti-Wells just set out in her speech of confected outrage. These bills have been debated extensively over the past three years with all of the issues comprehensively considered and examined. This motion is nothing more than a cynical attempt by the coalition to prevent these bills passing through this chamber prior to their proposed commencement date. I said in my very first speech to this place:

In health we need to end the scandal of three billion tax dollars a year being handed over to the private insurance industry—a handout that has
done nothing to reduce the pressure on our public hospitals. For all this vast subsidy, the proportion of Australians who have private health cover rose during the Howard years only from 34 to 44 per cent. And most of the new purchasers were well-off people who bought a cheap policy to avoid the government’s tax surcharge. That is to say, the private health insurance industry has been grown with conscripts not volunteers.

It is our very firm view that these bills will ensure that low- and middle-income earners will no longer subsidise the private health insurance of high-income earners. Despite the misleading claims that members of the coalition have made throughout this debate and again today, the rebate will remain unchanged for low- and middle-income earners. The private health insurance rebate is the fastest-growing component of health spending and it is unsustainable. Over 10 years its real cost will increase more than 50 per cent.

The changes proposed by this government will save $2.4 billion over the next three years and $100 billion over the next 40 years. So one wonders why the coalition are opposed to a measure that ensures that our tax dollars are spent in the most effective way. The real reason the coalition are so opposed to these bills is that they have never met a billionaire they do not want to give a handout to. And we see this riddled throughout their policies.

**Senator Nash interjecting—**

**Senator FEENEY:** I see Senator Nash gnashing her teeth as she hears my remarks, but one might very well remark that, given the recent advice and interactions between her Senate leader and a notorious billionaire, one can see my point proven again and again. The continued passage of these bills should not be held up because of the coalition’s ideological desire to hand over taxpayers’ money to those who are most able to look after themselves.

**Senator RYAN (Victoria) (18:09):** I am quite proud to speak on this motion, because what we just heard from Senator Feeney is a complete misrepresentation of the importance of private health insurance. In fact, one of the reasons we need to have an inquiry into this matter is to dispel those myths—in fact, those quite blatant mistruths—by the government. Let us go back to the history of why this is a rebate and not a tax deduction. Just like Medicare is universal—and Labor made such a point of that—the previous government introduced the private health insurance rebate as a rebate, not a tax deduction. The reason it was introduced as a flat-rate rebate and not a tax deduction was to guarantee that it would be worth more to lower income earners. If it were a tax deduction, like it was previously, it would have been worth more to higher income earners. This rebate guarantees that the millions of people Senator Fierravanti-Wells mentioned—whose household incomes are less than $30,000 and less than $50,000—will be helped to keep their private health insurance.

This is what Labor are all about: they actually wants to punish those who invest in their own health care. It is just like they have always been with education: they do not like people being able to invest in their own health care. The private health insurance rebate ensures and triggers further private investment in health care. It increases the overall pool of money being spent on health in Australia, and we know from the work of the Productivity Commission and the Australian Institute of Health and Welfare that private hospitals treat 40 per cent of all patients in Australia. In 2009 and 2010 private hospitals admitted 3.5 million patients, and they perform most of the elective surgery in Australia. That is what Labor do not like. They want everyone to have to join the queues that they did so much
to make longer at the state level over the last decade. The dream of the Labor Party is a national health service—a British-style national health service. The very balance that Neal Blewett designed into the Medicare system, which protected private health insurance and made the rebate that we as citizens get for a medical procedure not dependent upon the venue in which that procedure was performed, is supported by the private health insurance rebate. The rebate guarantees that, regardless of your income, you receive a flat amount to support you investing in your own health care, to support you taking pressure off the public system and to support you freeing up those resources to be used by those who are more needy. As I said, it was all about making it a rebate so that it would be of more value to lower income earners.

What the government does not want people to know is that every one of those households that Senator Fierravanti-Wells talked about—those who are earning less than $30,000 and $50,000—is going to pay more for health insurance because of this bill. We are going to have tens of thousands of people drop out. The government does not want to tell us, because Treasury will not do the modelling and release it, but we have heard from Medibank Private and we know from other players in the sector that this is actually going to mean that the young and the healthy will drop out. It will reduce the quality of the pool of people in private health insurance, and that will mean that the increases in private health insurance costs in coming years will be higher than they otherwise would be. When it comes to the carbon tax, the government does not like to have such comparisons. It likes to pretend that it lives in a world where its assertions are the truth. But they are not, and we know that.

What this Senate needs to do is to ensure that the mistruths—and potentially even the misunderstandings, Senator Feeney—that are put around by the Labor Party and their allies on this, and the dirty deal that was done in the lower house, are exposed so that the people know why they are getting a 10 per cent increase rather than a seven per cent increase in their bill next year. We are talking about the people on below average incomes—the people who save for their own health care because they see it as something that is good for them, good for their families and good for the community. Those people should have the right to know exactly why their premiums are going up faster than they were in previous years. They are going to go up faster because the Labor Party needs to fill various budget black holes that it has created, and it is continuing its 30-year war against the private health industry—the industry that performs the majority of elective surgery in Australia. Why on earth we would want to reduce that, I do not know. It is not like the state hospitals that have been run by the Labor Party for so long are doing such a fantastic job—with the tragedies we heard about in New South Wales and Queensland. It would be a travesty if these bills were not exposed. It is wrong that Labor and its Greens alliance partners are willing to ram this through. We will ensure that all the Australian people know the exact consequences of this legislation.

Senator McKENZIE (Victoria) (18:14): I too rise today in support of the motion of the shadow minister for ageing and mental health, Senator Fierravanti-Wells, to refer the Fairer Private Health Insurance Incentives Bill 2012 and two related bills to the Senate Economics Legislation Committee. This legislation will impact on the federal budget and it is only right and proper that the Senate Standing Committees on Economics examine the legislation in light of the
changing economic situation—and I mean the actual economic situation, not the changing political imperatives of the Labor government. When this legislation last entered the Senate, it was referred to the Senate community affairs committee, where the coalition recommended that, rather than punish hard-working Australian families, the Minister for Health and Ageing examine other means of obtaining the required fiscal savings. The coalition supported the government's attempt at fiscal responsibility, especially in light of such consistent failure over time on this key indicator of government performance.

The government is once again putting middle Australia in the spotlight and taking aim, as my two coalition colleagues have mentioned. I will not reiterate the statistics. In its majority report the committee at that time was satisfied that the government had set aside adequate funds to inform and instruct the industry and the public on how these means-tested rebates would work. But, clearly, this has not happened. If I walked down the main street of any town in Australia or asked any of the 40 per cent of regional Australians who have private health insurance how this would affect them, they would not be able to tell me. Australians need to understand how this legislation will affect their bottom line from July 2012 and the Senate needs to assure itself about the holistic impact of this legislation on the nation's bottom line.

Senator Fierravanti-Wells's motion seeks the committee to report in June, allowing plenty of time for all stakeholders to participate in a comprehensive examination in the current economic climate. The government has the numbers today to vote to halt the scrutiny, but it also has the numbers in the legislation committee to adopt a report. If it is such a great piece of legislation, Senator Feeney, let us have a look at it. What is there to hide? This is yet another example of the Labor government doing something in haste without fully understanding its impact and without thorough investigation. In fact, this government's entire time in leadership of our nation has been littered with rushed, poorly implemented policy with unintended consequences.

I am confident Australians would like to know why Nicola Roxon, the then Minister for Health and Ageing, said in 2009:

The Government is firmly committed to retaining the existing private health insurance rebates.

She then proceeded four months later to introduce this legislation into the House of Representatives—mixed messages from a mixed up Labor government. The government is planning to means test private health insurance rebates at the same time that it has approved a premium rise. The new federal health minister has approved an average rise in private health insurance premiums of 5.6 per cent effective from 1 April. As a result Australians will be paying more for their health insurance under this government.

Means testing families on $160,000 a year is just that—it is mean. This legislation targets the copper and the teacher, for example, in regional Australia, who contribute their taxes, who pay their Medicare levy and who are going to be slugged again. Describing these families as 'millionaires' shows just how out of touch this government is with the day-to-day struggles of working Australians. Penalising people for taking responsibility for their own health care makes no sense. Many regional communities currently have access to private hospitals and the specialists those hospitals bring to town, essentially acting as a hub for regional healthcare delivery. Typically, private hospitals in regional centres have
lower occupancy rates, meaning they operate on wafer-thin margins and any erosion in those rates will be magnified in regional hospitals and likely to force cuts to service or, potentially, to cause some private hospitals to close their doors entirely. Forty per cent of regional people have private health insurance and those patients are using these private services, many no doubt relying on them for repeat admissions over the course of a treatment. For ongoing health conditions, these families can ill afford to lose these benefits.

Let us refer it to our committee for scrutiny. Senators are canny folk and I am confident there would be some great recommendations from the committee on how to assist the minister to find the savings for Mr Swan's surplus without slugging middle Australia. How typical, Labor.

Senator McEWEN (South Australia—Government Whip in the Senate) (18:19): I too would like to make a contribution to the debate on the motion moved by Senator Fierravanti-Wells to refer the Fairer Private Health Insurance Incentives Bill 2012 and two related bills to a committee for inquiry. We know that this is one in a long line of stunts by the opposition to delay the proper progress of legislation through the Senate. Indeed, it is just a delaying tactic and fairly repetitive behaviour on the part of the opposition, but it is in line with their opposition for the sake of opposition.

I note that these bills have already been in public debate for approximately three years and it would be safe to say that all of the issues covered by the bills have been well and truly traversed in debates in this chamber and in Senate estimates. Most of the issues raised in these bills have been traversed ad nauseam by those opposite. That is fair enough, but there is no need to refer them again to a future committee. I note also that the bills are already on the Notice Paper for debate in the Senate this week and this is, properly, where we should be heading—that is, to get on with the debate about these important bills. I note also that already nine coalition senators have their names on the speaking list to contribute to the second reading debate on these bills. Obviously they are clearly ready to talk about the bills, but they have to go through this stunt to make us waste more time of the Senate by talking about referring bills to a committee.

The government wants to proceed with these bills because they are good Labor policy. We believe that private health insurance rebates should be means tested to make it fair for all Australians. It is not fair that Australians on lower to middle incomes are subsidising the private health insurance of Australians on very high incomes, like those of us in here. It is not fair that taxpayers on low incomes who may not be able to afford private health insurance themselves should be subsidising the private health insurance of millionaires. There is another very good reason we should be getting on with debating and passing these bills—that is, the budgetary impact of not doing so.

We know that Australia's health budget is one of the burgeoning budget issues we have to deal with. We do have to take decisive action to make sure that we keep that budget under control and that we focus the health budget on where it needs to be—that is, on services for people and medical assistance in hospitals. That is what people really need. We know that these bills, if they are passed, would save the Australian budget $2.4 billion over the next three years and $100 billion over the next 40 years. That is an amount of money that could be well invested in the health system, but the opposition are saying they do not want to proceed with it. I have to ask them: if they are not going to
pass these bills, as they are indicating, then where are they going to find the money so Australia’s health system can provide the services Australians need?

They have given us no indication of where they would make up that budget shortfall. They never will give us any indication of where they are going to make up that budget shortfall. We are still trying to find out how the opposition are going to fill the black hole—the crater—of the $70 billion that they are going to foist on the Australian public because they have no concrete proposals for dealing with budgetary matters. They just continue to oppose for the sake of opposing.

These reforms build on the Australian Labor government’s great record with regard to health and health reform. Of course, it was a Labor government that brought in Medicare—universal health care for all Australians. It is a very proud part of our history. In terms of the more recent Labor governments, we have tried to address the severe funding shortages that occurred throughout the Howard era—the era when Mr Tony Abbott was the Minister for Health and Ageing and ripped a billion dollars out of the health system.

Senator Nash interjecting—

Senator **McEWEN**: We have attempted to redress that by increasing hospital funding by $20 billion since 2008. We have committed more to cancer services, including 22 regional cancer services, Senator Nash. We have committed more than $2.2 billion to mental health—the largest ever mental health package in Australia. We have provided funding for preventative health and for primary health care. We have increased the numbers of doctors and nurses. We have done practical things for Australians.

Senator **WILLIAMS** (New South Wales—Nationals Whip in the Senate) (18:24): This is about the Senate doing its job as a chamber of review. That is what this is about. Senator Fierravanti-Wells has brought forward the statistics in terms of what is going to happen. You do not have to be a rocket scientist to realise that the more you raise the price of something the fewer customers you will have. That is just a law of economics. As you raise the price what is going to happen is that people will either lower their amount of cover or pull out of private health insurance. And what will happen then? It will mean more stress—more people relying on the public health system that is run by our state governments and is already under enormous stress.

We just found out last week that there will be a $100 million a year cost to the hospitals for increases in electricity prices because of the carbon tax—$100 million a year for our hospitals. What are we going to do now? We are going to remove the incentive for people to take out private health insurance. The government want to take that away. Yet they are trying to hide from it. They will not let a Senate inquiry go ahead; they are opposing that.

Have a look at the statements of Ms Roxon and former Prime Minister and slain political man Kevin Rudd prior to the 2007 election. The statements were: ‘We will not change the private health insurance rebate. That is locked in concrete. We are the Labor people and we will not change that.’ And what are they trying to do? They are trying to change it.

The reason Labor have a 31 per cent primary vote is that people do not trust them. They do not trust them on private health insurance. They do not trust them on carbon tax. They do not trust them on managing our economy. The reason they are doing this is they are stone motherless broke. We now have $231 billion worth of gross debt.
because they wasted so much money. They handed out $900 to people here, there and everywhere. There was the pink batts. There were the school buildings—including a $600,000 kiosk at Tottenham Central School and a $330,000 eight metre by four metre building at Kingstown Public School. The waste of money is incredible.

What are the government going to do now they have run out of money? They are going to pressure our state health system. This is cost shifting. They are simply removing the cost from the federal budget and placing it onto state budgets, which are already under enormous stress. We have seen what has happened to our state hospital system over the last 15 years with the lack of finance and support. All this is about is shifting the cost from the federal budget to the state budgets. Make no mistake about it: people will leave private health insurance—we already have the models on that—or downgrade the cover they have. Many of these people are simply Aussie battlers. When more drop out, the private health insurance companies are going to have to raise their premiums. That is only common sense. Then those Aussie battlers, who will not be affected by this as far as their rebate goes, will see their premiums going up and they will drop out. There is the problem: more strain on our public health system.

People will be lined up at the emergency department of the hospital on a weekend putting more stress on the hospital system. People will have to wait to have surgery carried out. People will leave the private health system. What will happen then? How will those private hospitals survive? This is a threat to the private hospital system as well. More people will be going to the public health system. And it is a betrayal of the promise by Ms Roxon and Mr Rudd prior to the 2007 election. No-one can deny that. We can bring in the printouts. When we get into debate on this bill we will gladly bring in the printouts from the media coverage where they said, 'We will never reduce that.'

As I said, the reason the Labor Party's primary vote is at 31 per cent is that the people of Australia have lost faith and trust in this government. They cannot trust you.

Senator Nash: The carbon tax.

Senator WILLIAMS: Yes, Senator Nash, there is the carbon tax. I will take that interjection. We heard, 'There'll be no carbon tax under a government I lead.' But on 1 July in will come the carbon tax.

Senator Feeney interjecting—

Senator WILLIAMS: And remember—people like Senator Feeney should remember—that $100 million a year extra cost for electricity in our hospital system throughout Australia. That is $100 million for what? It is for absolutely nothing. That is why we should support this inquiry. At least let the Senate do its job. That is all I ask for—to back Senator Fierravanti-Wells's reference here. Let the Senate do its job. If you vote against this reference you are voting against democracy and the job of this Senate. That is what you will be doing. You want to close it down so that you can rush a bill through for the budget that you have made such a mess of over the last four years.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:29): In summing up this debate for the coalition I would remind Senators Feeney and McEwen that somebody once said:

I grow tired of saying this. Labor is committed to the 30 per cent health insurance rebate.

That quote was in my local newspaper, the Hobart Mercury, from a certain person. I will give those on the other side a hint: the person was also the person who promised undying loyalty to Mr Rudd. And just in case they cannot remember or cannot get the hint as to
who it is—if they are scratching around in their heads—I will give them another hint. It was also the person who said, 'There will be no carbon tax under a government I lead.' In case they have not got it yet, that was the solemn promise of Ms Gillard on behalf of the Australian Labor Party.

This is another Labor broken promise. We as a coalition want to put this proposed measure to a Senate inquiry to give the Australian Labor Party the opportunity to explain how that which was such good policy before the election is all of a sudden bad policy after the election. They know they have the numbers—or, I should say, the Greens know they have the numbers, because they have a compliant ALP willing to ram this through the place without proper scrutiny. We will be dividing on this, because we believe the Senate should do its duty and explore this matter fully. (Time expired)

The PRESIDENT: The question is that the motion moved by Senator Fierravanti-Wells be agreed to.

The Senate divided. [18:35]

(The President—Senator Hogg)

Ayes.....................32
Noes.....................36
Majority..............4

AYES

Abetz, E
Birmingham, SJ
Brandis, GH
Cash, MC
Cormann, M
Eggleston, A
Fierravanti-Wells, C
Fisher, M
Johnston, D
Kroger, H
Madigan, JJ
McKenzie, B
Parry, S
Ronaldson, M
Scullion, NG

Bernardi, C
Boyce, SK
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ryan, SM
Sinodinos, A

Xenophon, N

NOES

Bilyk, CL
Brown, CL
Cameron, DN
Carr, RJ
Crossin, P
Farrell, D
Feeney, D
Gallacher, AM
Hogg, JJ
Ludlam, S
Ludwig, JW
Marshall, GM
Milne, C
Policy, H
Rhiannon, L
Siewert, R
Stephens, U
Thistlethwaite, M
Williams, JR (teller)
Waters, LJ

Bishop, TM
Brown, RJ
Carr, KJ
Collins, JMA
Di Natale, R
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Lundy, KA
McEwen, A (teller)
Moore, CM
Pratt, LC
Sherry, NJ
Singh, LM
Sterle, G
Urquhart, AE
Wright, PL

PAIRS

Adams, J
Back, CJ
Boswell, RLD
Heffernan, W

Wong, P
Conroy, SM
McLucas, J
Evans, C

Question negatived.

Community Affairs Legislation Committee

Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (18:38): by leave—At the request of Senator Moore, Chair of the Community Affairs Legislation Committee, I move:

That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the Social Security Legislation Amendment Bill 2011 and related bills be extended to 14 March 2012.

Question agreed to.
BILLS
Fairer Private Health Insurance Incentives Bill 2012
Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2012
Fairer Private Health Insurance Incentives (Medicare Levy Surcharge—Fringe Benefits) Bill 2012
Second Reading
Debate resumed on the motion:
That these bills be now read a second time.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:38): Those who assert they support the public hospital system, those who assert they support access to health services for the underprivileged and those who assert the provision of first-class health care as a policy priority should be voting against this Orwellian-named Fairer Private Health Insurance Incentives Bill 2012. Let us make no mistake: this bill is not fair, conceived as it is in the time warp of class warfare and gestated in the womb of destructive envy. This bill will, like everything Labor does, make the bad public hospital situation even worse.

Logic dictates that if government deliberately removes the incentives for people to privately insure and look after themselves, and take responsibility for themselves in matters health, there will be fewer people doing so. In short, there will be fewer people privately insured because as the incentives are removed so is the affordability and inclination. Having fewer people insured means that the risk of those insured is spread over fewer people and as a result premiums will rise, forcing even more out of private health insurance. As people are disincentivised or unable to insure themselves, reliance on the private sector diminishes. As reliance on the private sector diminishes, so reliance on the public sector commensurately increases.

Due to years of Labor neglect and incompetence, the public hospital system is in disarray. The first-line service providers should not be faulted; indeed, they cannot be faulted. But the system, the incompetent administration, can and does deserve to be faulted. To these overstretched services will be added not hundreds nor thousands but, regrettably, hundreds of thousands of people as they too seek refuge in the public hospital system. Waiting lists will balloon out even further as a result of this measure. Government should have the vision to encourage people to look after themselves. Self-reliance is a great virtue. Self-reliance should be encouraged. Self-reliance needs to be encouraged. Reliance on government or the public purse—in other words, other people's purses—leads to an unmotivated people. Reliance on government leads to dullness in a society. Vibrancy, the desire to progress and the desire to achieve will be stifled.

There will be those who say: 'Why bother with private health insurance? The government will provide.' And there will be those who say, 'Why bother to be self-reliant because the government simply penalises you?' This bill is bad policy. It hurts the aspirational and chokes the great virtue of self-reliance. This bill is bad policy because it will deny those who genuinely need the public hospital system for more equitable access as the queues grow.

Let me also deal with the ugly class warfare mentality built in the past on the tried and failed socialist dogma of equal low-class service for all and the politics of envy, so clearly enunciated by Labor and Greens spokesmen on this issue. As the Greens-Labor alliance struggles to be trusted and
believed by our community, it seems that they and their spokesmen will simply repeat the distortions in the hope they will eventually be believed. I remind the Greens and Labor senators that the simple repetition of an untruth does not change its inherent characteristic of untruthfulness, no matter how often it is repeated.

Let us debunk this oft-peddled myth by the Greens-Labor alliance that under the current system the apprentice will subsidise the health care of the millionaire. Let us just stop and examine that proposition. In doing so, we will observe the deliberate falsehood that it represents. The person earning a taxable income of $1 million pays a Medicare levy of one per cent, amounting to $10,000, despite being privately insured. His insurance will cost, one assumes, thousands of dollars on top of the $10,000 Medicare levy. What that person then gets in return by way of a rebate can be counted in the hundreds of dollars for his $12,000, $13,000 or $14,000 contribution to health care. Now let us go back to the apprentice. On a first-year apprentice's wage, that apprentice would not even be paying a Medicare levy. So why this dishonesty by cabinet ministers from Labor, who repeatedly go out, night after night, on the evening news and on the talkback programs, peddling this falsehood, peddling this myth, hoping beyond hope that they will not be exposed?

We as a coalition will continue to expose this falsehood because it deserves to be exposed. That Labor senators do not even know that first-year apprentices, who earn about $18,000, do not even pay the Medicare levy shows how out of touch they are with the earnings of an apprentice. The Labor Party once upon a time was the proud custodian of the tradespeople of this country. Most of the people who represented the Labor Party actually had a trade under their belt. Nowadays there are more people with a trade under their belt sitting on the coalition side, and that is why we know some of these things which Labor ministers and cabinet ministers have lost touch with. But, despite the incontrovertible evidence, Labor senators and Greens senators will, I predict, get up one after another and regurgitate the untruths fed to them by the factional bosses.

Let me acknowledge that the millionaire is likely to retain his private health insurance. But what about the families, the ones Labor desperately does not want to talk about, which are battling with cost-of-living pressures and battling with the proposed carbon tax and now private health insurance rebates? For them, the rebate is a huge incentive to remain self-reliant. As they struggle to pay off a mortgage, educate their children and pay their power bills and rates, private health insurance will become a possible victim, especially if their health is relatively robust.

As these low- or non-claiming members drop out of private health insurance, the premiums for pensioners will increase—by an estimated 10 per cent above normal increases. This notion that pensioners will not be impacted by the proposed change is as wrong as it is disingenuous. As I doorknock, I am constantly astounded by how many pensioners volunteer that they scrimp and save to pay their private health insurance, usually on a fortnightly basis, as their security blanket. The peace of mind afforded by private health insurance is something they appreciate.

Senator Feeney: I doubt it.

Senator ABETZ: What they do not appreciate is politicians—like Senator Feeney's interjection just then—messing with the scheme. I know the public reaction in my home state of Tasmania, where we have a surprisingly high rate of self-insurance. Labor, the Greens and the
Independent member for Denison will be judged and judged harshly for this short-sighted yet far-reaching emasculation of our health system through this bill.

Like so much of the Greens-Labor agenda, this bill is based on a broken promise. Ms Gillard wrote in my local newspaper:

I grow tired of saying this — Labor is committed to the 30 per cent private health insurance rebate.

This is another Labor broken promise, like the carbon tax, like the definition of marriage. You go through the issues: time and time again, Labor is the party of broken promises to the Australian people.

Debate interrupted.

DOCUMENTS

Consideration

The government documents tabled today were called on but no motion was moved.

ADJOURNMENT

The DEPUTY PRESIDENT (18:50): Order! I propose the question:

That the Senate do now adjourn.

Scotland's Radical Exports: Book Launch

Senator CAMERON (New South Wales) (18:50): I rise tonight to talk briefly about a book that I launched in Collins Street in Melbourne. It is unusual for me to be launching a book in Collins Street, especially with Collins Street being the home of capitalism in Australia. The name of the book is Scotland's Radical Exports: the Scots abroad—how they shaped politics and trade unions. I thought it was quite delightful to be—

Senator Feeney: Was Senator Macdonald there?

Senator CAMERON: No, Senator Macdonald was not there. Senator Macdonald's tartan tie was not even there. And Senator Macdonald—I must disappoint him—did not get any mention in this book about Scotland's radicals abroad and how they shaped politics and trade unions. The book was written by a former president of the Scottish Trades Union Congress, Pat Kelly, and the book is fantastic. It is a great book. I ask everyone who has an opportunity to do so to have a look at the contribution that the Scots have made all around the world. Pat traverses and chronicles the struggles, defeats and victories of the trade union movement in Australia, the US, Canada and New Zealand. Central to those struggles was and is the role of Scottish trade unionists. Many Scottish trade unionists and their families paid a massive price as the owners of capital victimised, assaulted, blackballed and vilified union activists. As I said, being in Collins Street to launch this book was quite an experience.

We talk about globalisation and we hear a lot about some of the things the Scots have done, such as bringing culture and engineering excellence to the world. They have taken economics around the world, and they have also taken trade unions around the world. Wherever capitalism went, the Scots trade unionists were there. I am very happy to be one of them. This book talks about the values and principles that the Scots brought to trade unionism and the effect of that around the world—and particularly in Australia. In Scotland they did lots of education during the early years of unionisation—mostly self-education. Trade unionists were educated in Marxism, they were educated in economics, they were educated in politics. They were also educated in reading, debate, critical analysis and political analysis. As I said when I was launching this fantastic book, you can be smart, you can be well read, but you need values, principles and courage—and nobody
had more values, principles and courage than some of the leading Scottish trade union officials who emigrated from Scotland and set up trade unionism around the world.

This book does not just deal with the leaders of the Scottish trade union movement; it also deals with rank and file trade unionists. When I came to Australia and worked at the Garden Island dockyard, there were lots of Scottish accents. When I went to the Liddell power station, there were lots of Scottish engineers and Scottish accents. They were doing a great job keeping the wheels of this country turning. They also had great solidarity and commitment. The families of unionists did it really tough. Some of the unionists outlined in the book include William Wilson, the leader of the US miners who became the Secretary of the Department of Labor. He played a huge role in ensuring that workers got decent rights. I did not realise until I read the book that Philip Murray, born in Blantyre and who was the head of the steelworkers union in the US, had a street in my home town of Bellshill named after him. There are references to Doug Fraser from the United Auto Workers union, one of the key trade unionists in the history of the United States; JB McLachlan, from the Nova Scotia miners; and Tommy Douglas, who was the leader of the NDP in Canada. He was a Scottish trade unionist who went over there and got involved in politics, and only a few years ago he was voted the greatest Canadian of all time—a Scots emigrant to Canada. He was voted the greatest Canadian because of his trade union activities, because of his political activities and because he started the health system in Canada that created that huge difference between the United States and Canada.

The book also refers to great names in Australia such as William G Spence, who founded the Australian Workers Union. If you read the book, you will see he founded three unions. He did a fantastic job of organising during the great disputes, including the shearsers dispute and the maritime dispute. He was an eight-year-old during the Eureka Stockade, and he was at the Eureka Stockade with his father. He knew plenty about deprivation and he knew plenty about trying to make sure that workers came together to form trade unions and get decent rights and not be treated simply as the goods and chattels of employers. Another great trade unionist who came to Australia, at the age of 18, was Andrew Fisher—the first Labor Prime Minister. It is interesting to note that Andrew Fisher was blackballed in Scotland as a union activist—he had to leave Scotland and come to Australia. I know Senator Williams would like to blackball me from the Senate, but I am going to be around for a little while. Andrew Fisher came to Australia and in 1910 won the first election for the Labor Party, on a very socialist platform, to bring Australia into modern times.

Of the 25 members of the first Labor caucus, 13 were Scottish. I would not have had a problem with my accent in that caucus—I think I would have been understood pretty well. The Scots made a huge contribution not only to trade unions in Australia but also to politics. The book *Scotland's Radical Exports: The Scots abroad—how they shaped politics and trade unions* is a must-read for anyone who has been influenced by a Scottish trade union official or has parents or friends who have been involved in the trade union movement in Australia. The union movement is not just about the Scots, but the Scots have made huge contributions around the world. As I said earlier, the Scots are well-known for their contribution to engineering and to capitalism, so Scottish entrepreneurs always had that check and balance from the Scottish trade unionists. I am glad I am keeping the
tradition alive in the Senate and in the Labor Party.

It is interesting that so many Scots have made such huge contributions. If Senator Williams has a look at the book he will find that there is actually a chapter about me. I am very pleased about that. I do not know why I am in there with such Labor luminaries as William G Spence and Andrew Fisher, but I actually do get a mention in the book. I want to try to keep the whole thing going. I do not want to say too soon that it has all come to an end, because there is lots of work for Scottish trade unionists and there is lots of work for progressive Scottish politicians in the Australian parliament, especially in the Senate. When you hear the arguments being put up from the other side, you can tell that there will always be room for progressive political argument here.

I would recommend reading the book to anyone who gets the opportunity—to look at the tragic circumstances that many Scots founds themselves in. Being locked up for five years because of your political activism in the US is a big call, but that was done. It was about advancing the rights of working people and we should continue to do that. I am very pleased to have launched the book in the seat of capitalism—Collins Street. (Time expired)

**Climate Change**

Senator RONALDSON (Victoria) (19:00): I cannot let my colleague's contribution go without some comment. I am very pleased to have significant Scottish blood flowing through my veins and I am equally pleased not to be a trade unionist. It is win-win. I am not going to rush out and buy this book, because I rather suspect that in about two weeks time it will be in the $2 bin anyway. I will wait until then and then I will circulate it in our party room to allow those of my colleagues who are remotely interested to read it.

That was not the reason I stood up to speak tonight. I want to talk about an article in the *Australian* by Graham Lloyd, the environmental editor, on 10 February. It is very interesting reading. It says:

Himalayan glaciers are back on the frontline of climate change controversy, with new research showing the world's greatest snowcapped peaks lost no ice at all over the past 10 years. Claims the Himalayan ice peaks would disappear by 2035 instead of 2350 cast doubt over the credibility of the UN's Intergovernmental Panel on Climate Change 2009 report. Now even the 2350 estimate of disappearing ice is open to question.

Research published in the scientific journal Nature showed satellite measurements of the ice peaks from the Himalayas to Tian Shan on the border of China and Kyrgyzstan have come to an unexpected conclusion.

While lower-altitude glaciers were melting over the past eight years, enough snow was being added to the peaks to compensate.

The research published in Nature was designed to show the contribution of melting glaciers to rising sea levels.

... ... ...

Scientists previously believed about 50 billion tonnes of meltwater were lost from the Himalayas each year and not replaced with snow, but the research shows that is not the case, with the amount of water melting into the sea being replaced with snow at higher altitudes.

The finding was described by Bristol University glaciologist Jonathan Bamber as "very unexpected".

I thought I should go and have a look at this article in *Nature* and at the analysis by the said Professor Jonathan Bamber of Bristol University in relation to the study led by Professor John Wahr of the University of Colorado at Boulder.
Professor Bamber's analysis of those findings made for fascinating reading. In fact it was so fascinating I thought I would share it with the Senate tonight. Since 2002, the Gravity Recovery and Climate Experiment—or GRACE—satellite has provided monthly data on changes in the Earth's gravity field. This in practice means that scientists can monitor variations in mass on the Earth's surface. Using data from between January 2003 and December 2010, Professor Wahr's study considered the changes in mass of the Earth's large, ice covered areas, known as the Glazier and Ice Cap—or GIC—regions. What they found, in Professor Bamber's words, were two unexpected facts:

First, the contribution of GICs (excluding the Antarctica and Greenland peripheral GICs) to sea-level rise was less than half the value of the most recent, comprehensive estimate obtained from extrapolation of in situ measurements for 2001–05 (0.41 ± 0.08 compared with 1.1 mm yr⁻¹). Second, losses for the High Mountain Asia region—comprising the Himalayas, Karakoram, Tianshan, Pamirs and Tibet—were insignificant. Here, the mass-loss rate was just 4 ± 20 gigatonnes per year (corresponding to 0.01 mm yr⁻¹ of sea-level rise), compared with previous estimates that were well over ten times larger. By a careful analysis, the authors discounted a possible tectonic origin for the huge discrepancy, and it seems that this region is more stable than previously believed.

Professor Bamber asks what the significance of all this is. He says:

Understanding, and closing, the sea-level budget (the relative contributions of mass and thermal expansion to ocean-volume change) is crucial for testing predictions of future sea-level rise. Estimates of the future response of GICs to climate change are, in general, based on what we know about how they have responded in the past. A better estimate of past behaviour, such as that obtained by Jacob and colleagues, will therefore result in better estimates of future behaviour.

The study, in Professor Bamber's words, has: … dramatically altered our understanding of recent global GIC volume changes and their contribution to sea-level changes. Now we need to work out what this means for estimating their future response.

What does this mean? It means that the alarmists who were running the line that the Himalayan ice peaks would disappear by 2035 and the UN Intergovernmental Panel on Climate Change 2009 report have been completely discredited.

In fact, as Graham Lloyd reported in the article from the Australian I mentioned earlier:

In 2010, the head of the IPCC was forced to apologise for including in a 2007 report the claim that there was a "very high" chance of glaciers disappearing from the Himalayas by 2035.

Mr Lloyd goes on to report that:

… the chairman of the IPCC conceded in January 2010 that "the clear and well-established standards of evidence required by the IPCC procedures were not applied properly" when the claim was included.

What does all this mean? It means that those who are running the Chicken Little line in relation to global warming have again been shown up by the sort of work that we see in this Nature research article. We need to have a sensible debate about these issues without having the views of the Chicken Littles of this world—who will never, ever do the necessary work to substantiate their claims—shoved down our throats.

What we do know is that the big lie of Australian politics in the last three years that 'There will be no carbon tax under a government I lead' is premised on the sort of false material that we have heard before. That material is used to substantiate this toxic carbon tax. We read today that this carbon tax is going to put us at such a massive disadvantage compared to the rest of the world that the only thing which will suffer is this country's standard of living.
Those responsible for putting this on the Australian community refuse to acknowledge what they are doing. It is fascinating that the man who is supported by a third of the Australian Labor Party, Kevin Rudd, was actually prepared to do something about that. Apparently, it was indeed the pitch that he gave in his bid.

We need to have a sensible debate about these matters. We do not need to have a government which refuses to acknowledge the economic damage that will be done to this country by driving an agenda that is about wealth distribution and that has absolutely nothing at all to do with the environment. That is the great tragedy of this debate: it is about wealth distribution, not the environment.

Surely, sooner or later, and hopefully before 1 July, those opposite are going to realise the nature and extent of the lie that has been perpetrated and the nature and extent of the damage that they will do. I encourage honourable senators to read this material in the Nature research article. It is absolutely fascinating. For those of you who do not know about Nature, it is a very highly regarded research magazine. I encourage everyone to read it. As Professor Bamber said, the results of this research are surprising and mean that we should no longer be prepared to put up with what has been shoved down our throats in relation to this matter in order to justify a completely unjustifiable and toxic tax.

Palestine

Senator RHIANNON (New South Wales) (19:10): I would like to share with senators the story of one woman—a woman who until her untimely death last year was a success story of international development, of self-reliance and self-determination and of the way the Australian overseas aid program can be used to transform lives. I am talking about a dignified woman who was determined to change both her and her family's life, Ms Najah Harb Saleh Qdeih of Abasan village in the blockaded Gaza Strip.

I first came across Ms Qdeih's story in the Union Aid Abroad-APHEDA 2010 annual report. APHEDA is the humanitarian aid agency of the Australian Council of Trade Unions and I am, as I hope many fellow members of the chamber are, an active supporter of this great organisation. In the annual report, Ms Qdeih is shown as a true success story of Australian aid. Through an AusAID-funded food security and income generation project, Ms Qdeih was trained and given eight rabbits to raise to provide the family an income. Five months later, Ms Qdeih had turned those eight rabbits into 70 and she was earning $40 a week for her family.

This story about rabbits might seem somewhat unremarkable to some, but in the real world aid programs like this have a massive impact on people's lives. Ms Qdeih was the household breadwinner since her husband, Ibrahim, lost his job as a construction worker in Israel when Gazan citizens were no longer issued work permits in 2006. As the family breadwinner, Ms Qdeih expressed her desire to expand the rabbit farm into a small business to provide a future for her family. Ms Qdeih and her family were exactly the kinds of people our aid program should be working with.

The modesty of the family house was noted by aid workers monitoring the project. During one visit, Ms Qdeih was cooking on a wood fire while many of her neighbours were using gas, to which she responded:

"Maybe I don't have a gas cooking stove and a lot of things that other families own, but I am happy that my children, thanks to God, are excellent students in their schools and this gives me great hope that they will compensate me tomorrow, for..."
what I and my husband suffered to make ends meet and provide food for them.

The project staff also noted the poor condition of the small house for which Ms Qdeih was saving to repair. The walls were burned by white phosphorous in 2009 during the Israeli invasion of Gaza, known as Operation Cast Lead. The house still bears the scars of the tank fire they fled.

Now the walls of Ms Qdeih's house bear more sinister marks of blood and of dozens of sharp projectiles and shrapnel. On 8 April last year, Ms Qdeih, aged 41, and her 19-year-old daughter, Nidal, were making bread on the wood fire outside their house when they were killed by a missile from an Israeli unmanned aerial vehicle, commonly known as a drone. Nidal was engaged and just one month away from her wedding. The rabbit farm provided by AusAID was almost completely destroyed. Ms Qdeih's husband, Ibrahim is quoted as saying:

I was set to go to the Friday sermon—at the mosque—

and it was about 12.15 pm, when my daughter Nidal was talking to me about the final touches for her wedding party. By then, electricity was cut off and my wife Najah and my daughters Nidal, Neda and Fida, all moved to rest a bit on these chairs.

Ibrahim left for the mosque with his younger son, then the missile hit. His brother, Fathi, was the first on the scene. He relays:

I pushed the door to see what happened. It was horrible, it was horrible—Najah's face was smashed and stained with blood, while Nidal's abdomen was ripped open with blood covering all her body.

The missile contained thousands of tiny pieces of shrapnel that instantly ripped their bodies to shreds. These are antipersonnel weapons designed deliberately to cause such injuries. Ibrahim and Najah's two other daughters, Fid'a, aged 15, and Nid'a, aged 12, were hospitalised

Nid'a was injured very seriously and put into a coma. Her husband, Ibrahim, was devastated and could only say, 'In a minute we lost everything—my wife, my daughter, our little rabbits project.'

For the record, the respected Israeli human rights group, B'Tselem, told APHEDA that, on that day alone, not only were Najah and Nidal killed by Israeli missiles but also Mr Talal Rabl Issa Abu Taha, a 56-year-old farmer, and Mahmoud Wael Muhammad al-Jaro, just nine years old, was killed while playing with his friends.

Ms Qdeih's death was a tragedy and was completely unnecessary. Such an attack on an Australian aid program should be a front-page story, but, instead, the event revealed a cruel indifference. There was not one instance of outrage that something built with Australian taxpayers' money was destroyed by the cruelest and most detached weapon of war: a remote control drone that clearly does not discriminate in its hunt for supposed terrorists. This was not the first instance of indiscriminate Israeli attacks directly hitting Australian funded aid projects, including those of other APHEDA partners. The El Wafa Rehabilitation Hospital in Gaza City, a facility that works to rehabilitate physically disabled children and adults, was hit with Israeli shelling during Operation Cast Lead in January 2009, and before that in April 2008, and the mobile medical van of Patient's Friends Society in Jenin was shot at by the Israeli army in 2007.

Now the Qdeih family in Gaza must go on without a mother and daughter, and the project must try to rebuild what was destroyed as Ibrahim's family is driven deeper into poverty. Sadly, this cycle of build, destroy and build again is nothing new. Last year the then foreign minister, Kevin Rudd, announced $18 million in
funding to the United Nations Relief and Works Agency for Palestine Refugees in the Near East. This organisation provides vital humanitarian relief to Palestinian refugees in the West Bank, Gaza and surrounding countries. The money was earmarked to send kids to school, for health workers to provide health care, and to improve income generation and food security. Hopefully it will be used to repair the 34 hospitals and clinics, the 214 schools, the 3,500 homes destroyed and the more than 6,000 hectares of agricultural land levelled in Operation Cast Lead alone. But I have heard that the United Nations has had difficulties with the bans on many construction materials coming into that region, due to the Israeli blockade of Gaza. It is hard to feel hopeful about these repairing and rebuilding aid projects when it could all be destroyed once again.

My point with this story is to honour the life of Ms Qdeih and also to recognise the inherent politics involved in providing aid. Money can only be one part of our commitment to combating poverty. The other part is insisting that international humanitarian law is respected—that there is a safe space in which to deliver aid and that the human rights of the people receiving the aid are respected and upheld. It is a perverse irony that our commitment to humanity shines through in working with families and communities such as Najah's in Abasan village, only to abandon that commitment with deafening silence when political expediency prevails and their progress is arbitrarily destroyed with the touch of a button. I urge the new foreign minister, Senator Bob Carr, to condemn attacks on civilians and on Australian aid projects by any government, including the Israeli government, and to commit fully to being the good international citizen that we claim to be by upholding the rule of law for all—no exceptions.

International Women's Day

Senator URQUHART (Tasmania) (19:19): The first Australian International Women's Day rally took place in the Sydney Domain on 25 March 1928. It was organised by the Militant Women's Movement and called for equal pay for equal work, an eight-hour day for shop girls, no piece work, the basic wage for the unemployed and annual holidays on full pay. The day has been variously seen as a time for asserting women's political and social rights, for reviewing the progress that women have made or as a day for celebration.

Last Friday I had the pleasure of speaking at the City of Devonport 2012 International Women's Day breakfast. A hundred women attended and 33 three women were acknowledged for inspiring others through their contribution to their community. These special women were nominated by Devonport residents in appreciation of their generosity and community spirit. These are the stories provided by their nominators.

Ann Hodgkinson is an amazing teacher and mentor. Her role in teaching community services programs and supporting students with special needs is simply awe-inspiring. Ari Van Eysden has dedicated the last 24 years to helping migrants integrate into the Devonport area by teaching them English with passion and compassion. Beth Cahill is always willing to lend a hand at a second's notice to enrich the lives of elderly residents for their final chapter of life. Bev Aherne has been a regular volunteer at the Meercroft aged care facility for many years. Bev has been a member of the CWA for many years, including executive roles and managing the Hawley Holiday Home. Cheryl Harrison is a caring mother of five, grandmother of 10 and registered nurse. Cheryl carefully drives the Red Cross car and cares for the City of Devonport Brass Band.
Claire Williams is passionately community minded, with her empathy and compassion touching many. Claire is inspirational and a role model to all women. Claire offers enthusiasm and practical help to mums who feel isolated in their community after having children. Heather Cooper is a driving force for positive change within our community as a member of the CWA. Heather makes a difference in people's lives, providing opportunity for extended services and encouraging women to share their life experiences with others within our community.

Judith Maher has served the Don River Railway as a guard, driver and membership secretary for over 10 years. She has the railway in her heart. Karin Febey has displayed innovation, ideas and energy that have resulted in new-found confidence and training and employment opportunities for disabled, marginalised and Indigenous clients. Kathryn Whitely is the leading member of the Droogs, the young members of the Devonport Regional Gallery. She plays an important role in organising art and cultural events for the youth of the north-west coast. She is a very talented photographer and filmmaker, having drive, commitment and passion for enriching the creative community. Kathy Hills has given up her personal time for over 10 years to volunteer at the Orana's day centre. The imaginative way she personalises her interaction with clients makes them feel valued, and her kind, caring personality is an asset. Kathy never expects any thanks or special treatment for her hard work, but the staff and residents at Orana are very grateful. Kay Denman is a former senator in this place and, despite her own health challenges, works tirelessly to improve the quality of life for people with disabilities and members of the wider community. Karyn Brown copes with cataplexy but has continued to support GT services for more than 30 years as a volunteer works supervisor, fundraiser, treasurer and client support. Lena Blenkhorn has been an exceptional contributor to the Don River Railway, volunteering many hours of her time over many years. Lorraine Heron is a tireless worker who works well above her position description. She assisted in developing the community house from the beginning. The Eastern Shore Community House is now a focal point for the East Devonport community and offers new and innovative activities.

Lyn Johnson gives herself to her children and grandchildren and to her community through Soroptimists and Relay for Life, as well as volunteering with Limbs 4 Life. Lyn is a cancer survivor and is an amputee as a result. Getting back on her feet was a challenge but it was achieved with motivation, a positive outlook and courage. Lynn Steven works full-time, but she also finds time to be a Gran's Van volunteer and, with husband Craig, provides overnight respite relief for children. It is simply an amazing, caring and wonderful attribute to the Devonport community.

Margaret Fay, as a member of Soroptimist International, has supported countless fundraising and advocacy roles. Her continued involvement and support within the community is both dignified and unassuming. She is a real diamond. Marlene Crabtree does the most incredible job of running the soccer canteen, raising funds to enable our junior teams to enter tournaments with minimal cost to parents. For over 20 years Marlene has played a major role in Devonport junior soccer, supporting thousands of children and families. Mary Hansen is an outstanding employee, contributing many hours of unpaid work to support college events. She has strong family values and is valued by all.
Maureen Clarke is on countless community based committees, including Neighbourhood Watch and the Devonport Eastern Shore Project committee. She is chaplain co-ordinator at the Mersey Community Hospital and, through Soroptimist International Devonport, delivers emergency packs to mothers who arrive to birth unexpectedly. Mel Pursell is an inspiration. She is a young mother of two who encourages and supports students and workers in community services of the Devonport region.

Melanie Daw has lived and worked in Devonport her entire life and is an active member of the community. She is a member of Pizzazz Singers and volunteers for Whitelion, which supports vulnerable youth in Tasmania. Melanie has a positive outlook on life, inspiring and uplifting all. Merilyn Cent says yes whenever something needs to be done, without praise and through whatever hurdles appear in her own life.

Sally Hay is a great supporter of the Biggest Morning Tea and an active member of Soroptimist International. Sally has used her business to promote the needs of those less fortunate, supplying wool to clients knitting squares for blankets to go to Ethiopia. Sally has closed her business to hold the Biggest Morning Tea and is involved in Taste the Harvest.

Sandy Lane has suffered with morbid obesity, depression and drug addiction but she has managed to turn her life around. Sandy has three young children, works full-time and has been a Cub Scout leader. She always puts everyone else first. Sharon Applebee gives 100 per cent to any venture she undertakes. Sharon is a busy mum of three teenagers and is a foster carer, where she has helped with the reunification of three girls with their family and maintains a special relationship with them. Sharon is uniform coordinator for Crescendo choir and has been involved in the Kids Hope mentoring program at East Devonport Primary School. Sharon has been an integral part of the Child and Family Centre at East Devonport and provides much-needed support.

Sharon Van De Elzen has volunteered for well over five years in many roles around preschoolers and the early school years. This includes over five years at the Playhouse, over four years volunteering with the East Devonport Launch into Learning group, volunteering at East Devonport Primary School and the Child and Family Centre at East Devonport. Suzanne Stegman is a senior rower with Mersey Rowing Club and lends her time educating and mentoring junior rowing members, while maintaining her full-time employment as a senior office executive. Further, Suzanne manages the Regatta kiosk and performs duties as an official.

Suzanne Davies has been the volunteer secretary for the Rotary Learn Grow program since its inception and has been instrumental in the international success and growth of this program. Tanya Kingshott has been assisting people with disabilities achieve their employment related goals over 22 years. This has resulted in greater opportunities and experiences for clients. Wendy Eagle has been secretary to the board of management of Glee Club and a volunteer supporting our disabled clients at recreational activities for more than 20 years. Win Saunders has volunteered hours of her time at Karingal for over 25 years. During this time Win has been an active member of the auxiliary, served in the kiosk, helped with morning teas, organised events such as fairs, Christmas functions, and pie and lamington drives and generally raising money for Karingal.
On the day, the MC, Alderman Annette Rockliff, outlined to the breakfast that, throughout centuries, diamonds have been a symbol of love, brilliance and beauty. Diamonds, just like the 33 women who were recognised, are enchanting treasures bringing joy into many lives.

**F1 in Schools**

**Senator BERNARDI** (South Australia) (19:28): I rise tonight to speak about a wonderful and worthwhile initiative called the F1 in Schools program. I have had the privilege to play a very small part in this program over the last three years, presenting awards at the national finals and having had the exciting opportunity of meeting with the teams to see their fantastic work. F1 in Schools, also known as the Formula One Technology Challenge, is a program for high school students worldwide that aims to get students learning about engineering and design. Teams use industry level technologies to design, test, manufacture and race miniature Formula One cars. It is not all about engineering, though. Students are set many challenges, such as public speaking, project planning, graphic design, manufacturing, resource procurement and sponsorship and marketing. I consider it to be an effective incubator for our future entrepreneurs.

Whilst there are short-term goals, such as building the car and competing in the heats and the finals, F1 in Schools also has very important long-term goals. The program connects students to the engineering industry and it helps to inspire them to pursue careers in engineering. But the benefits for participants go far beyond a career in that field. The skills they learn can be applied to almost any future endeavour. In Australia, F1 in Schools is an initiative of Re-Engineering Australia, a not-for-profit organisation committed to teaching students about engineering and design in exciting and challenging ways. Other support is also received from government, industry, community groups and local schools.

The F1 in Schools program is a worldwide competition. More than 20 countries participate in it. Participants come from Europe, Africa, North America, South America, Middle East and Australasia. Every year students progress through regional, state and national finals. The program offers each team a chance to learn from other teams and to meet industry representatives. The best Australian team goes on to compete in the world championship.

The 2012 national finals just took place, and I was lucky enough to be there. I am immensely proud to report that a team from my home state of South Australia was crowned the national champion in the professional class. The Brighton Secondary School team, which went by the name of Cold Fusion, also had the fastest average car time.

**Senator Farrell:** A very good school.

**Senator BERNARDI:** Indeed, Senator Farrell, it is a very good school, and I thank you for your contribution. Members of Cold Fusion are: Jane Burton, team manager and graphic designer; Jake Grant, resource manager; Michelle Lennon, manufacturing engineer; Henry Lynch, industry relations; Thomas Agars, innovation manager; and Spencer Olds, design engineer. They were all very successful and diligent in their approach. Earlier, during the state finals, Cold Fusion won seven of the eight awards. They were crowned state champions, and they won best engineered car, the innovation award, outstanding industry collaboration, best portfolio, fastest qualifying lap and the grand prix. Cold Fusion were also very successful at the national competition, winning the overall award in the professional class. Cold Fusion will now head to the world finals later this year to represent their
school, their state and their country in an exciting contest.

Of course none of this success was achieved without a number of challenges. While designing the car, the team faced these challenges with diligence, applied the skills that they had learned and learned some new skills along the way to overcome them. They had to design the fastest possible car while complying with a rigorous set of rules, just like Formula One. They had to ensure that the car was strong enough and light enough to race. They had to add lines of computer code when writing numerically controlled codes for the car's machinery. This was not just putting a couple of wheels on a block of balsa wood. It was a diligent and comprehensive process that these young men and women did with aplomb.

The positive experience for Cold Fusion is reflected by the entire F1 in Schools program. Through F1 in Schools students are able to work with people from industry and get a firsthand look at what it is like to work in engineering. Attending the state and national finals provides them with a chance to meet with other teams and learn about different concepts and different designs. Now the students from Brighton Secondary School, the team Cold Fusion, will head to the world finals later this year to represent their school, their state and their country. I know they will do so with distinction, because they have already done those of us from South Australia very proud. I wish them all the best.

**Rural and Regional Health Services**

Senator WRIGHT (South Australia) (19:33): I rise tonight to speak about mental health in our regional, rural and remote areas. Access to quality health care, including mental health care, is a basic human right. With one in five Australians experiencing mental health issues in any given year, mental health policy goes to the heart of our nation's wellbeing and touches all of us wherever we live in this wide, sometimes drought-stricken, sometimes flooded, always challenging land. It is therefore vital that adequate funding and attention are given to all aspects of mental health everywhere in Australia.

Generally, it is estimated that the prevalence of mental health conditions in rural and remote Australia is equivalent to that of our major cities. But the consequences of mental illness may often be far greater for many people living in country areas. There are two reasons for this. Firstly, there is the increased difficulty of getting the support and treatment needed for mental illness in places away from urban areas. Secondly, there is the greater visibility and stigma that may be attached to mental illness in our smaller communities.

The shortage of mental health professionals in regional, rural and remote Australia is a key problem. We know that many people with a mental illness, regardless of their location, struggle to find adequate care. But this problem is amplified in many of our regional, rural and remote areas where there are likely to be fewer health professionals, a much smaller choice of health service providers and few community support services.

Many general practices in rural and remote Australia have long waiting lists. Country GPs face unique challenges, often being the only medico or medicos over a vast geographic area and with many patients. Indeed, at a recent breakfast with the Rural Doctors Association of Australia, these challenges were brought home to me quite graphically. They find it difficult to find the time to do additional training. And having time off—like holidays—for their own mental health is rare. Referral options are
often limited. In the mental health arena, specialist assistance can be very hard to access. The vast majority of psychiatrists—not surprisingly—are based in cities. And the valuable community programs which are run by non-government organisations in urban areas are likewise hard to access in many regional and country locales. In addition, the provision of after-hours services, which are often crucial in the mental health arena, is also very challenging for country GPs because of a lack of colleagues to share the load, inadequate financial support and the lack of after-hours and emergency services on a full-time basis across many rural hospitals.

Consistently over time statistics are witness to the fact that people in rural and remote areas have lower levels of access to specialised mental health services. In 2008, the Mental Health Council of Australia reported on the distribution of new MBS item numbers for mental health services. The rate of usage in regional areas varied between 40 and 90 per cent of that in major cities, but in remote areas it was even worse: between 10 and 30 per cent. The recent Senate inquiry into Commonwealth funding and administration of mental health services reported that the evaluation of the Better Access program confirmed that the usage and distribution of services under Better Access dropped off dramatically in rural and remote Australia. For example, the use of services was approximately 12 per cent lower for people in rural areas and approximately 60 per cent lower for people in remote areas, compared to that for people living in capital cities. There was some discussion as to the reason for this, and the Royal Australian College of General Practitioners suggested it was due to workforce shortages in those rural and remote areas.

Although the prevalence of mental health conditions appears to be similar across rural and remote and urban areas, there are some particular areas of concern. Not surprisingly, treatment of severe and persistent mental illnesses such as schizophrenia and bipolar affective disorder is very challenging because of a lack of specialist services, community mental health teams and intensive support community programs to promote and maintain recovery. And suicide is a particular and very troubling issue, especially in relation to men and boys. At any given time, rates of suicide tend to increase with increasing distance from urban areas. The Australian Health and Welfare 2007 mortality report shows that males between 15 and 24 living in regional areas are 1.5 to 1.8 times more likely to end their life by suicide than their urban counterparts. In very remote areas, the incidence can be up to six times higher.

The National Rural Health Alliance has a series of fact sheets, including one which refers to the incidence of male youth suicide. Again, it cites the statistic that this occurs at almost twice the rate of that in metropolitan areas. Factors in rural areas include loneliness, the loss of relationships brought about by the drift of many younger rural people to coastal and urban areas, alienation due to lack of understanding in some rural communities for same-sex preferences—and this brings to mind those shameful ads that have been broadcast in Queensland recently exacerbating that problem—unrecognised or untreated depression exacerbated by the lack of services and treatment options, and alcohol and other drug misuse. Again, according to the Australian Health and Welfare mortality report, there is a similar poor comparison for men in the 25- to 44-year age bracket, where national suicide rates for men are highest.
Some research suggests that farmers have twice the suicide rate of any other occupational group in Australia. Research from the CSIRO has found that farmers in vulnerable communities are currently already suffering from serious mental health issues, and there are predictions that this will be exacerbated by increasingly volatile weather conditions and natural disasters heralded by climate change. There are many factors which play a role in pushing people living in rural communities to breaking point. These include vulnerability to extreme weather events such as floods and droughts, changing market conditions, lack of mental health facilities and support services and prolonged social isolation.

The Centre for Rural and Remote Mental Health is currently conducting research into influences on farmer suicide in Queensland and New South Wales under the leadership of Griffith University in Queensland. Through interviews with farmers and community groups, it aims to gain a better understanding of the factors that place farmers at risk and highlight strengths in the community to assist farmers in distress. Research of this kind is valuable and necessary if we are to have effective policy which will help not only to prevent individual suicides, each of which is devastating for the individual, families and communities involved but also to seek to reverse a tragic trend.

The federal and state governments have varied programs and initiatives to provide access to mental health services in rural and remote areas. They fund divisions of general practice, Aboriginal medical services and the Royal Flying Doctor Service to engage mental health nurses and allied health professionals including psychologists, social workers, occupational therapists and Aboriginal health and mental health workers. The federal government's rollout of the youth focused headspace centres and the introduction of e-mental health services online are important steps towards meeting the needs of Australians who are living outside urban centres.

These varied programs are very important, but the evidence is that they need to be expanded, together with other local support services which ensure that people can participate fully in community life to promote resilience, enhance recovery from mental illness and prevent relapse. Support for carers, who are vital for the maintenance of their loved ones' mental health, secure housing, employment and educational opportunities, transport and services that offer relationships and community engagement are all as vital for country people as they are for their city cousins.

Having learned much from listening to those with lived experience of mental ill-health in my past work, I believe that the voices of rural Australia must be heard in any mental health policy that seeks to address their needs. It is for this reason that I will be visiting regional, rural and remote Australian communities in the coming months to meet with and listen to the real experts on this topic. I will be seeking to build upon the Greens' current mental health policies so that we can establish the best ways to achieve a robust, responsive, accountable and ultimately effective mental health service for rural Australians. They—we—deserve nothing less.

**World War I**

**Senator FARRELL** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (19:43): This is one of the last opportunities to speak before this year's Anzac Day. I would like to give the first of six speeches in the lead-up to the centenary of the outbreak of World War I on 28 July 1914.
Rarely do personal letters written almost a century ago survive the rigours of time, but in 1980 I received from my aunt, Jean Arbon, a treasure trove of letters written by my grandfather, Edward John Farrell, to his fiancee, Miss Emily Jane McConnachy, who subsequently became Edward’s wife and my grandmother. The letters were written over a 2½-year period spanning 1916 to 1918 and represent a priceless World War I family heirloom and a record of Edward’s role as a member of the 32nd Battalion, AIF. They also offer a remarkable view of the war, both on the Western Front and in England, as seen by an ordinary soldier. I will refer to Edward as a sergeant, a rank he attained on an acting basis while in England and subsequently after the war back in Australia, although he was in fact a private in France.

Sergeant Farrell was not a recipient of one of the many Victoria Crosses won on the battlefields of the Western Front, and he may not have been a noteworthy or fearless warrior, but he was typical of the average Australian foot soldier, or digger, and he wrote about life in the army many thousands of miles from home. He was insightful and descriptive in his regular letters to Emily, a girl he simply addressed as ’Em’. His correspondence dates from late June 1916, when he departed from Adelaide’s Outer Harbor by boat to England, until his final letter at the close of the war, written from London on 29 December 1918.

Many soldiers started out with regular correspondence back home, but their letters dropped off as time went by. Sergeant Edward Farrell’s letters remained as regular as clockwork, and each Sunday night—sometimes more often—he would retell in clear prose the week’s events. Often there was little to report, but he still wrote. Often he was sick but determined to disguise the fact, and he still wrote. It was not just to his fiancee that he wrote; he also corresponded regularly with his grandmother and an aunt in Jamestown, on the edge of the South Australian outback, and with his soldier mate John Malone when they were not fighting together at the front. One disappointment about this collection of Sergeant Farrell’s letters is that not a single letter that was sent to him has been preserved.

Of course, Edward knew his chances of returning home were never very good. Death was a very real threat, and he often recorded the demise of a mate. His chances of survival were certainly improved when he was posted to an AIF administrative position near Knightsbridge, London, although of course he still had to contend with the air raids. But he eventually went to the front lines in France and Belgium, where he was injured and, following a lengthy stay in hospitals and recuperation, returned a second time to the front. He had a number of close calls, including a bullet or shrapnel hole punched through his water bottle and narrow escapes from bomb blasts. But there were compensations, including sightseeing in London and visiting rural England, Scotland and Wales and, of course, his beloved Ireland.

This is part 1 of Sergeant Edward Farrell’s correspondence and covers his voyage to England, training on Salisbury Plain and his role in the London office of the AIF. The first letters detailed the voyage from Fremantle and on to England aboard the troopship Malakuta. Of course, while he was sailing to England the Battle of the Somme, the main Allied attack on the Western Front during 1916, was taking place. This battle was famous for the loss of 58,000 British troops, one-third of them killed, on the first day of the battle, 1 July 1916. But back to Sergeant Edward Farrell. As he approached Fremantle, he wrote:

The majority of the fellows had a very hard time, and many are still having it. Wednesday night
was particularly rough and there was no chance of sleeping. With another chap, I've got a little cabin on deck just off the midships, but that night we were nearly washed away by the heavy seas, and the water on deck was, at times, over a foot deep. The weather did not improve. On 16 July, over halfway across the Indian Ocean, he wrote:

Sea after sea came aboard and there wasn't much chance of sleeping, as I was bumped from one side of my cabin to the other. The climax came next morning between 6 and 7 a.m. when a big wave came in fair on top of me—and I looked like a drowned rat. I'm in the top berth, too, with an orderly in the bottom one. Of course, everything was swamped—most annoying—but I felt quite pleased that we were not washed overboard.

It scares the devil out of me when this old tub goes over on her side. Sometimes you think she's never coming back—but you sort of gradually get used to it.

But he and most of the others soon found their sea legs, and Edward wrote:

Sea sickness has gradually become extinct, and while most of the boys are taking to it better now, there are still some who have had quite enough of this voyage already.

Reveille goes at 7 o'clock in the morning, and the troops have to get up then, and all hammocks have to be slung. Breakfast is at 8 o'clock—and I very rarely tumble out of bed before then.

Some days later he reported:

One afternoon I got the fright of my life. The cook's galley right forward was in flames, and it looked pretty rotten, with the flames going up in the air and the ship jumping about like a cork.

I don't suppose it was really as serious as it looked—but it did to me. The water service is pretty good, however, and they soon had it under control—but not before the cooks shop and some fittings near by were destroyed.

But, if Edward had been looking forward to a warm welcome in Cape Town, he was bitterly disappointed. He wrote to Em:

There are some fine buildings and hotels in Capetown, and while we sampled some of the latter, the liquor mostly is rotten. Unfortunately, the Australian and New Zealand chaps are not very popular here in Capetown because they have made quite a bad name for themselves on previous occasions.

He added, 'The liquor is the chief cause.'

On 20 August they were within sight of England, and by the 27th they were ensconced on Salisbury Plain. Edward reported their landing spot, Devonport on the River Tamar, to be just what he had expected:

Devonport is a big English town—narrow streets, old-fashioned buildings, and big ship building works, and we had to march to camp through the countryside.

There are no fences—only hedges dividing off small fields. We stopped at lots of little villages and always made our presence felt. You can follow the route we took from a map—Tavistock, Okehampton, on to Exeter where the Mayoress gave us tea and cakes—then to Honiton, Sherborne, Wilton and Salisbury, where we joined up with a lot of New Zealanders before finally reaching Amesbury in Wiltshire.

From there we had to march a further 3.5 miles to the camp, which we reached at about midnight. Our camp is situated about a mile north of Stonehenge.

One morning we strolled over to Stonehenge, and the stones are all right I suppose—but how they got the ones on top I don't know—they're exactly as we saw the pictures of them at school. Soldiers in uniform are admitted to the enclosure for threepence, while civilians have to pay one shilling.

I will leave part 1 of Sergeant Edward Farrell's wartime experiences there, but at another time I would like to talk about the letters that cover his training on Salisbury Plain, his transfer to London and surviving the air raids.
Thank you, Senator Farrell. Sounds like a great read.

Human Rights

Senator BIRMINGHAM (South Australia) (19:52): Many people grapple with new media and how it can be used for good and how we can ensure that, as a society, it achieves positive benefits. We have seen over recent years many social, political and corporate successes and failures as people have made different forays into the use of new media. Tonight I want to speak briefly on the amazing social media campaign that has taken place over the last week regarding the atrocities committed by Ugandan militia and cult leader Joseph Kony.

Joseph Kony is responsible for appalling human rights violations as leader of an army which sought, allegedly, to purify the people of Uganda by slaughtering those who opposed him. Kony's fundamentalist Lord's Resistance Army is contemptible not just for its crimes against humanity but also for its use of child soldiers and sex slaves. Truly, these are some of the most horrific scenarios imaginable. Children being forced to kill their own people, whilst young girls suffer the unimaginable life of rape, abuse and forced marriages is something that, thankfully, most Australians never have to contemplate.

The Kony 2012 campaign is based around a 30-minute video produced by Jason Russell for the Invisible Children group. The campaign quickly went viral on Facebook and Twitter with not just thousands, tens of thousands, hundreds of thousands or millions of hits, but tens of millions of hits around the world viewing the video. It has helped to raise awareness of the atrocities committed by Joseph Kony. Some have been critical of the campaign and questioned what, if anything, it actually achieves. It is true that many people will simply like a link, re-tweet something on Twitter or forward the URL address to the video. That may be all they do.

I take the attitude that the step of raising awareness is, in and of itself, a good thing. To maximise that good it is necessary to do more than just raise awareness and simply forward an internet link. It is necessary to encourage people to look far more deeply at the issue and to look far more deeply at not just this issue but also the many other appalling human rights abuses, so many of which still, to this day, are committed in various places around the world. Joseph Kony is just one contemptible war criminal amongst many.

Many organisations have and continue to toil away on such issues and deserve far more community support and recognition than they necessarily get. Those who have viewed the video by Invisible Children should think about those other organisations and the work that they toil away doing, perhaps with less recognition than this campaign has necessarily initiated.

Sadly, Uganda is not the only African country with a history of violence and grave human rights violations. More recently we have seen the horrors of Sudan where people like Ahmed Haroun funded and armed the Janjaweed militia who relentlessly raped, killed and tortured civilian populations. There may well be charges of war crimes resulting from the shocking war being raged by the Syrian government against its own people and potentially relating to other actions in other countries during the Arab Spring and commensurate activities.

In light of the continuing atrocities being committed around the world it is time for us to take advantage of campaigns like Kony 2012 and to ensure that there is a genuine approach to human rights in Australia and
around the world with a back-to-basics approach. In many Australian schools students are taught about proposals for a bill of rights and about arguments for and against such a bill of rights. Whilst there may be arguments to support that, I would argue that it is far more important that we teach young people about inequities in the world where, for too many people, the day-to-day struggle to live is simply to see tomorrow. That is the battle that so many people face. Instead of focusing on finding new inequalities via a bill of rights in Australia or other activities, let us focus on educating and empowering all Australians, especially young Australians, to help those who, when facing real inequality, often do not have the opportunity to adequately help themselves.

Senator Payne, who is in the chamber, and I, and many others, have long supported the work of numerous organisations, in particular UNICEF, and tonight I am proud to highlight their work. In this instance I refer to the Children, Conflict and War Education Kit that UNICEF have been circulating. This kit assists teachers at both primary and secondary levels to teach children, young Australians, about matters like Kony and, more broadly, about children in war and the horrors and circumstances they face. It is a fantastic tool for teachers and is a vitally important topic for students right around Australia. Through education students can broaden their understanding of the world, understand the circumstances that many people suffer through and, hopefully, come to realise how fortunate we in Australia are. Once we realise that, then there is the willingness to go beyond and ask the important question of what it is we can do to help those who do not have the opportunities in life that, basically, all young Australians have had, given the right family circumstances. I hope that through this type of education we can empower young people to be advocates for a more just and peaceful world. I hope that such an education can encompass the impacts of war and war crimes and the humanitarian principles that we should ensure young Australians have a full comprehension of.

In doing so I hope young Australians will choose to be a force for good throughout the world by supporting organisations like UNICEF or any of the other organisations who are meeting in this building tonight. An event called Dying to Choose is taking place as we conduct this adjournment debate. It is co-hosted by the Parliamentary Group on Population and Development. Indeed, it is focusing very particularly on one of the Millennium Development Goals. Tonight's discussion is part of an objective to try to ensure greater advocacy for access to family planning and sexual health in relation to Millennium Development Goal 5, which aims to reduce by three-quarters the maternal mortality ratio and to ensure universal access to contraception. This is a most worthy goal.

We need not think too far away from Australia—we need not think to countries in Africa in this regard—because every day five girls or women in Papua New Guinea, Australia's closest neighbour, die of pregnancy or childbirth related complications. Every day: five women. For every woman or girl who dies another 30 are disabled. This is happening just in Papua New Guinea. Worldwide, the number of girls and women disabled in pregnancy or childbirth every year is in the millions, and at least 350,000 are known to die. More than 99 per cent of these deaths occur in the developing world where, of course, the access to the type of health and medical treatment and contraception that we enjoy in Australia and other Western countries is just not available.
Whether it is the horrors of war and the actions of people like Joseph Kony or simple things like access to contraception or other Millennium Development Goals that look at access to clean water and the things we take for granted here in Australia, I would urge all those Australians and others around the world who have been inspired by this social media campaign to think beyond the moment where they click that mouse or retweet a link about what they can do to support the organisations who do so much work to try to make a difference in this area—what they can do to improve education and awareness beyond that moment of feeling good. Hopefully, if people take up that challenge and if many of the people who have viewed the Kony video think for a little bit longer about these issues some real good can come of it.

Commonwealth Heads of Government Meeting

Senator CASH (Western Australia) (20:02): I rise tonight to speak in relation to the Commonwealth Heads of Government Meeting, or CHOGM, a biennial summit meeting of the heads of government from all Commonwealth nations which was held in Perth, Western Australia, in October 2011.

Last year I had the opportunity to meet with Mr Bradley Woods, the CEO of the Australian Hotels Association (Western Australia) in relation to hospitality and tourism in WA, which became the focus of the world with CHOGM. Mr Woods briefed me on how the WA hospitality industry rose to the challenge of this lifetime occasion and tonight I would like to pay tribute to those who were involved in this significant event from the AHA(WA) perspective. In doing so, I thank Mr Woods for providing me with the relevant information in relation to those who were involved.

The Australian Hotels Association (Western Australia) worked closely with Commonwealth and state government agencies and the City of Perth to ensure that CHOGM delegates received world-class accommodation, hospitality, entertainment and extraordinary tourism experiences during their stay in Western Australia. It played a pivotal role in the logistics for hotel accommodation of CHOGM, as well as developing an innovative and free customer service program which incorporated a business recognition campaign with online customer service training.

From the outset, as soon as the event was announced the AHA(WA) worked with the Department of Prime Minister and Cabinet at federal level in the coordination and securing of accommodation rooms for all visitors. AHA(WA) worked closely with the WA state government CHOGM Taskforce in the planning stages, and also in the implementation leading up to the event. The branding and marketing of CHOGM was reinforced by AHA(WA) and its members at AHA(WA) events and courses, and at various broader networking opportunities.

The AHA(WA) was a key stakeholder on the CHOGM marketing implementation working group facilitated by Tourism WA. It developed and implemented the free online WA Service with a Smile Customer Service Training program which enabled over 7,000 participants to be accredited as having completed the course in the lead-up to CHOGM. The customer service program was launched in August 2011 by the Premier of Western Australia, Colin Barnett.

The WA Service with a Smile Customer Training program was made available 24/7 online, in addition to some accommodation hotels delivering a classroom-style training session for all staff. WA Service with a Smile served as an industry recognition and
marketing tool, recognising and promoting existing customer service training and initiatives that had already been implemented at various properties, and for that work to be recognised in an industry-wide program. As a direct result of the AHA(WA)'s WA Service with a Smile program, Western Australia's hotel and hospitality industry was praised by CHOGM leaders and delegates who visited Perth on the level of service and hospitality offered during what is renowned as a high-profile international event.

The AHA(WA) was instrumental in providing behind-the-scenes support to the state government as well as to the hospitality industry over the course of CHOGM. It also ensured that hotel accommodation was available and that providers were kept regularly and appropriately informed in the wake of the grounding of the Qantas planes during the exit period of CHOGM delegates. I think this would be recognised by many people as a very difficult time for the many interstate and overseas visitors who were travelling in WA. But in speaking with the CEO of AHA(WA), Bradley Woods, I was advised that a prompt and professional response ensured that the strength of WA's customer service brand was left intact following this decision by Qantas.

Significant contributions were also made by the general managers of the four official CHOGM hotels to ensure that the respective events and accommodation needs were met to the highest standards. In that regard I recognise Mr Bruce Doig of the Duxton Hotel Perth, Mr Adam Myott of the Hyatt Regency Perth, Mr David Constantine of the Parmelia Hilton Perth and Grant Raubenheimer of the Pan Pacific Perth. From all of the feedback I received following CHOGM, high-quality service and professionalism was demonstrated at all keystone events and corresponding venues during CHOGM. These included the CHOGM main event at the Perth Convention and Exhibition Centre, Her Majesty's banquet dinner at the Pan Pacific Perth Hotel, the CHOGM leaders' retreat at the state reception centre, the Commonwealth Business Forum at the Burswood Entertainment Complex, the Commonwealth People's Forum at the Parmelia Hilton and the Commonwealth Youth Forum at the Esplanade Hotel.

CHOGM brought international recognition to Perth, Western Australia, with media coverage in Africa, the Caribbean, North America, Europe and Asia. The Big Aussie Barbecue was televised live nationally and internationally in more than 50 countries across the world, with audiences in the tens of millions. While the economic benefits to Perth from CHOGM have been significant, the overwhelming benefits that come from the exposure of being on the world stage are fundamental. Thanks to CHOGM Perth's reputation as one of the most beautiful cities in the world has been the focus of articles in overseas newspapers as varied as the Ottawa Citizen, the Business Daily Africa and the Trinidad and Tobago Express and seen on television networks such as ABC1, BBC World News and Australian print and electronic networks.

The Commonwealth Heads of Government Meeting has left for Perth and Western Australia a legacy of unprecedented international attention that will benefit the state and our hospitality industry for years to come. The professional work and dedication of the AHA(WA) staff made a significant contribution to the success of CHOGM. In particular I would like to thank Chief Executive Officer Bradley Woods, who was kind enough to brief me on the importance of CHOGM to Western Australia; Deputy CEO, Paul Brockschlager; Events and Accommodation Division Manager, Sarah O'Connor; Communications Manager,
Marina Telling; Membership and Training Manager, Michael Andrew; and Executive Assistant, Patricia Clark. Without these people and their considerable time and effort that they put in, the event of CHOGM would not have been the success that it was.

**International Women's Day**

**Senator PRATT** (Western Australia) (20:09): I am very pleased to rise this evening because last week it was International Women's Day and I had the privilege of celebrating the 101st International Women's Day at a number of events, one of which was with young political activists and the other of which was with women trade unionists. I think these two events link closely with the issues I would like to speak about this evening. They are women's participation in politics and in the workforce.

I want to reflect briefly on women's representation in politics because it is worth taking stock of where we are in this place. Next year it will be 70 years since Dorothy Tangney became the first woman elected to the Senate. So just how far have we come since 1943? A very long way indeed but not far enough. We have our first female Prime Minister and a record number of cabinet ministers, but I think we would be too hasty to declare equality for women. The Guardian recently ranked countries according to the percentage of women in their national parliaments, and even I was surprised to find that Australia places only 41st. We are substantially outranked by countries like Nicaragua, which is ninth, and Mozambique, 12th. We are closely trailed by Sudan, 42nd, and Namibia, 43rd. Frankly, these figures are disappointing. We should be fifty-fifty, as should all of these other countries. It shows that, while we have made significant progress, we do remain behind the pack on women's political participation.

Unfortunately, the story of women's workforce participation is much the same, with good progress being made but a history of women's disempowerment still standing in our nation's way. Many people forget that women's workforce participation is at the very heart of International Women's Day. In fact, the day was originally called International Working Women's Day and was held in protest of sex discrimination in employment. Despite the change of name, women's economic empowerment should be at the front of our minds on International Women's Day because it remains one of our greatest areas of concern when it comes to gender.

Even today the gender pay gap in Australia stands at roughly 17 per cent, meaning that, for every $1 earned by a man, a woman earns only 83c. In 2010, the National Centre for Social and Economic Modelling estimated that the gap cost Australia nearly $93 billion a year in productivity. In states like WA that contrast is even more stark, with the gender gap sitting currently at around 25 per cent. I think that in part that is because of the many well-paid jobs we have in the mining industry that not as many women are benefiting from.

The concerning part of this is that the gender pay gap has not significantly changed in more than 20 years. Where it closed rapidly prior to that, we have now stalled, and it now seems there is a long way to go till we reach parity. But I do think we are taking some very bold steps forward. Indeed, it was only last year that the Australian Services Union won its equal pay case, and that is indeed a bold step forward. They argued before Fair Work Australia that work in the community sector was routinely dismissed as unskilled caring work performed mainly by women. This, they argued, led to the undervaluation of work and a resultant wage gap. As we all know
now, they were judged to be correct. The full bench of Fair Work Australia acknowledged this fact in their judgment. They stated that they believed gender has been an important part of creating the gap between the pay in social and community services industries and the pay in comparable state and local government employment. That is, they found that gender is still a driver of income inequality in the 21st century here in Australia.

So I am very proud to be part of a government that acted on those findings in November last year when our first female Prime Minister announced that this Labor government will contribute $2 billion to help close this gap between men's and women's pay. It is a significant investment. It is an investment not only in a fairer economy but also in an economy that is more productive. The Fair Work Australia decision proves that we are at an important juncture in history. We are living in a time when institutionalised disadvantages are being torn down. We are living in a time when governments and businesses are doing their bit to make sure that women are not subjected to poverty traps because of their gender and, as has always been the case, it is Labor that is taking up this good fight.

However, even with Labor's historic reforms, like compulsory superannuation, women can and do fall behind. In 2007 figures showed that 59 per cent of women aged 55 years and over had no superannuation at all. Therefore it is little wonder that women make up the majority of aged pensioners. We live in a society where we are living longer, well in our 80s, and yet we have not provided women with the financial resources to live into old age with dignity. Instead, they are reliant on social security which, while it is also a great Labor reform, is not the retirement that we should be envisaging for women in our great country. Instead, it has long been known by Labor feminists that women's independence and self-determination cannot be realised without access to work under reasonable conditions and fair pay.

Increasing women's employment is one of the most effective ways of building the productivity of women. A study by Goldman Sachs, which I have referred to before in this chamber, estimates that the shrinking of the gender gap in employment has added a massive 22 per cent to Australia's GDP since 1974. There are very few other things that we could point to that give such a great lift in productivity. As our population ages, we know that the jobs expected to grow are in traditionally female dominated areas—things like nursing homes, health assistance and child care.

The Department of Education, Employment and Workplace Relations projects that the largest number of new jobs by 2012-16 is expected to come from health care and social assistance, with a total of 323,000 jobs in this field alone. In order to keep up with this growth and maintain our productivity, we have to make sure that women feel adequately supported both at work and at home. We need women to be full participants in our economy and paid equitably, assisting them to support not only their own families but also our society.

That is why explaining this is so important. Suzanne Bianchi, Distinguished Professor of Sociology at UCLA, found: In countries where women's labour market opportunities expand but women are still expected to do most of the housework and childcare with little assistance from men, many women exercise the only choice available; they remain childless when work and family roles are too difficult to reconcile.

Yet that preference has been has been turned around in other parts of the world, and I
think Australia should do more in that regard.

For example, women in Scandinavia are both more likely to work and more likely to have children than their sisters in other developed countries. Why? Because Scandinavian countries are getting the policy settings right. With significant government support for parental leave, child care and training they show that it is possible to have both more children and more working families. We know that if we get the policy settings right, if we properly support women, we can produce healthier and more financially secure families. Educated women who are participating in the workforce tend to raise children that are healthy and better educated. I think that we should aspire for women to be able to have those opportunities and have those choices.

As I highlighted before, on average in OECD countries, children in households without an adult in work are three times more likely to grow up in poverty than children in one-earner households, and children in single-earner households are three times more likely to grow up in poverty than children in dual-earner households. If we can ensure that women can find employment or that they can return to work easily if they leave the workforce temporarily, their families will be better off financially and socially while these women also will reap the economic and social benefits of employment. The alternative, when women disengage even partially from the workforce because of domestic responsibilities, is that they are less likely to work and less likely to work full time in the future. Today, thinking of International Women's Day, I know that these are issues that the Gillard Labor government is focused on now and into the future.

Military Discipline

Senator MARK BISHOP (Western Australia) (20:19): Tonight I want to address the subject matter of military justice. In particular, I want to consider the recent interim report by DLA Piper and its set of recommendations. I do this as a longstanding member of the Senate Standing Committees on Foreign Affairs, Defence and Trade. This committee has had a key role over many years in ensuring changes to the military justice system. I do not want to rehash the history of military justice, or to rake over old coals, simply because reform has now been underway for almost seven years with the full and continuing support of everyone in this chamber.

As a preface, may I say my intuition is that progress has been good, despite the aberrations of ADFA and HMAS Success. It is quite clear to me therefore, having read and considered in the recent past screeds of complaints about bad behaviour, there is nothing new in the revelations made to DLA Piper. However, having opened Pandora's box, the problem is now what to do with it.

Just like the committee inquiry, aggrieved people have taken the opportunity to register what happened to them over many years. I think the committee realised however that retrospectively little could be done: firstly, because there was then no viable independent process and, secondly, because of the likelihood that evidence would not be available. Records would be missing or falsified, people were no longer available, there were faulty memories and an evidence trail long gone cold. The main problem is that past inquiries and grievance procedures were festooned with such compromise and bias that many people never even bothered to appear. That in fact is the central problem behind any new process. That is accepting the widely varying motives of the
complainants, ranging from simple registration of a grievance unattended to a need for revenge or compensation, genuine or opportunist. In short, most of the recommendations are not the least bit practical—but let me explain why.

Putting aside the impossibility of the evidentiary task, the central focus for investigating 847 cases is on two matters: first, the inquiry process; and, second, the means by which possible compensation might be adjudicated, let alone penalties issued for proven wrongdoers. With respect to the inquiry process, the Senate committee found that there has never been one which was either fair or effective—those being different things. Objectivity was difficult and there was no trust in a system full of bias and compromise. Past outcomes were considered whitewashes and evidence-gathering often failed, simply by denial and non-cooperation. That is, everyone shuts up—a phenomenon still pertinent today. Just ask the Australian Federal Police, where no doubt many files remain open, including on a whole host of sexual assaults.

Defence and the ADF have proven impermeable to outside intervention. That would equally be the case here where, at the most serious end, criminal matters are involved. They would no doubt regard it as the worst ambulance pass of all time with only one predictable outcome—caused by corps loyalty, the band of brothers, et cetera; in fact, all the values important to military operations but sometimes misplaced.

My conclusion from this is that the prospects of proving many of the 847 cases are minimal. Putting that aside, however, the report on process assesses the various existing mechanisms. It rightly concludes common-law action in the courts, as was undertaken by those affected by the Melbourne-Voyager accident in 1963, is of no use. Notwithstanding the effect of the statute of limitations, only the lawyers ever benefit. The report rightly notes that access to disability compensation entitlements and health care has always been available and remains so. It also rightly rejects judicial review or a royal commission as being inappropriate. It also rightly rejects the existing processes under the provisions for defective administration or ex gratia payments. These are, by their nature, ad hoc processes which have limited capacity and are highly discretionary and vague. Unfortunately, they seem to work best when the media spotlight is lit and the political process is focused. We have had plenty of those in recent years, securing the peace by paying large sums of money—including some for serious sexual assault, wrongful dismissal and a family class action on youth suicide.

The report rightly rejects the suggestion that a parliamentary committee undertake the task. The report also dismisses the capacity of the Ombudsman and the Inspector-General of the ADF, but not adequately in my view. Unspecified deficiencies in the legal remit are cited without specification, as well as a view that such internal bodies are not trusted. I suspect the truth is more likely to be that neither of these bodies currently has the physical capacity to undertake such a huge task. Moreover, their experience would tell them that the chore is likely to be difficult, drawn out and fruitless. However, either of these two bodies might yet be the only practical answer, if the government decides to proceed at all, simply because they have the expertise, familiarity, technical independence and unrestricted access to records and serving members. The fact that they might not be trusted, understandable though that may be, does not diminish the practicality. To not use them would be to suggest that they have no credible function.
The second matter that I alluded to at the beginning is the means of determining compensation, when and if merit is found. Assuming the existing schemes for defective administration and ex gratia payment are not used, a new scheme may be needed. Reference is made to the compensation made to the victims of the RAAF F111 desalseal disaster—probably one of the worst OH&S breaches in our history. Flick-passed to the DVA to administer, this scheme was ad hoc, unfair and a complete mess. It showed, above all else, the shortcomings of post hoc compensation schemes where evidentiary issues cloud the entire process. As to the suggestion that the Department of Veterans’ Affairs might be used again, again I urge caution, simply because the DVA’s task is to care for the rapidly declining numbers of veterans and war widows. The DVA is less qualified than any other non-Defence alternative.

The Piper report in the end recommends an external process of the kind currently underway. It is hard to imagine such a review process being given the necessary power, let alone obtaining cooperation on provision of records, other evidence and witnesses. It would be stymied at every juncture, would last for a decade and would cost tens of millions of dollars. Even if procedures could be worked out, I suspect that power to award compensation could only be conferred on a government or judicial agency. It would of course be a means to achieve a rich and contented retirement for those engaged in the work.

In conclusion, I can see no sensible way forward except to use existing internal processes such as the Inspector-General IDF or the Ombudsman. The other recommendations such as apologies, counselling, amnesties, reconciliation and health care may all be okay as well, but really they are just time-consuming political palliatives. The sad fact remains that serious damage has been done to many people, their families, their lives and their health. That is why we focus so much in this place on making sure it does not happen again as we go forward. Above all, it must be seen that the process has been thorough and fair. In the meantime, we should look forward to the final report with a degree of interest.

Water

Senator BOYCE (Queensland) (20:29): In Australia, access to safe drinking water and to hygienic sanitation is pretty much a given. We do have the odd problem, as we have had in Queensland during the past 12 months, where, because of floods or cyclones, a water treatment facility or a sewerage treatment facility is offline for a few days. If there is any sort of major breakdown in the delivery of safe water, as there was in Sydney about 15 years ago, then it is a major incident, much inquired into, and with lessons learnt it never happens again. This makes us a very lucky country because more than one billion people worldwide do not have the same access that we do to safe water or hygienic sanitation.

I would like to speak tonight about the fact that we celebrated World Plumbing Day last Friday and we have World Water Day coming up on 22 March. Both of these days have obviously a strong connection with the development and improvement of water supplies and sanitation across the world. Having a safe and abundant supply of drinking water is a concern for all of us. In fact, the World Plumbing Council, who were responsible in the main for the organisation of World Plumbing Day, have pointed out in a case study that it is quite likely that the SARS epidemic in Hong Kong would not have happened if the correct plumbing procedures had been followed. If the right products had been specified, if the right
products had been installed and if, at inspection, it had been found that the right products had been installed, then the problems in the Amoy Gardens plumbing and ventilation systems that led to the infectious agent of SARS being spread throughout the building may not have occurred. That is one of the strongest arguments I have heard yet for making sure that we remember how important plumbers, plumbing and good regulation of that industry is to ensuring safe water and safe sanitation.

The United Nations have declared the decade 2005-2015 the International Decade for Action 'Water for Life'. They make the point that preventable diseases related to water and sanitation kill 3.1 million people a year throughout the world, and most of them are children under five years old. Of those 3.1 million, 1.6 million people die every year of diarrhoeal diseases associated with a lack of safe drinking water or adequate sanitation. Sustainable health, particularly for children, is not possible without access to safe drinking water and basic sanitation facilities. This is something we need to keep in mind when we look at many of the programs that we currently have to assist with health in developing countries. It is quite sobering to acknowledge that there are more people killed every year from diseases associated with a lack of safe drinking water than from malaria and AIDS combined.

We can have every preventative health program in the world that we like, but without safe drinking water and its companion of adequate sanitation, it does not matter how good our prevention, immunisation and vaccination programs are, we will fail if we cannot provide good safe drinking water and adequate sanitation. There is a joint monitoring program being undertaken by UNICEF and the World Health Organisation looking at how well we meet the Millennium Development Goals in respect of drinking water. A report on this came out earlier this month, and it is cheering in the sense that the Millennium Development Goal for drinking water has been reached. Improved drinking water sources are now used by 89 per cent of the global population. However, that still leaves 780 million people who do not have improved drinking water sources and there are huge disparities between urban and rural areas, between rich and poor and between regions. Over two billion people, though, have gained access to improved water services between 1990 and 2010. The estimated population without improved water sources is now at 11 per cent—some people have said, 'only 11 per cent'—but even 11 per cent without safe drinking water is too high a figure. The most dramatic improvement has happened in eastern Asia, where in 1990 68 per cent had access to safe drinking water but in 2010 91 per cent had access safe drinking water.

Unfortunately, in our own region of Oceania, progress has been very slow. In fact, we have gone backwards: 54 per cent of people had access in 2010, but in 1990 it was 55 per cent. It is also interesting to note the disparity between urban and rural areas. Eight out of 10 people living in urban areas have piped water connections on their premises, as the vast majority of Australians would experience. In rural areas this comes back to three out of 10 people with piped water. In fact, one in 10 people in the poorest 50 countries in the world use surface water for drinking and household use. That increases to 14 per cent in rural areas, who have only surface water to use. When you think about the fact that communities are using their surface water for drinking and other hygiene, health and cooking purposes, it becomes very clear how critically important adequate sanitation is at the same
time and how the two must be achieved together, not seen as separate or less popular ways of assisting health. I think we need to focus on the fact that the sanitation challenge is quite separate and largely unmet in terms of achieving the target that was set by the Millennium Development Goals for 2015.

There has been some progress: 1.8 billion people have gained access to improved sanitation since 1990, and 63 per cent of the global population now use improved sanitation facilities. However, with the progress we are currently making, we will only get to 67 per cent of the world having improved sanitation by 2015. It will take us till 2026 to get 75 per cent, which is the target that had been set. It is estimated that 2½ billion people in rural areas in the world are without improved sanitation. In the sub-Saharan area 45 per cent of the population have to use shared or unimproved facilities—what are sometimes called drop toilets—and for an estimated 25 per cent of people in sub-Saharan Africa open defecation is their only option.

One-third of the 2½ billion people who do not have good sanitation live in India. Again, in our part of the world, in Oceania, the Pacific area, progress is slow—or, I should say, glacial. In 1990, 55 per cent of people in Oceania had access to improved sanitation. It was still 55 per cent 20 years later, in 2010. According to the UN figures, open defecation is still practised by 1.1 billion people worldwide. That is 15 per cent of the global population. Open defecation is defined as defecation in fields, forests, bushes, bodies of water or other open spaces. That is a serious issue that we must address.

**Workplace Relations**

**Senator THISTLETHWAITE** (New South Wales) (20:40): Over the years I have had the great pleasure of visiting many workplaces throughout Australia. From my time as a union official to more recently as a senator, I have had the great honour of visiting workplaces such as the Mackay Sugar factory in Queensland, the Orange Base Hospital—where I have worked and consulted with wonderful health professionals, who are doing a great job looking after our sick and injured—and the Peak Gold Mine in western New South Wales, just outside of Cobar.

Over those years I believe I have gained an appreciation for not only the characteristics of a good and productive workforce but also for the signs of a happy and efficient workforce. I have noticed over recent years that workers have not forgotten about the industrial relations system of the Howard government but, thankfully, they no longer fear their industrial relations system. The Australian people elected a government in 2007 that took away that fear and restored fairness to their industrial relations system. They voted for certainty—certainty of their penalty rates for overtime or weekend work, of their annual leave and casual loading and of their job security in an increasingly uncertain global economy.

This government delivered that certainty and restored fairness to workplaces by implementing the Fair Work Act in Australia. It ensured that low-income workers' rights were again protected—they had the protection that they needed to earn an adequate income to enable them to participate fully within our society. This year, the government kicked off with a major policy announcement: to review the operation of the Fair Work Act in this country. That review will examine whether or not the fair work legislation is operating as intended and identify any areas in the legislation which could be improved to achieve consistency with the goals and objectives of the act. The review is encouraging healthy debate, public
discussion and a dissection of industrial relations—the hallmarks of a strong and vibrant democracy.

In the debate and public discourse regarding the Fair Work Act, the key question people should be asking is: what makes an effective workplace relations system? What criteria should we as legislators apply to our industrial relations system to ensure that it promotes job growth in our economy, that it provides liveable incomes for people so they can actively participate within society and, importantly, that it fosters cooperation between workers and businesses while at the same time providing fair and reasonable wages and conditions? The standard should, by any objective means, be the protection of vulnerable workers’ rights. It should be a system that encourages cooperative relations between employers and employees and a system that encourages the creation of more enterprise agreements.

When one has an objective look at the indicators, one can only reach the conclusion that the Fair Work Act achieves the right balance, is providing certainty and efficiency and is meeting the objectives for which it was established. The National Employment Standards, modern awards and the national minimum wage establish a safety net of fair wages and conditions. This safety net allows low-paid workers, the most vulnerable in our workplaces, to earn a reasonable income so that they can participate in our society, so that they can be consumers providing support for domestic demand in our economy and so that they can be savers, ensuring that a pool of investment funds is there to grow our economy and ensuring that they are able to buy assets—most notably a family home to provide security for their family. Importantly, the Fair Work Act does not allow vulnerable workers to be forced to negotiate, as individuals, conditions that are below the award standard, as was the case under Work Choices. The changes in the Fair Work Act have made a real difference to the lives of working Australians. In simple terms, the test of whether it is working is whether workers have the opportunity to earn a fair and decent living under the system, and that is the result that we are seeing under the Fair Work Act.

In terms of fostering cooperative workplace relations, a great objective measure is the number of agreements that are being made between employers and employees and unions throughout the country—whether or not the legislation is fostering agreement making at the workplace level. When we have an objective look at the figures associated with agreement making in Australia at the moment, one can only reach the conclusion that the Fair Work Act is an effective piece of legislation. Active agreements at 30 June 2011 totalled 23,403. This represents a rise of 30 per cent, from 17,532 active agreements at 30 June 2008 under the previous workplace relations system towards the end of its days. The trend increase in agreement making under the Fair Work system indicates that in more workplaces, employers and employees are sitting down to negotiate terms and conditions that suit their business—an outcome that must be fostered under this legislation. The reality, in terms of the economic position of Australia, is that profit share for business and labour productivity is also growing. The system as a whole has delivered for business, for the economy and for hardworking Australian families.

The Leader of the Opposition has unfortunately made some unjustified claims regarding the operation of the Fair Work Act, becoming a cheerleader for the cries of big business to cut rights and conditions. The Leader of the Opposition is constantly saying that Australia has a productivity, flexibility
and militancy problem under the Fair Work Act, but the facts speak otherwise. The reality is that the Leader of the Opposition is rallying the conservative faithful and the high end of town, but when we look at the facts the opposite is the case. In terms of labour productivity, our workforce is achieving more each year per unit of income. Although rates of growth in labour productivity have not been as strong as in the 80s and early 90s, the trend is on a growth trajectory and is consistent with many other Western democracies and many medium-sized economies such as Australia. I argue that the National Broadband Network will make a big difference to productivity, particularly multifactor productivity, throughout this country. In the couple of years since the Fair Work Act came into operation, labour productivity has continued to grow.

The Leader of the Opposition claims that there is a militancy problem, but when we look at the number of lost days due to industrial disputes throughout this country we find that they have been falling since the early 1990s. We have seen a huge reduction in the number of days lost due to industrial disputes since a high point of 105.3 days per 1,000 employees just 12 years ago under the Howard government. Under Labor last year, the number of days lost per 1,000 employees had fallen to 15.9 per year. The opposition are not talking about fairness when they talk about flexibility. They are not talking about the sort of flexibility that means that a working mother can leave work early to pick up her kids. We know that they are talking about flexibility that will reduce penalty rates, reduce overtime rates and cut back on entitlements. When we look at whether or not the Fair Work legislation has achieved jobs growth, cooperation and efficiency in our economy, on any objective measure it is a successful piece of legislation that this government is proud of.

**Australian Natural Disasters**

Senator HUMPHRIES (Australian Capital Territory) (20:50): I want to make some reflections on some issues arising out of the natural disasters which are currently affecting our country. As we speak in this place, large parts of particularly the Murray-Darling Basin are under water and we need to ponder the role that the Commonwealth can play in improving the lot of Australians who find themselves in that very difficult position. I want to touch on two key areas in improving the Commonwealth’s contribution towards that kind of resilience: firstly, the question of how we alert Australians to impending natural disasters or other disasters and, secondly, how we generally make ourselves more resilient in the face of disaster of one sort or another.

It has been a number of years since the Commonwealth invested heavily in new technology that allows the sending of messages to both landline and mobile telephones to alert people to the fact that there is a disaster unfolding in an area close to them. The Emergency Alert system has been put in place through a very significant Commonwealth investment—some $26 million to build and design a system that allows people to have early warning of problems. In the wake of the Victorian bushfire disaster in 2009, the Council of Australian Governments agreed to develop a telephone based emergency warning system. Western Australia already had a system of its own and it has stuck with that system, but it is a very similar system. Emergency Alert became operational on 1 December 2009 and has been very valuable. It had been used some 344 times up until January this year and has issued some 7.2 million messages. The Commonwealth is putting more money
into the system to enhance it by providing a capacity for the messaging to go not merely to landlines and mobile phones that appear to be within a particular area based on where they are registered but to mobile phones that are actually within an area potentially affected by a disaster of some sort. For example, members of this chamber have telephones registered to the Department of Finance and Deregulation, which is in Parkes, ACT. But if a member had their phone and was located in an area of the country which was not close to Parkes ACT, they probably would not get a message alerting them to an impending disaster in that area. The government, therefore, is investing in a process—and it is working with the Victorian government to do so—to ensure that messages will go to mobile phones in the affected area. That is a significant improvement, and I commend the government on that attempt.

But we need to be alert to the fact that there are still problems with our Emergency Alert system which need to be addressed. For example, last year there was a major fire at a chemical factory in Mitchell in the ACT, where the Emergency Alert system apparently substantially failed. It was reported that some 80 per cent of the emergency phone calls programmed by ACT Emergency Services were never made and that 32 per cent of the text messages programmed to be sent by Emergency Alert were never sent. As it turned out, the fumes from the Mitchell fire were not particularly toxic and did not greatly affect the safety of animals or people who were not alerted to this fire and the fumes it generated, but it might have been different and we need to ask ourselves whether we can afford that kind of failure rate in any system. The debate about who was responsible for that goes on. The Commonwealth have certainly made it clear that they consider that some failure on the part of ACT Emergency Services contributed to the system's failure, but that is a debate for another day.

We need to make sure that every technological intervention is used that might assist in solving the problem of reaching people in affected areas, and we need to make sure that Australia invests in that system to an adequate level to ensure that everybody who can be covered. It is the case at the moment, for example, that only one telephone company, Telstra, has actually reached an agreement with the Victorian government on behalf of other Australian governments to ensure that their customers receive location based emergency messages in the event of a crisis. It concerns me greatly that customers of other telephone companies at this point in time may not receive a message to alert them of an impending disaster.

We also have alternatives to telephone based messaging at all, systems that rely on radio technology, systems like YellowBird Alert and Sentinel Alert in Western Australia. We need to make an appropriate investment in discovering whether those kinds of alternatives might be better than a telephone based system.

The second issue I want to touch on is the question of how we generally make ourselves more resilient as a nation. As we saw from recent cyclones, many, many buildings in tropical Australia are not cyclone proof and, in the lifetime of senators in this chamber, we have seen people die in earthquakes in this country. We still find many, many Australian homes built into the Australian bush, where they are particularly vulnerable to bushfires, and we have seen billions of dollars of damage done by flooding in this country. I note that, when devastating flooding occurred in Brisbane in 2010, many of the areas that had been
flooded by the 1974 floods—you would be aware of those, Mr Acting Deputy President Furner, being from Queensland—were again devastated. And housing in the same places was again devastated, despite having been wiped out in 1974. We clearly have a long way to go to make ourselves disaster proof, and we need to reasonably invest in such an outcome as there are still some significant problems we have to face up to.

This financial year the Commonwealth is investing some $38.8 million in disaster prevention and mitigation. I commend the government for that investment, but I also note that last financial year the Commonwealth spent between $5 billion and $6 billion in making payments for recovery and restitution for flooding and other disasters that occurred in that financial year. So, with $38 million in prevention and $5 billion to $6 billion in mopping up after disasters, we have a serious question of imbalance in that kind of public investment.

We also have some clumsy arrangements within our national disaster relief and recovery arrangements. For an example, it is theoretically possible for a public asset which has been damaged in, say, a flood to be rebuilt better than it was before the flood occurred, but in practice this almost never happens. In fact, after the floods of 2010-11, I asked the Attorney-General who was then responsible how many different applications had been funded by the Commonwealth under these provisions, and the answer was just one. A swimming pool in Adelong, New South Wales had been raised above the flood level, and that was the total sum of improvements in public assets which had been made pursuant to those betterment provisions. We are not doing very well in that regard and we need to lift our game.

It is of course impossible to prevent the implications of disasters. We may find ourselves—and many people say we find ourselves—in a world where such disasters are more likely to occur than not, whether it be climate change or an increase in the spreading of the population to areas which previously were not considered for domestic or other uses. Whatever the reason, we find ourselves more vulnerable as a nation. It follows from that that we need to invest more in making sure that in the future we are less prone to the consequences, particularly the consequences leading to the loss of human life, that flow from the fact that we are more exposed to natural disasters. Today we are facing the prospect of hundreds of millions, probably billions of dollars of damage by this season's floods and other natural disasters. If it had not been a wet season, we might have been looking again at many millions of dollars lost and possibly lives threatened by bushfires, a perennial Australian problem. We cannot afford to assume that we can muddle through these issues. There is a role for the Commonwealth in better hardening the target. Of course the states have a very large responsibility in this area, but the Commonwealth must play a role. I urge the federal government to consider ways in which that target can be hardened.

National Women's Alliances

Senator CROSSIN (Northern Territory) (21:00): Last Thursday, as we all know, around this nation and the world we celebrated International Women's Day. I want to take the opportunity to talk about this government's initiative of creating the national women's alliances which came into effect back in May 2010. A good way to start my speech is to publicly congratulate Minister Lundy, another fantastic woman elevated to the ministry in the Gillard Labor government. It is a great week for us to celebrate that as well.
The national women's alliances are programs with a new approach to engaging with the women's sector in Australia. The alliances are funded to take the lead in ensuring that the voices of as many women as possible are heard, especially those who in the past have found it difficult to engage in advocacy, policy development and decision making. The role of the alliances is twofold. First, they bring together women's organisations and individuals from across Australia to share information, identify issues that affect them and identify solutions. Second, they actively engage with the Australian government on policy issues as part of a better, more informed and representative dialogue between women and government. The alliances' programs differ from the previous national women's secretariats' model because the alliances are encouraged to advocate on behalf of women, to collaborate with one another, to actively engage with all relevant ministers and community departments and to influence policy making to deliver improved gender equality. The alliances bring together women from close to 150 women's organisations in this country, as well as individual women representing a range of social, economic and cultural backgrounds.

There are three issues based alliances—they are the Australian Women Against Violence Alliance which addresses issues of women's safety and elimination of violence, the Economic Security 4 Women which focuses on improving women's economic security and financial independence and the Equality Rights Alliance which addresses gender equality and leadership issues. There are three stakeholder based alliances, one of them being the National Rural Women's Coalition and Network which provides a voice for more than 250,000 women in rural and regional Australia. This alliance fulfils the government's election commitment to establish the National Rural Women's Network. There is also the National Aboriginal and Torres Strait Islander Women's Alliance, a newly formed alliance which provides Indigenous women with a strong voice in government and decision making.

I want to talk about the third of those stakeholder based alliances—that is, the Australian Immigrant and Refugee Women's Alliance. This is an alliance which engages with and advocates on behalf of immigrant and refugee women, with a particular focus on building leadership and advocacy skills amongst its members. This alliance is focused on lifting the status of immigrant and refugee women through a unified and national front, raising awareness of their issues, advocating for change on behalf of this culturally and linguistically diverse group of women. They do some great work, but I probably do not have enough time to outline in detail the work that the alliance, AIRWA as it is known, do.

For example, in the last 12 months they have expanded and strengthened their leadership training program for young immigrant and refugee women, developed a policy paper on women in precarious employment, conducted a lobbying campaign—as we well know—to get the government to sign the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, provided support and training materials to Asian women at work, produced a research report examining migrant and refugee women who are disengaged from the labour force and responded to emerging issues as needed. In particular, people may know a bit about this alliance if they have seen the In Her Shoes advertisements. They are the result of the preparation of an online social media and print advertising campaign that highlights the adversity immigrant and
refugee women face as they integrate into Australian society. These advertisements are now in magazines such as the March edition of Marie Claire and the current edition of Frankie. I think I also saw an In Her Shoes advertisement on the back page of the Weekly when I read it the other day.

On 1 March in this place I had the pleasure of hosting a roundtable on young immigrant and refugee women's issues that was initiated by AIRWA. All members of this parliament were invited to attend this round table and there were representatives from across this parliament, from the coalition and the Greens in both the Senate and the House of Representatives. Men and women came to this round table. The chair of AIRWA, Vivi Germanos-Koutsounadis, was there. It was great to see two women from the Northern Territory, Emcille Cada, or Em as she introduces herself, from Sanderson Middle School and Mahongo Fumbelo who works at WISE Employment. They are two great immigrant women from the Northern Territory who joined us on that day. It was a pleasure to have Minister Lundy there. She had a chance to promote the booklet called 'Getting started: women refugees in Australia'. It is a collection of personal stories of remarkable woman and their involvement in volunteering, education and their local communities, stories of their resolve to build a new life for themselves and their families. Of course, Australia remains one of only three countries—the others being Canada and New Zealand—that manages a dedicated refugee resettlement program for women and their families. Since 1989 the Woman at Risk visa subclass 204 has helped protect more than 11,000 women in this country.

I want to very quickly run through some of the issues that were raised during the one-hour roundtable that we had. We had a presentation from young immigrant and refugee women from Victoria and Western Australia, who were the predominant spokespeople on that day. They talked about the need to empower these women and the lack of incentives and opportunity for leadership training. Leadership is often embedded in the cultures from which they come but for women it is a much harder concept or it is much harder to get the confidence to do that. So they wanted more assistance for teachers in schools to encourage and understand the role of girls—where, for example, culturally, after school and at the end of the day, they are expected to undertake the chores in the household, when there would be an expectation from the school that homework would be undertaken—and to understand how teachers in schools could deal with that.

The women wanted quotas for young CALD women—women from culturally and linguistically diverse backgrounds—in government internships. In other words, they wanted a quota system for women from those backgrounds in the internships and then a quota for a guarantee of employment.

The women particularly raised the issue of sexual and reproductive health, the full costs of health care and the impact that this has on the lives of these women as they try to integrate with and get to know a new culture. They raised the issue of a booklet being produced on services and how the whole system operates, so that women can have a roadmap in front of them about how they negotiate getting advice about sexual and reproductive health matters. There also raised the issue of a subsidy for those on temporary visas, so that reproductive health would not be a big issue for them; so that they would be assisted.

The women raised the issue of media images of young children being culturally appropriate, the lack of access to services if
you are on a different visa and support for child care—for example, they are trying to study, yet they might be on a bridging visa or some other visa that does not entitle them to the full benefits of accessing child care. They talked about safety for international students, but predominantly they talked about how their skills are undervalued and that there is a need for this country to get a dose of cultural reality and the need for Australia to be more representative across all fields.

I want to say that we are interested in how we can better support and assist people arriving from countries and becoming new Australians. I congratulate those who attended the roundtable and encourage them to remain passionate and keen to ensure that the government does what it can to support them in their causes.

**Bailey, Mr Raymond Frederick**

**Senator POLLEY** (Tasmania—Deputy Government Whip in the Senate) (21:10): A wonderful Tasmanian, a former president of the Legislative Council in Tasmania, Ray Bailey, passed away late last month. Tonight I would like to talk about Ray and the wonderful contributions he made. He was a man held in high regard by all who knew him. He was a man of kindness, integrity and fairness. Ray Bailey has been described as a true gentleman, mild mannered, respectful, gracious and cultivated. I would agree with all of these observations.

Above all, Ray Bailey truly understood what it meant to represent the people of his electorate. He was not out for himself or any kind of personal gain. He actively contributed to the betterment of his electorate during his time as a member of the Tasmanian Legislative Council, and his work continued when he became President of the Legislative Council. Ray was elected to the Legislative Council as the member for Cornwall, now known as Rosevears, in May 1990. He was subsequently elected President of the Legislative Council in 1997, a position that he held with distinction for a number of years.

Ray got into politics for all the right reasons. His desire was to serve his electorate and deliver the best outcomes for his constituents. He did this through hard work and commitment, but he did not do this alone. I am sure that the ever-constant love and support of his wife, Lynne, and daughters, Louise, Alice, Jane and Sarah, played a huge role in Ray's success in his life and career. Ray was a wonderful family man. He and his wife were sweethearts at school and went on to become a shining example of true love throughout the years.

Ray and Lynne's story is one of partnership, recently described by a friend as a true love story. It was said that they worked together on the farm which they had for many years at Riverside, they worked together in bringing up their four daughters in a loving home and they worked together for Ray to be elected to the Legislative Council and for him to be re-elected. All they achieved, they achieved together, and I believe they had 50 years of marriage.

Ray Bailey was a true Independent. He had impeccable principles and a fantastic moral conscience. I had the pleasure of working with and for Ray on his initial campaign when he ran for that position in the Legislative Council. I was constantly impressed by his commitment and dedication. I would have to say that he was a man who never disappointed me. After all my years in politics I know that you cannot often say that you have not been disappointed by those that you have supported.

Being a member of the Labor Party, it is not always common to go out and support an Independent, but I believe that my judgment
in supporting Ray for that Legislative Council seat was the right one. In all that he did, he was inspirational. He encouraged me to never compromise my own beliefs and values, no matter how difficult things became, and I feel that he certainly influenced me to do that in my own political career.

Throughout Ray's political career he achieved many great things, the greatest of which I believe was his ability to remain the same grounded person throughout his entire career. He never forgot the importance of truth and integrity, and he never forgot what was truly important in life: his family. I too have tried in my career to follow his example, by always staying true to my core beliefs and my Christian values and by aspiring to put my family first. Ray Bailey achieved so much in his lifetime. As a young boy he was a student at Avoca Primary School in Lyons and he attended Launceston High School in Bass and then the University of Tasmania, where he gained a Bachelor of Laws degree. He worked in private practice as a lawyer for a short time until he was appointed as a solicitor to the Launceston City Council, a position he held for approximately 12 months. Ray then moved to Clarke and Gee and became a partner on 1 July 1967, a position he held until May 1990. He practised in the conveyancing commercial field, where he contributed greatly to the success and expansion of the firm.

Aside from politics and law, another of Ray's keen interests was football. He played for the North Hobart Football Club in the Tasmanian Football League whilst in the south of the state attending university. He also played for the Launceston Football Club and was deputy chairman of the Northern Tasmanian Football League, of which he was a life member. During his distinguished football career he represented Tasmania and was a member of the North Hobart team of the century.

He was a member of the board of the Queen Victoria Hospital for 18 years and chairman of that board for two years. He was chairman of the Licensing Board of Tasmania for three years and deputy chairman of the Forest Practices Tribunal for three years. I too shared a couple of those experiences, being a member of the Launceston General Hospital board, which incorporated the old Queen Victoria Hospital. As a former member of the Licensing Board of Tasmania, I know the work that he did as a very valued chair of that organisation. He was one of the conveyancing counsels of the Supreme Court and had also been an honorary legal adviser to many sporting, cultural and charitable organisations in Northern Tasmania.

As I have said, Ray was an asset to the Tasmanian people and will be sadly missed by all who knew him and all those whose lives he touched through politics, through football, as a lawyer or as a family man. I would like to take this opportunity to put on the record my sincere condolences to Ray's wife Lynne, his daughters, his friends and his extended family. Ray has been remembered fondly by all who knew him, and at his funeral service the church was packed with people from all walks of life and all political parties. It was a mark of the respect in which Ray Bailey was held. As I said, Ray Bailey was not on his own. He and Lynne were always considered within the community to be a team together. A long-time friend and parliamentary colleague of Ray's, the Hon. Don Wing, also a former President of the Legislative Council, said that:

… Mr Bailey had been an astute lawyer, a conscientious Cornwall and then Rosevears MLC and a friend of "utmost integrity".

Former Senator Peter Rae said that Ray:
… demonstrated that … you don't have to be crude or rude to make a point and you don't have to be negative to achieve change—the strength of the argument can be in the material presented rather than the decibels of its presentation.

Ray Bailey was one of those rare individuals who we do not come across very often in this world—someone who has a real impact on your life. I am grateful to have known him. I worked with him within the community, and I respect him and the work that he did and I know his legacy will not be forgotten by Tasmanians. Vale Ray Bailey.

**Female Genital Mutilation**

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (21:18): With International Women's Day celebrated last week on 8 March, it is timely to reflect on the treatment and status of women, both overseas and here in Australia. While much progress has been made, the human rights afforded to many women need to be questioned, with many millions of women still treated in inhumane and degrading ways. I speak of female genital mutilation. When Australian authorities start turning a blind eye to brutality against girls and women in our own country, it is time for reflection to end and law enforcement and government to step in.

In 1997 Amnesty International reported that an estimated 135 million of the world's girls and women had undergone genital mutilation and that some two million girls a year were at risk of mutilation—approximately a staggering 6,000 girls and women per day. More up-to-date data collected by the Population Reference Bureau puts the numbers of girls and young women at risk of genital mutilation every year at over three million. While the exact nature of the practice varies from country to country and region to region, it involves the partial or total removal of the external female genitalia, including the prepuce, clitoris, labia majora and labia minora. Methods include cutting, piercing, cauterising, scraping or in some cases using corrosive substances. One can only imagine the adverse effects on the girls and women who are victims. The effect is profound, affecting them physically, psychologically and sexually for the rest of their lives.

For those who may not be familiar with the physical torture and brutalisation, I suggest reading one of Waris Dirie's books on the subject. Waris, originally from Somalia, is known to many of us as an internationally recognised model and an outspoken whistleblower and critic of this cruel and medieval practice. She has set an example for all women to be just as outspoken. I might add that she has been a victim of this practice herself. It is a practice that should not be tolerated in any community, society or country.

Australians associate female genital mutilation, known as FGM, with places far away from our own easygoing lifestyle—in Africa, the Middle East and even parts of Asia. As the number of Australians with backgrounds from countries which practise FGM has increased, so has the incidence in Australia. The Royal Women's Hospital in Melbourne, just one of the 1,000 hospitals across Australia, has said that it sees 600 to 700 women a year who have been the victims of FGM. In many cases this was done to these women in their native countries before they immigrated. However, increasingly the female children of these immigrants are also being mutilated and are being sent home to the countries of birth of their parents. Most states and territories have enacted specific legislation prohibiting FGM. Regardless, most legal authorities are of the view that our traditional laws prohibiting physical assault ensure that FGM is illegal in Australia. However, one must note that prosecutions are very rare in any state or
Increasingly, states and certain elements of the medical profession have been medicalising the practice. In recent years, the Royal Australian and New Zealand College of Obstetricians and Gynaecologists proposed a smaller mutilation be allowed by Australian surgeons as a way of saving these young girls from the backyard butchers currently performing the procedures in the name of culture and religion. While I do not doubt RANZCOG's good intentions in minimising the harm that their members see every day, this is a perversion of multiculturalism which surely cannot be countenanced in Australian hospitals.

Fact sheets drafted by state health authorities increasingly advise contacting a doctor and a social worker on finding an instance of FGM, but do not recommend contacting the police. Consideration must be given to a federal takeover of policing this horrendous crime which should be backed up by a policy of zero tolerance. Parents and community leaders from a cultural and religious background which promotes FGM must know that, if a girl under their care is mutilated in this way, they will be caught and they will go to jail. Today, I regret to say that no such fear exists as it is hidden and protected in the name of cultural tolerance.

The serious nature of the possible risks to young girls, who live here with the families, demands overarching federal legislation to replace state jurisdiction that does not seem to be working. I believe that the federal government has the power to enact such a law by virtue of the foreign affairs power and by our acceptance of the UN convention against torture. This law should be extraterritorial in its effect, meaning that taking a child overseas for the procedure should also be illegal. There should be mandatory reporting by medical and school authorities, making it illegal to not report the mutilation of a girl. It should be a rebuttable presumption that both parents knew and consented to the procedure, and they will both be tried under the new law.

We need to unveil FGM from the religious and cultural cloak in which it hides. A woman who comes from a culture which wears a hijab can, in Australia, decide to take that veil off if she so chooses. But, if we allow young Australian girls to be physically mutilated, we are allowing scars which will never heal and a veil which will never be lifted.

People with Disability

Senator BILYK (Tasmania) (21:25): Mr Acting Deputy President Furner, I seek leave to speak for 20 minutes.

Leave granted.

Senator BILYK: Thank you, Mr Acting Deputy President. People with disability face significant challenges in their daily lives, yet a society which should be helping them is constantly throwing barriers in their way. We have failed as a society to provide the equality of opportunity, support and resources that people with disability need and deserve. We have failed to support their carers and their families. This lack of support has taken a terrible toll on the quality of life and the social and economic outcomes for many people with disability, their families and their carers.

People with disability tend to have lower levels of education, employment and income and are more likely to have difficulties with housing when compared to the general population. Nearly one-third of people with disability live close to or below the poverty line, compared to one-tenth of Australians overall. Often people with disability are socially isolated. Tragically, people with mental illness are over-represented in our prison populations. Many of our public amenities—the things that mainstream Australia takes for granted—such as
cinemas, swimming pools and public transport, are designed only with able-bodied people in mind. This is discriminatory and can deny people with disability the opportunity to participate fully in society.

As for the carers of people with disability, they are significantly more likely than the general population to experience depression. Around 50 per cent of carers experience depression compared to only six per cent for the general population. People with disability in Australia have the odds stacked against them when it comes to day-to-day living or taking advantage of the life opportunities that the rest of us take for granted. To put it plainly, Australian society has failed throughout history to provide people with disability the equality of opportunity that all Australians deserve.

The Productivity Commission, in the report on its inquiry into disability care and support, described the current system as 'underfunded, unfair, fragmented and inefficient'. The Gillard Labor government are determined to redress this injustice. That is why we are committed to the introduction of a National Disability Insurance Scheme, or NDIS. The introduction of an NDIS is a reform that is decades overdue. It is fitting that a Labor government should pursue this reform now, taking up the work of the Whitlam Labor government, which first pursued an NDIS in 1974.

The bill to introduce the scheme, the National Compensation Bill, was passed by the House of Representatives on 24 October 1974. The bill, had it received royal assent, would have provided coverage for all Australians who suffer a physical or mental incapacity. Included in the scheme was incapacity resulting from injury, congenital disability and sickness. Earnings related compensation was to be paid through the period of incapacity at a rate of 85 per cent of lost pre-tax earnings. The bill was introduced to the Senate on 30 October and referred to the Legislative and General Purpose Standing Committee on Legal and Constitutional Affairs. In its report, delivered in July 1975, the committee recommended that the bill be withdrawn and reconsidered. The Whitlam government was preparing to introduce a new national rehabilitation and compensation bill to parliament in November 1975 but did not get the opportunity to do this before it was dismissed on 11 November. Mr Whitlam outlined the case for his commitment to the scheme in a 1974 policy speech. I will repeat his words because they are as relevant today to the case for an NDIS as they were 37 years ago:

We are determined to place the security, the welfare of those who suffer incapacity through accident or sickness on a sure and certain basis—on the basis of confidence and freedom from financial anxiety for themselves and their families. Australians should not have to live in doubt or anxiety lest injury or sickness reduce them to poverty. We want to reduce hardships imposed by one of the great factors for inequality in society—inequality of luck.

It is a sad indictment of our society and on governments of both persuasions that it has taken almost 40 years to pick up the work of this important reform that Gough Whitlam started. Mr Whitlam talked about freedom from financial anxiety and he talked about the inequality that came about on the basis of luck. By having a system that fails to account fully for the true cost of disability we have allowed that inequality to continue.

This Gillard Labor government is moving in the right direction to deliver certainty to people with disability and their families. Equality of opportunity is at the core of Labor philosophy and has underpinned many of the great Labor reforms of the past 50 years. For example: the social security system and compulsory superannuation,
which provide a safety net for unemployed Australians and ensure a secure retirement for all. There is Medicare, a system of universal health insurance that ensures that all Australians can receive the health care that they need regardless of their means. There is paid parental leave, which gives workers the opportunity to spend valuable time with their children in the formative years of their lives, and there is the National Broadband Network, which will give regional Australians access to the quality, affordable broadband enjoyed by their city counterparts.

The NDIS will build on these great Labor reforms. It will eliminate, as Mr Whitlam said, the inequality of luck. It will ensure that the support received by people with disability will be driven by need, not dictated by the state they are living in, the cause of their injury or illness or whether they were successful in an arduous and lengthy court battle for compensation.

The Minister for Employment and Workplace Relations, Mr Bill Shorten, the former Parliamentary Secretary for Disability Services and a passionate advocate for people with disability, often described the chances of getting adequate compensation for disability as a lottery. This was recognised by the Productivity Commission report, which not only recognised that support for people with disability is insufficient but that it is also unfair and inequitable.

Let me give you some examples of the problems that plague the current system. The Australian Institute of Health and Welfare estimated that in 2005 there were 27,800 people with disability on the waiting list for supported accommodation and respite care Australia wide. The waiting list does not account for all the people already receiving support that is inappropriate for their needs. For instance, in New South Wales alone over 2,000 younger people with disability are living in aged care facilities.

The various programs provided by the states, territories and the Commonwealth for disability support make up a complex maze that people trying to access the system find very difficult to navigate. Some families find themselves spending countless hours researching services and filling out paperwork, with no guarantee of success.

A major problem with the various state and territory schemes for funding disability support is their lack of portability. Moving across state borders means that a family that has been waiting for years to gain access to services ends up being pushed to the back of the queue. This significantly limits the career and educational opportunities for people with disability, as by moving interstate to improve their prospects they could actually end up being worse off.

Having separate state based support schemes also leads to grossly unfair outcomes because of the peculiar inconsistencies between them. For example, each state and territory even has different definitions of disability for the purposes of identifying potential service users. While Tasmania, the Northern Territory and the ACT only make reference to communication, learning and mobility limitations, the other states and territories also refer to self-care, self-management, decision making and social interaction.

A bizarre illustration of the inconsistencies in state and territory schemes is provided by a street in Tweed Heads that sits on the border between New South Wales and Queensland. If you live in Boundary Street and you are catastrophically injured in a motor vehicle accident, the quality and extent of the support you receive is based on which side of the street you live on. This is
because the southern side of the street is in New South Wales, which has a no-fault motor vehicle accident scheme, while the opposite side is in Queensland, which has a fault based arrangement.

While there are plenty of examples in the Productivity Commission report of insufficient service provision to meet the needs of people with disability, I have had personal stories relayed to me of people who have lived these experiences. One example involves a constituent in my home state of Tasmania whose son has an autism spectrum disorder. At the age of 12 he had an IQ test and was found to have the intellectual capacity of a seven-year-old, however he often surprises with his cognitive abilities. For example, he has a great passion for football and is very good at recalling facts about the game, its history and players. There is much hidden potential in people with disability if they are provided with the proper support, and it is our duty to ensure this potential is realised. Because of his disability, my constituent's son required one-on-one assistance from a teacher aide, who was provided to him throughout primary school. However this assistance was reduced during high school, and he had to share the aide with four or five other students, a situation which his psychologist described as 'appalling' and which has had a considerable effect on his learning outcomes. Her son's quality of life is also affected by an inability to access appropriate housing, with her son's severe asthma exacerbated by the continuous build-up of mould in the house they live in during a Tasmanian winter. On occasion he has been rushed to hospital in an ambulance because of the severity of his asthma attacks.

Of course stories like this one are replicated thousands of times across Australia. There are 4½ million Australians with disability, and 760,000 Australians under the age of 65 have a severe or profound disability. Half a million Australians are primary carers of a person with a disability and a further 2.4 million are non-primary carers. The Productivity Commission has proposed that the NDIS have three main functions. The first is to provide insurance against the risk of acquiring significant disability, promoting opportunities for people with a disability and creating awareness of the issues that affect people with a disability. This universal insurance scheme will ensure that every Australian is a beneficiary of the NDIS just as they are beneficiaries of the universal health insurance provided by Medicare or the no-fault motor accident schemes that operate in some jurisdictions such as my home state of Tasmania. Another proposed function is to provide information and referral services to people with or affected by disability.

Finally, the commission recommended that the NDIS fund individualised supports for any person who has a disability that is or is likely to be permanent where they meet certain criteria. The proposed criteria for support under the NDIS is that the person either requires significant ongoing support for self-care, communication, mobility and self-management or has a condition for which early intervention would be safe, be cost-effective and significantly improve outcomes. The commission estimates that the criteria for support would cover around 411,000 Australians. The commission has suggested some flexibility to provide support to some other people who would not be covered by these criteria.

The Gillard Labor government has been working hard to develop an NDIS for some time. The government has already secured state and territory agreement on the need for fundamental reform of disability services, established an advisory group of disability experts and advocates led by Dr Jeff Harmer to provide advice on delivering the
foundations for reform and secured agreement from the state and territory governments to lay the foundations for an NDIS by mid-2013.

On 17 February 2010, Senator Sherry referred to the Productivity Commission for inquiry and report a national disability long-term care and support scheme. The inquiry was to assess the costs, cost-effectiveness, benefits and feasibility of an approach which provides long-term essential care and support for eligible people with a severe or profound disability on an entitlement basis and taking account of the desired outcomes for each person over a lifetime. The referral ordered the commission to include an examination of a no-fault social insurance scheme that would reflect the shared risk of disability across the population.

I would like to congratulate the commission for producing such a wide-ranging, well-researched and comprehensive report. The commission conducted a staggering 23 days of public hearings, hearing 237 individual presentations. They also received over 1,000 public submissions, of which more than 400 were received after the release of the draft report. The commission found that people with disability Australia-wide receive combined state, territory and Commonwealth government support and care worth $7 billion per annum. They estimated that an additional $6.5 billion of funding per year would be needed to provide reasonable care and support to people with disability over the long run.

On 3 December last year, the International Day of People with Disability, the Prime Minister announced that the government would establish a dedicated agency to lead the detailed design of the launch of an NDIS in select locations around the country. The Prime Minister also committed an additional $10 million for practical projects to help develop how the NDIS will work in practice. These demonstration projects will give the disability workforce, service providers and people with disability the opportunity to work with government on this essential design work.

The Australian government has agreed with the states and territories to agree to clear time lines for delivering on the foundations of the NDIS. At the first meeting of the Select Council of Treasurers and Disability Services Ministers, the Commonwealth, states and territories agreed to deliver these foundation reforms by mid-2013, a year ahead of the time line set out by the Productivity Commission.

This government's commitment to the National Disability Insurance Scheme stands in stark contrast to the record of the previous Coalition government on supporting people with disability. Under the previous government, people with disability had to wait up to a year to get help to prepare for work through Disability Employment Services. By contrast, this government has delivered unprecedented investment in Disability Employment Services. In the 2011-12 budget we announced a competitive tender process for the Employment Support Service of the Disability Employment Services to provide an open and transparent process for selecting the best service providers and delivering the most effective services to job seekers with disability. Just last month we released an exposure draft of the request for tender, followed by extensive consultations with the sector. We also made a decision to remove the cap on these services, meaning that more people with disability than ever are receiving assistance to help them find and keep a job. More than 148,000 people are now being serviced by DES providers nationally.
While the Coalition government were in power, their contribution to disability services grew by a mere 1.8 per cent per year—less than the rate of inflation. In other words their funding went backwards in real terms. It would appear that even in opposition the Liberal-National coalition have learnt nothing when it comes to supporting people with disability. The education card proposal that the Leader of the Opposition took to the last election was to assist just 6,000 children with disability and their families. There are 164,000 students in Australian schools with special needs, so what did Mr Abbott propose to do for the other 158,000?

While the Opposition continues to tinker around the edges on disability policy, we are continuing on the pathway to serious reform. It has taken this Labor government to start making the serious steps towards delivering on the needs of people with disability, just as Gough Whitlam did over thirty years ago. The greatest threat to delivery on this major reform would be the election of an Abbott-led Coalition government with their lack of commitment to an NDIS. Any chance that those opposite will commit to an NDIS is made more remote by the fact that they have to make up for a $70 billion budget black hole.

It is high time that we delivered justice for people with disability in Australia. For too long people with disability have been treated as second-class citizens in their own country, and we intend to change that. While the government has been behind this reform for some time, I would like to thank and congratulate the thousands of Australians who have been involved in the Every Australian Counts campaign. I would like to thank my former employer, the Australian Services Union. They have been a very active participant in this campaign, and they and other participants should be proud of what they have achieved so far.

The Gillard government is acting to redress a great inequality in our society. It is a matter of great shame for Australia that it has taken so long for a federal government to act on this issue. The day the NDIS is introduced in Australia will be the day when people with disability can say they finally have the opportunity to participate more fully in our society. It is the very least that they deserve.

**Beetson, Mr Arthur, AO**

Senator FAULKNER (New South Wales) (21:44): Mr President, I seek leave to speak for 20 minutes.

Leave granted.

Senator FAULKNER: Mr President, I thank the Senate. 'He was a giant of man, a giant of a footballer and a giant of a bloke'. Those are the words of sports journalist Mike Gibson talking about champion footballer Arthur Henry 'Artie' Beetson, who passed away on the Gold Coast on 1 December last year. I was one of those who attended his memorial service at the Sydney Cricket Ground on 18 December last year to pay my respects to this remarkable man.

Big Artie, the kid from Roma in Queensland, was a champion prop forward, perhaps the greatest in the history of Australian rugby league football. His club career spanned 17 years, from 1964 to 1981, playing 291 games for Redcliffe, Balmain, Hull Kingston Rovers, Eastern Suburbs and Parramatta. He scored 38 tries and kicked just the one field goal. He captained Queensland in the first State of Origin game. He represented Australia in 14 tests, two as captain.

Arthur Beetson was inducted into the Rugby League Hall of Fame in 2003 and features in Australian rugby league's list of
its 100 greatest players. He has been named in the Australian Rugby League Team of the Century, the Queensland Rugby League Team of the Century, and the Indigenous Australian Rugby League Team of the Century. But Arthur was not one for accolades and ceremonies. He did not attend the 2008 Centenary Ball where he was inducted into the Rugby League Team of the Century. At the time he said he would not be attending because of his fears for the future of the game, as well as the fact he could not wear shorts and thongs to the event.

His hand-eye coordination and sharp reflexes saw Arthur excel in many sports; but it was rugby league where he made his name. He dominated in an era that was arguably the toughest—the final days of the brutal unlimited tackle and no replacement rules. In fact the Bulletin magazine described the 1966 season as 'open season for head hunters, the kidney kickers and the vicious stiff-arm tacklers'—especially when traditional rivals like the mighty Balmain Tigers and South Sydney lined up.

Queenslanders claim Artie as one of their finest, but it was in New South Wales where we saw so many of Arthur's greatest achievements, on and off the field, playing with Balmain, Easts, and Parramatta, and coaching Cronulla Sutherland. Artie's league career started in Roma, but it was when he moved to the 'big smoke' in 1964, playing in the Brisbane rugby league competition, that he really started to make his mark. He played in the 1965 Redcliffe Brisbane rugby league premiership winning side, winning the club's player of the year award.

Talent scouts from Sydney got the word to Harry Bath, the Balmain coach, that the kid from Roma was 'the real deal'. He headed to Balmain along with another talented Queenslander, Kevin Yow Yeh, at the conclusion of the 1965 season. Artie debuted for the Balmain Tigers at the SCG on 2 April 1966, against the all-conquering St George Dragons. Legendary Saints players Graeme Langlands, Johnny King, Reg Gasnier, Eddie Lumsden, Billy Smith, 'Poppa' Clay, Ian Walsh, Kevin Ryan and Johnny Raper, just to name a few, played that day. The Tigers, I am pleased to say, upset the Dragons 19-16, Artie winning man of the match honours. He played for the Tigers for another four years, playing 74 games, scoring six tries and kicking that one field goal. He famously missed the Tigers' great victory over Souths in the 1969 grand final through suspension. Two weeks earlier he had been sent off in the major semifinal, also against Souths, by referee Keith Page and he copped a two-week suspension. He described the send off as one of the great regrets of his life in football.

Artie joined Jack Gibson's Eastern Suburbs team in 1971 where he stayed until 1978, by which time he was captain/coach of the club. He captained Easts to their 1974 and 1975 premierships—they were the first for almost 30 years—playing for Easts a total of 131 games, scoring 17 tries. In 1979 Artie headed to Parramatta for his last two seasons of Sydney club football. Artie battled injury. In two seasons he only played 16 games for the Eels. One highlight though was the Eels 8-5 Tooth Cup final win over Balmain in 1980. Artie was instrumental in the success of State of Origin football. He was a proud Queenslander and was directly involved in 17 State of Origin matches between 1980 and 1990 for the Maroons—the first as a player and then 16 as coach. His coaching record was 11 wins and five losses.

Artie made his international debut in 1966 in the third test of the series against Great Britain. Those who saw the game remember his sensational kick ahead to set up Johnny King for the match-winning try. On 16 December 1973, Artie captained Australia
for the first time in the second Kangaroo test against France in Toulouse. Australia won 14-3. He also captained Australia against Great Britain in the second Ashes test of 1974 at the Sydney Cricket Ground. In that test, Australia lost to Great Britain 16-11. Arthur Beetson was the first Indigenous player to captain Australia. The final days of Arthur's playing career were spent back in Redcliffe as captain/coach of the Redcliffe Dolphins. He finally hung up the boots at the conclusion of the 1981 season.

Off the field, Artie devoted time and effort to supporting league in Indigenous communities around Australia. He spent time in places like Eveleigh Street in Redfern, talking to young people, undoubtedly inspiring many of them to improve their lives—certainly encouraging them, where he could, to pick up a footy. He had a soft spot for kids from the bush, Indigenous and non-Indigenous. He was a natural athlete. He was a junior champion at tennis, a boxer, a squash player, and unbeatable at pool and snooker. He was also a famous tooth man and constantly battled with his weight. When Jack Gibson heard that Artie was losing weight, he replied 'Don't worry, he'll find it again.' Another great story tells of an end-of-season Pacific cruise, where Arthur embarked a hefty 16 stone and returned a fortnight later tipping the scales at 19 stone.

At the SCG memorial service, Arthur Beetson's fellow Rooster and great mate, Johnny Peard—the bomber—stole the show with some wonderful anecdotes about his mate. I am indebted to the Southern Highlands Branch Newsletter, the only genuine Labor Party periodical in Australia, which recorded Johnny Peard's words:

Arthur had a lot of hotels. One day at The Big House, then a wharfies pub, a coach stopped with 57 Aboriginal players who ordered 57 schooners. 'Who's going to pay for these?' 'I guess I will', said Arthur. One of the footballers came over to Arthur at the bar and asked if he could take his photo. Arthur put a comb through his hair and smiled. The footballer skipped away, pulled a framed photo of Arthur off the wall and boarded the bus.

Johnny Peard also reminisced about a trip he made to Ivanhoe with Arthur. I will let the Southern Highlands Branch Newsletter take up the story:

In Ivanhoe, John was told to get the newspaper. He stopped at the convenience store. 'Do you want today's paper or yesterday's?' 'Today's', John replied. 'In that case, you'll have to come back tomorrow'.

Tariff at the motel was $150, the receptionist advised. 'We'll pay that with pleasure', said Arthur. 'With pleasure', said the receptionist, 'its $450'.

T-bones cost $3.95. Arthur was astonished by the price. 'That's right', said the butcher. 'With meat, they cost $13.95'.

Let me say this about Arthur. He wrote in his autobiography how glad he was that he found rugby league in Roma all those years ago. He said, 'The game has taken me around the world and to places and achievements I could never have possibly dreamed of when I was skinny little 'Bones' Beetson, running barefoot down by Bungil Creek.' From Bungil Creek in Roma, to Brisbane, Sydney, and the international stage, Arthur Beetson's contribution to Australian sport has been exceptional. He has inspired many Australians from many different backgrounds. Artie loved footy. He described it as the greatest game—'balancing athleticism and toughness'. His contribution to the game was immeasurable; his achievements historic.

For my part, I simply say: he is the greatest rugby league forward I have ever seen. He was a legend. He is a legend. My sincere sympathy goes to Artie's family, friends, and fans.

Senate adjourned at 21:59
DOCUMENTS
Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]


Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 5 of 2012—Information provided by life insurers and friendly societies under Reporting Standard LRS 100.0, LRS 120.0, LRS 210.0, LRS 300.0, LRS 310.0, LRS 330.0, LRS 340.0, LRS 400.0, LRS 420.0 and LRS 430.0 [F2012L00463].

Autonomous Sanctions Act—Autonomous Sanctions Regulations—
Autonomous Sanctions (Designated and Declared Persons – Burma) List 2012 [F2012L00474].


Civil Aviation Act—
Civil Aviation Regulations—Instrument No. CASA 61/12—Instructions under CAR 235A – minimum runway width for aeroplanes [F2012L00453].

Civil Aviation Safety Regulations—

Revocation of Airworthiness Directive—Instrument No. CASA ADCX 004/12 [F2012L00541].


Goods and Services Tax Determinations—
GSTD 2012/1 and GSTD 2012/2.


Taxation Determination—Erratum—TD 95/60.


Criminal Code Act—Select Legislative Instruments 2012 Nos—
22—Criminal Code Amendment Regulation 2012 (No. 1) [F2012L00553].
23—Criminal Code Amendment Regulation 2012 (No. 2) [F2012L00554].
24—Criminal Code Amendment Regulation 2012 (No. 3) [F2012L00555].
25—Criminal Code Amendment Regulation 2012 (No. 4) [F2012L00556].
Customs Act—
Tariff Concession Orders—
1051913 [F2012L00497].
1100393 [F2012L00490].
1112022 [F2012L00532].
1112994 [F2012L00543].
1113008 [F2012L00537].
1113309 [F2012L00520].
1113344 [F2012L00514].
1113596 [F2012L00510].
1114058 [F2012L00527].
1114137 [F2012L00507].
1126550 [F2012L00538].
1131399 [F2012L00498].
1131500 [F2012L00529].
1131510 [F2012L00530].
1131713 [F2012L00511].
1131714 [F2012L00483].
1131848 [F2012L00536].
1131849 [F2012L00502].
1131850 [F2012L00548].
1132326 [F2012L00485].
1132399 [F2012L00480].
1132489 [F2012L00492].
1132491 [F2012L00528].
1132493 [F2012L00546].
1132539 [F2012L00501].
1132658 [F2012L00518].
1132782 [F2012L00547].
1132783 [F2012L00499].
1132785 [F2012L00515].
1132903 [F2012L00512].
1132913 [F2012L00500].
1132920 [F2012L00493].
1132921 [F2012L00513].
1132973 [F2012L00488].
1133084 [F2012L00525].
1133085 [F2012L00542].
1133086 [F2012L00534].
1133087 [F2012L00531].
1133088 [F2012L00535].
1133103 [F2012L00521].
1133330 [F2012L00491].
1133340 [F2012L00478].
1133342 [F2012L00509].
1133351 [F2012L00517].
1133649 [F2012L00519].
1133651 [F2012L00495].
1133798 [F2012L00522].
1133799 [F2012L00526].
1133801 [F2012L00523].
1133802 [F2012L00524].
1133803 [F2012L00486].
1133805 [F2012L00487].
1133856 [F2012L00516].
1133863 [F2012L00503].
1134132 [F2012L00508].
1134133 [F2012L00533].
1134135 [F2012L00504].
1134470 [F2012L00505].
1134471 [F2012L00506].
1134527 [F2012L00489].
1134549 [F2012L00476].
1134603 [F2012L00496].
1135188 [F2012L00494].
1134132 [F2012L00508].
1134133 [F2012L00533].
1134135 [F2012L00504].
1134470 [F2012L00505].
1134471 [F2012L00506].
1134527 [F2012L00489].
1134549 [F2012L00476].
1134603 [F2012L00496].
1135188 [F2012L00494].
Tariff Concession Revocation Instruments—
34/2012 [F2012L00467].
53/2012 [F2012L00539].
55/2012 [F2012L00549].
57/2012 [F2012L00550].
58/2012 [F2012L00551].
59/2012 [F2012L00552].
Federal Financial Relations Act—Federal Financial Relations (General purpose financial
assistance) Determination No. 35 (February 2012) [F2012L00464].

Financial Management and Accountability Act—Financial Management and Accountability Determination 2012/02 – Section 32 (Transfer of Functions from DIAC to AHRC) [F2012L00458].

Fisheries Management Act—

Heard Island and McDonald Islands Fishery Management Plan 2002—Heard Island and McDonald Islands Fishery Trawl Fishing Capacity Determination 2012 [F2012L00557].

Southern and Eastern Scalefish and Shark Fishery (Closure Revocation) Direction No. 5 2010 [F2012L00473].

Insurance Act—Amendment of Declaration – Australian Family Assurance Limited, dated 23 February 2012 [F2012L00540].


Motor Vehicle Standards Act—


Vehicle Standard (Australian Design Rule 69/00 – Full Frontal Impact Occupant Protection) 2006 Amendment 2 [F2012L00465].

Radiocommunications Act—
Radiocommunications (Spectrum Designation) Notice No. 1 of 2012 [F2012L00466].

Sydney Airport Curfew Act—Dispensation Report 02/12.

Telecommunications (Consumer Protection and Service Standards) Act—Australian Communications and Media Authority (Advice about Universal Service Subsidies) Direction (No. 1) 2012 [F2012L00455].

Veterans' Entitlements Act—Statements of Principles concerning—

Angle-Closure Glaucoma No. 25 of 2012 [F2012L00470].
Angle-Closure Glaucoma No. 26 of 2012 [F2012L00471].
Atherosclerotic Peripheral Vascular Disease No. 23 of 2012 [F2012L00454].
Atherosclerotic Peripheral Vascular Disease No. 24 of 2012 [F2012L00456].
Chronic Venous Insufficiency of the Lower Limb No. 29 of 2012 [F2012L00460].
Chronic Venous Insufficiency of the Lower Limb No. 30 of 2012 [F2012L00461].
Haemochromatosis No. 22 of 2012 [F2012L00451].
Open-Angle Glaucoma No. 27 of 2012 [F2012L00457].
Open-Angle Glaucoma No. 28 of 2012 [F2012L00459].

Indexed Lists of Departmental and Agency Files

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2011—Statements of compliance—

Attorney-General’s portfolio.
Australian Taxation Office.
Department of Defence.
Resources, Energy and Tourism portfolio.
Safe Work Australia.
Sustainability, Environment, Water, Population and Communities portfolio.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Great Barrier Reef**

(Question No. 1525)

Senator Waters asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 2 February 2012:

With reference to the proposed strategic assessment of the Great Barrier Reef World Heritage Area:

(1) How are comments made by a spokeswoman from the department, reported by Australian Associated Press on 11 January 2012, suggesting that the strategic assessment will focus on identifying and assessing cumulative impacts from major industry and port developments, including ongoing dredging projects such as that at Gladstone, which could affect the Great Barrier Reef World Heritage Area, consistent with the following statements:

(a) by the Minister on Four Corners, aired on 7 November 2011, that 'I'd prefer a situation where as much as possible is able to be dealt with once we've concluded the strategic assessment, but people have legal rights under law to commence the process, and those processes continue in the interim'; and

(b) by the departmental Deputy Secretary, Ms Dripps, during the 2011 Supplementary Budget estimates hearing of the Environment and Communications Legislation Committee on 18 October 2011, that 'Any proposal for development along the coast of Queensland that was likely to occur after that point [the conclusion of the strategic assessment] would be included in the strategic assessment'.

(2) What implications, if any, will the strategic assessment have on the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) assessment process, conditions and outcomes for each of the following types of projects that are having, or are likely to have, a significant impact on the Great Barrier Reef World Heritage values:

(a) projects currently undergoing a project level EPBC Act assessment, where a final decision is: (i) likely, or (ii) unlikely, to be made prior to the conclusion of the strategic assessment;

(b) projects that have been referred for project level EPBC Act assessment since the strategic assessment was announced; and

(c) projects that will be referred prior to the conclusion of the strategic assessment.

(3) What implications, if any, will the strategic assessment have on the EPBC Act assessment process, conditions and outcomes for each of the following types of projects that are having, or are likely to have, a significant impact on the Great Barrier Reef Marine Park:

(a) projects currently undergoing a project level EPBC Act assessment, where a final decision is: (i) likely, or (ii) unlikely, to be made prior to the conclusion of the strategic assessment;

(b) projects that have been referred for project level EPBC Act assessment since the strategic assessment was announced; and

(c) projects that will be referred prior to the conclusion of the strategic assessment.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(1) The comprehensive strategic assessment of the Great Barrier Reef World Heritage Area aims to protect the environment, support more efficient and effective regulation of future coastal development and meet Australia's obligations to protect the World Heritage values of the property. It will achieve this by examining direct, indirect and cumulative impacts from existing, planned and potential future coastal development activities.
The strategic assessment cannot “suspend” or “switch off” assessment and approval processes for individual actions that have already been referred or are referred before completion of the strategic assessment. Consistent with legal requirements, assessments will continue for individual project proposals in the Queensland coastal zone or Great Barrier Reef. Proponents of controlled actions will be expected to meet a high standard of assessment, including consideration of cumulative impacts, where appropriate, to ensure that any individual project assessment does not compromise the strategic assessment process.

The Australian Government will strongly encourage all proponents of actions in the Great Barrier Reef to have their proposals considered as part of the strategic assessment process rather than individually, however, the government is required to consider all valid proposals referred in accordance with the law.

(2) Refer to (1) above. Actions that have been referred or are referred before the completion of the strategic assessment will be assessed stringently in accordance with usual assessment and approval provisions of the EPBC Act to ensure ongoing protection of the World Heritage values of the Great Barrier Reef.

(3) Refer to (1) above. Proposed actions that have been referred or are referred before the completion of the strategic assessment will be assessed rigorously in accordance with the usual assessment and approval provisions of the EPBC Act to ensure ongoing protection of the environment of the Great Barrier Reef Marine Park.

Defence
(Proposal No. 1527)

Senator Bob Brown asked the Minister representing the Minister for Defence, upon notice, on 2 February 2012:

Does the Royal Australian Navy have an ice strengthened vessel or ice breaking vessel in its fleet; if not, are there plans to build or buy such a vessel.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) HMAS Choules is the only vessel in the Royal Australian Navy with a certification society recognised ice strengthened rating, although it was not acquired on the basis of its ice rating, being first and foremost a contingency maritime Humanitarian Assistance and Disaster Relief response vessel.

(2) HMAS Choules has a 1C ice rating under Lloyds Classification Society rules. The level of ice strengthening of a vessel’s hull is referred to as an ice rating which dictates where a vessel may be operated. In the case of Choules the vessel can operate in broken first year ice up to 0.4 metre thick.

(3) Other classes of vessels within the Royal Australian Navy are not designed for operation within ice and are therefore normally limited to operating north of the Antarctic Convergence Zone (ACZ). The ACZ is normally defined as: The Falkland Islands, Prince Edward Islands, Crozet Islands, Ìle Amsterdam, Ìle Saint-Paul, Tierra del Fuego and Macquarie Island lie north of the Antarctic Convergence. The Kerguelen Islands lie approximately on the Convergence. The South Shetland Islands, South Orkney Islands, South Georgia and the South Sandwich Islands, Bouvet Island, Heard Island and McDonald Islands all lie south of the Convergence.

(4) The Defence White Paper 2009 does not establish a requirement for the Australian Defence Force to own and operate an ice-strengthened or ice-breaking capable vessel.
Treasury
(Question No. 1532)

Senator Abetz asked the Minister representing the Assistant Treasurer, upon notice, on 3 February 2012:

In follow up to questions taken on notice during the 2010–11 Supplementary Budget estimates hearing of the Economics Legislation Committee (question nos SBT116–120) relating to the Productivity Commission and the Fair Work Act 2009, and with reference to section 6 of the Productivity Commission Act 1998, which states that the Productivity Commission's functions are to 'undertake, on its own initiative, research about matters relating to industry, industry development and productivity' and 'promote public understanding of matters relating to industry, industry development and productivity':

(1) Has the Productivity Commission informed itself on any issues with the Fair Work Act 2009; if so, can this information be provided, including associated recommendations or suggested courses of action.

(2) What is the Productivity Commission's view on the Fair Work Act 2009 and does it consider the Act to be working well.

(3) Does the Productivity Commission believe that half a million jobs can be created between July 2011 and July 2012.

Senator Wong: The Assistant Treasurer has provided the following answer to the honourable senator's question:

(1) The Commission looked at the impact on the retail industry of workplace relations regulations (including the Fair Work Act 2009) as part of its recent inquiry on the Economic Structure and Performance of the Australian Retail Industry. The final report was publicly released on 9 December 2011.

(2) As above.

(3) As above.

Curtin Detention Centre
(Question No. 1536)

Senator Cash asked the Minister representing the Minister for Home Affairs and Minister for Justice, upon notice, on 6 February 2012:

With reference to the answer to question on notice no. 1432, regarding the incident at the Curtin Immigration Detention Centre on 2 November 2011 resulting in the injury of a female Serco officer:

(1) What is the status of the Australian Federal Police investigation into this matter.

(2) Have the individuals involved in the incident been identified.

(3) What action has or will be taken against those involved in the incident.

Senator Ludwig: The Minister for Home Affairs and Minister for Justice has provided the following answer to the honourable senator's question:

(1) The investigation is ongoing (active).

(2) As this investigation is ongoing, it is not appropriate to comment further.

(3) As this investigation is ongoing, it is not appropriate to comment further.
Defence: Air Travel
(Question No. 1543)

Senator Ian Macdonald asked the Minister representing the Minister for Defence, upon notice, on 8 February 2012:

For the period 1 January 2011 to 31 December 2011, or if more convenient for data purposes the 2010-11 financial year, what flights were taken by departmental staff between:
(a) Townsville and Canberra; and
(b) Canberra and Townsville, including details on whether they were direct or indirect flights.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

For the period 1 January 2011 to 31 December 2011, Defence travelled between:
(a) Townsville and Canberra – on 2112 trips; consisting of 323 trips direct and 1789 indirect.
(b) Canberra and Townsville – on 2267 trips; consisting of 291 trips direct and 1976 indirect.

Sustainability, Environment, Water, Population and Communities: Air Travel
(Question No. 1544)

Senator Ian Macdonald asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 8 February 2012:

For the period 1 January 2011 to 31 December 2011, or if more convenient for data purposes the 2010-11 financial year, what flights were taken by departmental staff between: (a) Townsville and Canberra; and (b) Canberra and Townsville, including details on whether they were direct or indirect flights.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

For the period 1 January 2011 to 31 December 2011, the following flights were undertaken by departmental staff between:
(a) Townsville and Canberra

<table>
<thead>
<tr>
<th>Trip Itinerary*</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>TSV/BNE/CBR</td>
<td>73</td>
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<tr>
<td>TSV/CHR</td>
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<td>TSV/JCK/ISA/BNE/CBR</td>
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<td>TSV/OOL/CBR</td>
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<td>TSV/SYD/CBR</td>
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(b) Canberra and Townsville

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<tr>
<th>Trip Itinerary*</th>
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<tr>
<td>CBR/BNE/CNS/TSV</td>
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</tr>
<tr>
<td>CBR/BNE/ROK/GLT/BNE/TSV</td>
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<tr>
<td>CBR/OOL/TSV</td>
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<tr>
<td>CBR/TSV</td>
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## Airport Legend:

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<tr>
<th>Code</th>
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<td>JCK</td>
<td>Julia Creek</td>
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<td>SYD</td>
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<tr>
<td>ISA</td>
<td>Mount Isa</td>
<td>TSV</td>
<td>Townsville</td>
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