INTERNET
The Journals for the Senate are available at

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

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

SITTING DAYS—2012
<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>7, 8, 9, 27, 28, 29</td>
</tr>
<tr>
<td>March</td>
<td>1, 13, 14, 15, 16, 19, 20, 21, 22</td>
</tr>
<tr>
<td>May</td>
<td>8, 9, 10</td>
</tr>
<tr>
<td>June</td>
<td>18, 19, 20, 21, 25, 26, 27, 28</td>
</tr>
<tr>
<td>August</td>
<td>14, 15, 16, 20, 21, 22, 23</td>
</tr>
<tr>
<td>September</td>
<td>10, 11, 12, 13, 17, 18, 19, 20</td>
</tr>
<tr>
<td>October</td>
<td>9, 10, 11, 29, 30, 31</td>
</tr>
<tr>
<td>November</td>
<td>1, 19, 20, 21, 22, 26, 27, 28, 29</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Location</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADELAIDE</td>
<td>972AM</td>
</tr>
<tr>
<td>BRISBANE</td>
<td>936AM</td>
</tr>
<tr>
<td>CANBERRA</td>
<td>103.9FM</td>
</tr>
<tr>
<td>DARWIN</td>
<td>102.5FM</td>
</tr>
<tr>
<td>HOBART</td>
<td>747AM</td>
</tr>
<tr>
<td>MELBOURNE</td>
<td>1026AM</td>
</tr>
<tr>
<td>PERTH</td>
<td>585AM</td>
</tr>
<tr>
<td>SYDNEY</td>
<td>630AM</td>
</tr>
</tbody>
</table>

For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-THIRD PARLIAMENT
FIRST SESSION—SIXTH 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 Christopher John Back, Thomas Mark Bishop, Suzanne Kay Boyce, Douglas Niven Cameron, Patricia Margaret Crossin, David Julian Fawcett, Mary Jo Fisher, Mark Lionel Furner, Scott Ludlam, Gavin Mark Marshall, Claire Mary Moore, Louise Clare Pratt and Ursula Mary Stephens
Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

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

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

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Back, Christopher John</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Bernardi, Cory</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bilyk, Catryna Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Birmingham, Simon John</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bishop, Thomas Mark</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Boyce, Suzanne Kay</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Brandis, Hon. George Henry, SC</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Carol Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Bushby, David Christopher</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Cameron, Douglas Niven</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Carr, Hon. Kim John</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Carr, Hon. Robert John (3)</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Cash, Michaelia Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Collins, Jacinta Mary Ann</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Conroy, Hon. Stephen Michael</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Cormann, Mathias Hubert Paul</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Crossin, Patricia Margaret (1)</td>
<td>NT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Di Natale, Richard</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Edwards, Sean</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Eggleston, Alan</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Evans, Hon. Christopher Vaughan</td>
<td>WA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Farrell, Donald Edward</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Faulkner, Hon. John Philip</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Fawcett, David Julian</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Feeney, David Ian</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Fierravanti-Well, Concetta Anna</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Mitchell Peter</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Fisher, Mary Jo</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Forner, Mark Lionel</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Gallagher, Alexander McEachian</td>
<td>SA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Hanson-Young, Sarah Coral</td>
<td>SA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Hogg, Hon. John Joseph</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Humphries, Gary John Joseph (1)</td>
<td>ACT</td>
<td></td>
<td>LP</td>
</tr>
<tr>
<td>Johnston, Hon. David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Joyce, Barnaby Thomas Gerard</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>Kroger, Helen</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Ludlam, Scott</td>
<td>WA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Lundy, Kate Alexandra (1)</td>
<td>ACT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Madigan, John Joseph</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>DLP</td>
</tr>
<tr>
<td>McEwen, Anne</td>
<td>SA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>McKenzie, Bridget</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>McLucas, Hon. Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Senator</td>
<td>State or Territory</td>
<td>Term expires</td>
<td>Party</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>--------------------</td>
<td>----------------</td>
<td>---------</td>
</tr>
<tr>
<td>Mason, Hon. Brett John</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Milne, Christine Anne</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Moore, Claire Mary</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Nash, Fiona Joy</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>Parry, Stephen Shane</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Marise Ann</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Polley, Helen Beatrice</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Pratt, Louise Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Rhiannon, Lee</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Ronaldson, Hon. Michael</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Ryan, Scott Michael</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Hon. Nigel Gregory (1)</td>
<td>NT</td>
<td></td>
<td>CLP</td>
</tr>
<tr>
<td>Siewert, Rachel Mary</td>
<td>WA</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Singh, Hon. Lisa Maria</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Sinodinos, Arthur (2)</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Smith, Dean Anthony (4)</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Stephens, Hon. Ursula Mary</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Sterle, Glenn</td>
<td>WA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Thistlethwaite, Matthew</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Thorp, Lin Estelle (6)</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Urquhart, Anne Elizabeth</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Waters, Larissa Joy</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Whish-Wilson, Peter Stuart (5)</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Williams, John Reginald</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Wright, Penelope Lesley</td>
<td>SA</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Wong, Hon. Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Xenophon, Nicholas</td>
<td>SA</td>
<td>30.6.2014</td>
<td>IND</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

PARTY ABBREVIATIONS

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
## GILLARD MINISTRY

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Julia Gillard MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td>Minister for Social Inclusion</td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC The Hon Warren Snowdon MP</td>
<td></td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>Senator the Hon Jan McLucas</td>
</tr>
</tbody>
</table>

| **Treasurer** (Deputy Prime Minister)                        | The Hon Wayne Swan MP                                                   |
| Minister for Financial Services and Superannuation           | The Hon Bill Shorten MP                                                 |
| Assistant Treasurer                                         | The Hon David Bradbury MP                                               |
| Parliamentary Secretary to the Treasurer                    | The Hon Bernie Ripoll MP                                                |

| **Minister for Tertiary Education, Skills, Science and Research** (Leader of the Government in the Senate) | Senator the Hon Chris Evans                                            |
| Minister for Industry and Innovation                         | The Hon Greg Combet AM MP                                               |
| Minister for Small Business                                  | The Hon Brendan O’Connor MP                                             |
| Minister Assisting for Industry and Innovation                | Senator the Hon Kate Lundy                                              |
| Parliamentary Secretary for Industry and Innovation          | The Hon Mark Dreyfus QC MP                                               |
| Parliamentary Secretary for Higher Education and Skills      | The Hon Sharon Bird MP                                                  |

| **Minister for Broadband, Communications and the Digital Economy** (Deputy Leader of the Government in the Senate) | Senator the Hon Stephen Conroy |
| Minister for Regional Australia, Regional Development and Local Government | The Hon Simon Crean MP |
| Minister for the Arts                                        | The Hon Simon Crean MP                                                 |
| Minister for Sport                                           | Senator the Hon Kate Lundy                                              |

| **Minister for Defence** (Deputy Leader of the House)        | The Hon Stephen Smith MP                                                |
| Minister for Defence Materiel                                | The Hon Jason Clare MP                                                 |
| Minister for Veterans' Affairs                                | The Hon Warren Snowdon MP                                               |
| Minister for Defence Science and Personnel                    | The Hon Warren Snowdon MP                                               |
| Parliamentary Secretary for Defence                          | The Hon Dr Mike Kelly AM MP                                             |
| Parliamentary Secretary for Defence                          | Senator the Hon David Feeney                                            |

| **Minister for Immigration and Citizenship** (Leader of the House) | The Hon Chris Bowen MP |
| Minister for Multicultural Affairs                            | Senator the Hon Kate Lundy                                              |
| Minister for Infrastructure and Transport                     | The Hon Anthony Albanese MP                                            |

| **Parliamentary Secretary for Infrastructure and Transport**  | The Hon Catherine King MP                                              |
| Attorney-General                                             | The Hon Nicola Roxon MP                                                |
| Minister for Emergency Management                             | The Hon Nicola Roxon MP                                                |
| Minister Assisting on Queensland Floods Recovery              | Senator the Hon Joe Ludwig                                             |
| Minister for Home Affairs                                     | The Hon Jason Clare MP                                                 |
| Minister for Justice                                          | The Hon Jason Clare MP                                                 |

<p>| <strong>Minister for Families, Community Services and Indigenous Affairs</strong> | The Hon Jenny Macklin MP |
| Minister for Disability Reform                                | The Hon Jenny Macklin MP                                                |
| Minister for Housing                                         | The Hon Brendan O’Connor MP                                             |
| Minister for Homelessness                                    | The Hon Brendan O’Connor MP                                             |
| Minister for Community Services                              | The Hon Julie Collins MP                                                |
| Minister for the Status of Women                              | The Hon Julie Collins MP                                                |</p>
<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parliamentary Secretary for Disabilities and Carers</td>
<td>Senator the Hon Jan McLucas</td>
</tr>
<tr>
<td>Minister for Foreign Affairs</td>
<td>Senator the Hon Bob Carr</td>
</tr>
<tr>
<td>Minister for Trade and Competitiveness</td>
<td>The Hon Dr Craig Emerson MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Trade</td>
<td>The Hon Justine Elliot MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>The Hon Richard Marles MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Foreign Affairs</td>
<td>The Hon Richard Marles MP</td>
</tr>
<tr>
<td>Minister for Sustainability, Environment, Water, Population and</td>
<td>The Hon Tony Burke MP</td>
</tr>
<tr>
<td>Communities (Vice-President of the Executive Council)</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary for Sustainability and Urban Water</td>
<td>Senator the Hon Don Farrell</td>
</tr>
<tr>
<td>Minister for Finance and Deregulation</td>
<td>Senator the Hon Penny Wong</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td>Minister Assisting for Deregulation</td>
<td>The Hon David Bradbury MP</td>
</tr>
<tr>
<td>Minister for School Education, Early Childhood and Youth</td>
<td>The Hon Peter Garrett AM MP</td>
</tr>
<tr>
<td>Minister for Employment and Workplace Relations</td>
<td>The Hon Bill Shorten MP</td>
</tr>
<tr>
<td>Minister for Early Childhood and Childcare</td>
<td>The Hon Kate Ellis MP</td>
</tr>
<tr>
<td>Minister for Employment Participation</td>
<td>The Hon Kate Ellis MP</td>
</tr>
<tr>
<td>Minister for Indigenous Employment and Economic Development</td>
<td>The Hon Julie Collins MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for School Education and Workplace Relations</td>
<td>Senator the Hon Jacinta Collins</td>
</tr>
<tr>
<td>(Manager of Government Business in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Minister for Agriculture, Fisheries and Forestry</td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td>Parliamentary Secretary for Agriculture, Fisheries and Forestry</td>
<td>The Hon Sid Sidebottom MP</td>
</tr>
<tr>
<td>Minister for Resources and Energy</td>
<td>The Hon Martin Ferguson AM MP</td>
</tr>
<tr>
<td>Minister for Tourism</td>
<td>The Hon Martin Ferguson AM MP</td>
</tr>
<tr>
<td>Minister for Climate Change and Energy Efficiency</td>
<td>The Hon Greg Combet AM MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Climate Change and Energy Efficiency</td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td>Minister for Health</td>
<td>The Hon Tanya Plibersek MP</td>
</tr>
<tr>
<td>Minister for Mental Health and Ageing</td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister for Indigenous Health</td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Health and Ageing</td>
<td>The Hon Catherine King MP</td>
</tr>
<tr>
<td>Minister for Human Services</td>
<td>Senator the Hon Kim Carr</td>
</tr>
</tbody>
</table>
### SHADOW MINISTRY

<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leader of the Opposition</td>
<td>The Hon Tony Abbott MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Cory Bernardi</td>
</tr>
<tr>
<td>Shadow Minister for Foreign Affairs</td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td>Shadow Minister for Trade (Deputy Leader of the Opposition)</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for International Development Assistance</td>
<td>The Hon Teresa Gambao MP</td>
</tr>
<tr>
<td>Shadow Minister for Infrastructure and Transport (Leader of The Nationals)</td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Roads and Regional Transport</td>
<td>Mr Darren Chester MP</td>
</tr>
<tr>
<td>Shadow Minister for Employment and Workplace Relations (Leader of the Opposition in the Senate)</td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>Shadow Minister for Employment Participation</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td>Shadow Attorney-General (Deputy Leader of the Opposition in the Senate)</td>
<td>Senator the Hon George Brandis SC</td>
</tr>
<tr>
<td>Shadow Minister for the Arts</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Shadow Attorney- General</td>
<td>Senator Gary Humphries</td>
</tr>
<tr>
<td>Shadow Treasurer (Deputy Chairman, Coalition Policy Development Committee)</td>
<td>The Hon Joe Hockey MP</td>
</tr>
<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation</td>
<td>Senator Mathias Cormann</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Tax Reform</td>
<td>The Hon Tony Smith MP</td>
</tr>
<tr>
<td>Shadow Minister for Education, Apprenticeships and Training (Manager of Opposition Business in the House)</td>
<td>The Hon Christopher Pyne MP</td>
</tr>
<tr>
<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td>Shadow Minister for Universities and Research</td>
<td>Senator the Hon Brett Mason</td>
</tr>
<tr>
<td>Shadow Minister for Youth and Sport (Deputy Manager of Opposition Business in the House)</td>
<td>Mr Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Education</td>
<td>Senator Fiona Nash</td>
</tr>
<tr>
<td>Shadow Minister for Indigenous Affairs (Deputy Leader of the Nationals)</td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td>Shadow Minister for Indigenous Development and Employment</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td>Shadow Minister for Regional Development, Local Government and Water (Leader of the Nationals in the Senate)</td>
<td>Senator Barnaby Joyce</td>
</tr>
<tr>
<td>Shadow Minister for Regional Development</td>
<td>The Hon Bob Baldwin MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
<td>Senator the Hon Ian Macdonald</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Local Government</td>
<td>Mr Don Randall MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Murray-Darling Basin</td>
<td>Senator Simon Birmingham</td>
</tr>
<tr>
<td>Shadow Minister for Finance, Deregulation and Debt Reduction (Chairman, Coalition Policy Development Committee)</td>
<td>The Hon Andrew Robb AO</td>
</tr>
<tr>
<td>Shadow Special Minister of State</td>
<td>The Hon Bronwyn Bishop MP</td>
</tr>
<tr>
<td>Shadow Minister for COAG (Chairman, Scrutiny of Government Waste Committee)</td>
<td>Senator Mari se Payne</td>
</tr>
<tr>
<td>Shadow Minister for Energy and Resources</td>
<td>The Hon Ian Macfarlane MP</td>
</tr>
<tr>
<td>Shadow Minister for Tourism</td>
<td>The Hon Bob Baldwin MP</td>
</tr>
<tr>
<td>Title</td>
<td>Shadow Minister</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Shadow Minister for Defence</td>
<td>Senator the Hon David Johnston</td>
</tr>
<tr>
<td>Shadow Minister for Defence Science, Technology and Personnel</td>
<td>Mr Stuart Robert MP</td>
</tr>
<tr>
<td>Shadow Minister for Veterans' Affairs and Shadow Minister</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td>Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence Materiel</td>
<td>Senator Gary Humphries</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Defence Force and Defence Support</td>
<td>Senator the Hon Ian Macdonald</td>
</tr>
<tr>
<td>Shadow Minister for Communications and Broadband</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Shadow Minister for Regional Communications</td>
<td>Mr Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Shadow Minister for Health and Ageing</td>
<td>The Hon Peter Dutton MP</td>
</tr>
<tr>
<td>Shadow Minister for Ageing</td>
<td>Senator Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Shadow Minister for Mental Health</td>
<td>Dr Andrew Southcott MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Primary Healthcare</td>
<td>Dr Andrew Laming MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Families, Housing and Human Services</td>
<td>The Hon Kevin Andrews MP</td>
</tr>
<tr>
<td>Shadow Minister for Seniors</td>
<td>The Hon Bronwyn Bishop MP</td>
</tr>
<tr>
<td>Shadow Minister for Disabilities, Carers and the Voluntary Sector (Manager of Opposition Business in the Senate)</td>
<td>Senator Mitch Fifield</td>
</tr>
<tr>
<td>Shadow Minister for Housing</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Supporting Families</td>
<td>Senator Cory Bernardi</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Status of Women</td>
<td>Senator Michaelia Cash</td>
</tr>
<tr>
<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>The Hon Greg Hunt MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Environment</td>
<td>Senator Simon Birmingham</td>
</tr>
<tr>
<td>Shadow Minister for Productivity and Population</td>
<td>Mr Scott Morrison MP</td>
</tr>
<tr>
<td>Shadow Minister for Immigration and Citizenship</td>
<td>The Hon Teresa Gambaro MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Citizenship and Settlement</td>
<td>Senator Michaelia Cash</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Immigration</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Innovation, Industry and Science</td>
<td>Mrs Sophie Mirabella MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Innovation, Industry, and Science</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Shadow Minister for Agriculture and Food Security</td>
<td>The Hon John Cobb MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Fisheries and Forestry</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Shadow Minister for Small Business, Competition Policy and Consumer Affairs</td>
<td>The Hon Bruce Billson MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Small Business and Fair Competition</td>
<td>Senator Scott Ryan</td>
</tr>
</tbody>
</table>
## CONTENTS

**FRIDAY, 22 JUNE 2012**

### Chamber

#### NOTICES
- Presentation

### BILLS
- **Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill 2011**
  - First Reading
  - Second Reading
  - Third Reading
- **Appropriation Bill (No. 5) 2011-2012**
- **Appropriation Bill (No. 6) 2011-2012**
- **Parliamentary Counsel and Other Legislation Amendment Bill 2012**
  - Second Reading
  - Third Reading
- **National Vocational Education and Training Regulator (Charges) Bill 2012**
  - Second Reading
  - Third Reading
- **Broadcasting Services Amendment (Digital Television) Bill 2012**
  - Third Reading
- **Financial Framework Legislation Amendment Bill (No. 2) 2012**
  - Second Reading
  - Third Reading
- **Migration (Visa Evidence) Charge Bill 2012**
- **Migration (Visa Evidence) Charge (Consequential Amendments) Bill 2012**
  - First Reading
  - Second Reading
- **National Water Commission Amendment Bill 2012**
  - Returned from the House of Representatives

### AUDITOR-GENERAL'S REPORTS
- Reports Nos 47 and 48 of 2011-12

### ADJOURNMENT
- Middle East
- Marine Sanctuaries
- Tobacco
- Rural and Regional Health Services

### Questions On Notice
- Foreign Affairs—(Question No. 1831)
- Foreign Affairs—(Question No. 1833)
- Infrastructure and Transport—(Question No. 1855)
NOTICES
Presentation
Senator Milne and Rhiannon to move:
That the Senate—
(a) congratulates the Prime Minister (Ms Gillard) on her appointment to co-chair a global leadership group on achieving the Millennium Development Goals;
(b) notes that:
(i) in 1970, Australia endorsed the United Nations target to allocate 0.7 per cent of Gross National Income (GNI) to foreign aid,
(ii) the former Prime Minister (Mr Howard) endorsed the 0.7 per cent target when he signed on to the Millennium Development Goals, and
(iii) on 22 November 2011, the Senate voted to reaffirm a bipartisan commitment to increase the International Development Assistance Budget to at least 0.5 per cent of GNI by 2015; and
(c) calls on the Government to:
(i) recommit to 0.5 per cent of GNI to be allocated to Australia's foreign aid budget by 2015; and
(ii) commit to re-evaluating the provision of 0.7 per cent of GNI to the foreign aid budget in order to bring Australia in line with achieving the Millennium Development Goals.

Senators Edwards and Di Natale to move:
That the Senate—
(a) notes that:
(i) up to one million Australians may be living with Meniere's disease and vestibular disorders,
(ii) these disorders result in vertigo, dizziness, balance problems, hearing loss, tinnitus and can lead to sudden, debilitating attacks, loss of employment, social isolation and loss of confidence and personal capabilities in everyday living activities, and
(iii) Meniere's Australia provides much needed counselling, practical advice, information and peer support to both individuals and their families and carers; and
(b) encourages and supports Meniere's Australia in developing and improving services in Australia for people living with the distressing consequences of Meniere's disease and other unseen vestibular disorders.

Senator Di Natale to move:
That the Senate—
(a) notes that:
(i) temporary and migrant workers make a significant contribution to the Australian economy and Australian society,
(ii) the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted by a resolution of the United Nations General Assembly on 18 December 1990, and
(iii) the Convention's provisions protect the human rights of migrant workers and shield them from unconscionable exploitation; and
(b) calls on the Government to:
(i) ensure that temporary migrant workers who come to Australia receive settlement assistance, language training and culturally appropriate services,
(ii) institute a rigorous program of inspection and enforcement to ensure that the conditions and pay migrant workers receive are fair and meet the legal requirements, and
(iii) show its commitment to leading the world in the protection of the rights of migrant workers by immediately ratifying the Convention.
BILLS

Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill 2011

First Reading

Bill received from the House of Representatives.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (09:31): 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 JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (09:31): I table a revised explanatory memorandum relating to the bill. I 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—

Terrorism is a crime that has a unique and dramatic impact on the lives of its victims.

It is a crime directed not at individuals, but at the state.

However, it is individuals who suffer.

Presently in every Australian state and territory victims of crime, including terrorism, are eligible for financial assistance under criminal injuries schemes.

However, there is no comprehensive scheme that covers Australian victims of terrorism that occurs overseas.

In the past decade Australians have been killed and injured in terrorist attacks in New York and Washington, Bali, London, Jakarta and Mumbai.

Terrorism is an unpredictable and stateless phenomenon.

It can strike almost anybody, in any place and at any time.

It is a sad reality that Australians are sometimes targeted in overseas terrorist acts.

Other times, they are merely caught up in attacks launched indiscriminately at 'Westerners'.

In either case, these individuals fall victim to attacks with a political or ideological motive, rather than a personal one.

In this context, it is only fair that the burden of the attack be borne in part by the state, and not the individual victim.

It is important to acknowledge the collective responsibility of the Australian community to help individuals recover from overseas terrorist events.

The Australian government has assisted Australian victims of terrorism in the past, providing them with medical and evacuation support, consular assistance and assisting with funeral costs and other expenses, on an ex gratia basis.

The value of that assistance to date exceeds $12 million.

Accordingly, the government does not propose to apply the scheme to individuals who have already been supported.

There is, however, more that can be done to ease the suffering and provide support to Australian victims in the longer term.

It is in this context that the government today commends the bill to the Senate.

Like the private senator's bill currently before the Senate, the purpose of this bill is to provide financial support of up to $75,000 to Australians affected by terrorism while overseas.

The bill achieves this through the 'Australian Victim of Terrorism Overseas Payment'.

The payment will provide financial assistance of up to $75,000 for individuals injured in an overseas terrorist event and to the close family
member or members of an individual killed as a direct result of a terrorism event overseas.

Eligibility under the scheme provided for by the bill requires the Prime Minister to declare an overseas terrorism event in the first instance.

Once an overseas terrorism event has been declared, set eligibility criteria will apply, primarily that an applicant is an Australian resident and did not contribute to the terrorism event.

The bill provides for the determination of principles, which will provide guidance on the factors that may be considered when determining a claim, including:

- the nature, duration and impact of the injury or disease;
- the likelihood of future loss, injury or disease;
- the circumstances in which the injury or disease was incurred;
- the nature of the relationship between the primary and secondary victim;
- whether there are other persons who have made a claim;
- whether there is agreement by claimants on the amount that should be paid to each;
- whether there was an adverse Australian government travel advice;
- whether the person was directed not to go to the place where the attack occurred; and
- other payments from the Commonwealth, state, territory, a foreign country or another person or entity.

The scheme will also provide that victims who receive the payment will not have to repay Medicare, and will not adversely affect a person’s entitlement to damages or compensation under any Commonwealth law.

This is also consistent with current victims of crime compensation schemes.

Payments under the scheme will also be exempt from income tax.

The bill recognises that the decision maker may require a longer period than the standard statutory period of 13 weeks to determine claims, particularly where there are large numbers of victims.

The ability to provide payments of up to $75,000 to victims of overseas terrorism acknowledges not only that injuries resulting from terrorism events can be very serious, but that they can have a lasting effect, requiring ongoing support and treatment.

On 22 March 2012, the Senate jointly referred the provisions of this bill and a private senator’s bill to the Legal and Constitutional Affairs Legislation Committee.

The committee tabled its report, containing seven recommendations, on 10 May 2012.

The government supports six of the seven recommendations, and has revised the explanatory memorandum to address recommendations 2, 3 and 5.

The revised explanatory memorandum provides greater guidance about how the Prime Minister will determine whether a specific terrorist act should be covered by the scheme.

It also clarifies that the bill enables extension of the scheme to cover Commonwealth employees working overseas who do not meet the residency test.

Finally, it provides some clarification on how payments under the scheme will interact with other payments.

To implement recommendation 6, the government is exploring options for the establishment of a central contact point for Australians affected by terrorist acts.

The government does not support recommendation 5, which would double the maximum payment for primary victims.

Concluding Remarks

That Australians should be injured or killed in a terrorist act is a horrible thought to contemplate.

But it has happened and—unfortunately—it could happen again.

Terrorism is a crime with many victims.

It devastates not just those directly impacted, but their families as well.

It is a crime designed to strike at the heart of all we hold dear in a free and democratic society.
But we are determined that terrorism will not affect how we go about our lives.

The government supports the rights of Australians to continue to explore the world, continue to discover new places and represent us abroad, secure in the knowledge that the Australian community, and its parliament, will continue to support them, their families and the Australian way of life.

I commend this bill.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (09:32): The Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill 2011, introduced by Senator Collins, is almost identical to a private senator’s bill which I introduced last year dealing with the same topic and which had been initiated by the Leader of the Opposition Mr Tony Abbott. I do not propose to delay the Senate for very long, because what I have to say about the government’s bill, which of course the opposition supports, I said when I addressed some remarks to the private senator’s bill, which I will call the Abbott bill.

The opposition welcomes the fact that the government has decided to embrace Mr Tony Abbott’s very constructive, humane and positive idea, is to seek to compensate people or the families of people who fall victim to overseas terrorism, as I said earlier, along similar lines to the way victims of crime are compensated by various criminal compensation schemes.

There is nothing more I need to add. I congratulate the government on being sensible enough, after some initial hesitancy, to embrace Mr Tony Abbott’s idea and I indicate that it will of course have the support of the opposition.

Senator EGGLESTON (Western Australia) (09:37): Terrorism is, sadly, no new phenomenon. A quick internet search suggests that, from the time of the assassins in the late 13th century, terror and barbarism were widely used in warfare and conflict. However, it was not until the French Revolution in the 1800s that the first uses of the words ‘terrorists’ and ‘terrorism’ were recorded. Since then those words have become firmly a part of our vernacular, able to evoke some of the most violent and devastating images, particularly for those of Australians, as you know, Mr Acting Deputy President—some 98 were killed in the first Bali bombing than were killed in the terrorist attacks on the London underground.

So we in Australia should not be insouciant when it comes to the immediate threat posed to our citizens by terrorism, although, mercifully as a result of the skill, dedication and determination of our national security agencies, in particular ASIO, there has not been since the events of September 11, 2001 a terrorist strike on Australian soil. As I said, in Bali there was a horrific terror strike against Australian citizens in which almost 100 young lives were lost.

The purpose of this bill, which now attracts bipartisan support, in consequence of the government embracing Mr Tony Abbott’s very constructive, humane and positive idea, is to seek to compensate people or the families of people who fall victim to overseas terrorism, as I said earlier, along similar lines to the way victims of crime are compensated by various criminal compensation schemes.

There is nothing more I need to add. I congratulate the government on being sensible enough, after some initial hesitancy, to embrace Mr Tony Abbott’s idea and I indicate that it will of course have the support of the opposition.
the most recent generations, X and Y, who have not yet known a major international war.

In November 2004 a report of the United Nations Secretary-General described 'terrorism' as: 'Any act intended to cause death or serious bodily harm to civilians or noncombatants, with the purpose of intimidating a population or compelling a government or an international organisation to do or abstain from doing any act.'

By 2004 acts of terrorism were increasing and have now become a feature of our world. The United States Embassy in Beirut was bombed in 1983. In 1995, 168 people were killed in the Oklahoma City bombing. In 1988 the bombing of Pan Am flight 103 killed 270 people over Lockerbie, in Scotland. In 1994 a Philippine airlines flight over Manila was bombed, as was the London underground in 2005.

It is five weeks from the Olympic Games. We are reminded that the greatest sport gathering in the world is not immune to terrorism. The 1972 Munich Games saw, as we would all recall, a terrorist group take 11 hostages, all of whom were executed. And, at the Atlanta Olympics in 1996, two people were killed and over 100 injured by a terrorist pipe bomb. Terrorism is very common these days.

The New York World Trade Centre was first bombed by terrorists in 1993, eight years before the world watched in horror as the devastation was repeated tenfold on September 11, 2001. Images that day of aircraft flying into buildings, petrified bystanders covered in ash and brave firefighters and police officers rushing to help are in many ways the very images that have come to symbolise modern-day terrorism. Since then terrorism has edged closer to our shores. Long Australians' favourite holiday destination overseas, horror came to the island of Bali in October 2002 when terrorists deliberately targeted a nightclub frequented by Westerners, especially Australians, and 202 people were killed, 88 of them Australian citizens. As it happens, I had been in that area only a week before, in Surabaya and Malang, East Java, where, as those of us there were subsequently informed, the bombers were actually making the bombs used in the Bali bombings. In an attack indisputably directed at Australians, our embassy in Jakarta was bombed in September 2004, killing nine people. As confidence was returning to our northern neighbour, terrorists struck Bali again, in 2005, and on that occasion claimed the lives of four people.

Australians love to travel, so many of our young people choose to take a gap year after completing high school and spend 12 months abroad—perhaps as an au pair in the UK or a ski instructor on the Canadian slopes or a counsellor at popular Camp America. Families too love to travel. In my home state of Western Australia there can be as many as nine direct air services to Bali a day. Singapore is a very popular destination as well, with up to seven flights a day from Perth, and the ski fields of New Zealand are close enough for a long weekend over there. But all of those destinations now have the shadow of a potential terrorist attack hanging over them as Australia has become a terrorist target largely perhaps because of our activities in recent Middle East wars in which certainly as a nation we have taken a stand against terrorism and those who purvey that kind of action around the world.

At its heart, the Social Security (Supporting Australian Victims of Terrorism Overseas) Bill 2011, is about protecting our citizens abroad. Already each state and territory has legislation to protect those killed or injured as a result of domestic terrorism through existing victims-of-crime
legislation. There is no need, therefore, to extend the scope of this proposed act for that purpose. The purpose of this bill is to establish a legal mechanism to provide financial assistance to those Australian citizens who have been directly impacted by terrorism abroad. Specifically, the bill would apply to Australians who are injured as a result of an overseas terrorist act and close family members of Australians who are killed or who die within two years of suffering injuries as a result of an overseas terrorism act. The new payment would be known as the Australian victim of terrorism overseas payment, the AVTO payment.

Australian governments already have a long and justifiably proud record of supporting our citizens at times of trouble abroad. Following the Bali bombing in 2002, the Howard government provided access to rehabilitation services from the Commonwealth Rehabilitation Service as well as financial assistance for medical expenses not otherwise covered and, of course, people were evacuated to Australian hospitals where necessary. After the second Bali bombing in 2005 the then coalition government flew the Australian flag with pride, providing medical evacuations for all injured people, regardless of nationality. For Australians, financial assistance was provided in a range of areas, including reasonable costs of counselling and psychological care both for those directly affected and for their families. Out-of-pocket medical expenses were also covered. When the London Underground suffered a terrorist attack in the same year, the government again came to assist. The Egypt bombing and Middle East crisis of 2006 and the Mumbai terror attack of 2008 also saw the Australian government of the day lending a much-needed hand to Australians who found themselves the unwitting victims of terrorism on foreign soil.

We cannot escape the fact that Australians are being deliberately targeted by terrorist groups by virtue of the very fact that they are Australians, or Westerners more generally, and because of our actions in the Middle East. They are targeted, very often simply because they are Australians, by people who have a hatred of our way of life, our freedoms and liberties and the morals and values we are fortunate to espouse. While these examples highlight the fact that the Australian government has always stood by its citizens when disaster strikes abroad, they are also all too vivid reminders that Australians are not immune to international terror.

This bill formalises government assistance to victims of international terrorism, providing the same kind of support that would be extended to the victims of crime at home by state and territory governments. The bill will allow a payment of a compensatory amount of up to $75,000 to those who qualify for it, these being Australians who are injured as result of an overseas terrorist act and, secondly, close family members of Australians who are killed or who die within two years of suffering injuries as a result of an overseas terrorist act. One might say that $75,000 is not a lot of money, but at least it is a contribution to assist people through a time of crisis. Since the September 11 terrorist attacks in New York in 2001, about 300 Australians have been directly impacted—either killed or injured—by overseas terrorism. That is an average of 30 people a year, so that would cost the government roughly $2,250,000. The bill has bipartisan support and I commend it to the Senate.

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (09:44): I rise to speak on the Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill. Australia, quite
rightly, owes a huge debt to those who are victims of terrorism, as well as to their families. This bill is essential in honouring Australians whose life has been affected by those who seek to destroy Australia and its way of life; by those who choose the killing and maiming of innocent people as their means to attempt to achieve their twisted political aims. In support of this bill I will talk briefly about the threat of terrorism to Australia, its prevalence and why some formal recognition of those that are victims of such atrocities should rightfully be included in Australia's legislation.

Terrorism itself is not a transparent subject; nor does it have an agreed-upon definition in the international community. Terrorists are not subject to the rules of international law, as lone terrorists, collective terrorist groups or terrorists as a whole are not recognised as an international entity with a governing body. This means that, essentially, nations are dealing with an unknown enemy that is outside the moralistic international rules of war that governing nations generally adhere to, with the consequence that terrorist attacks are one of the deadliest threats to a nation's sovereignty.

Whilst there may not be an international definition of what constitutes a terrorist, there is general agreement within the international community about what constitutes a terrorist attack. A terrorist attack is one that is dangerously high in lethality and is conducted with the aim of causing the highest amount of destruction that it possibly can. They generally have a high level of collateral damage and the perpetrators are spurred on by political or moral ideals that contrast with those of the intended victims. This is particularly the case when one is dealing with the threat of terrorism from Islamic extremists, who desire to live in an Islamic superstate—a desire that conflicts with the presence of the West. It is this group of individuals that poses the greatest level of threat to Australia, which is exacerbated by our lack of means to deal with the issue within international law.

The Western world's attention was sharply refocused on the threat of terrorism in 2001 by the attacks on the World Trade Centre and the Pentagon and by the attempted attack on the White House, more commonly referred to as 9-11, although the threat of terrorism had been in existence for a long time before that. Following those incidents many subsequent terrorist attacks were implemented against various Western nations. To date, over 300 Australians have lost their lives in terrorist related attacks since 2001. A number of terrorist groups arose out of the confusion that reigned after 9-11, which had provided the international focus to bring disparate groups together in their hatred of Western ideals, thereby spreading their networks across the globe. The extremist groups that conduct these attacks are willing to go to extraordinary lengths to orchestrate their attacks so as to cause the most collateral damage. At times, this includes the use of children and the deliberate sacrifice of their own lives. The rise of international terrorism is all the more lethal in the globalised world; new technologies that can cause greater numbers of casualties arise, and a larger terrorist network allows a greater number of targets to be identified.

We are dealing with extremist ideology. This extremist ideology is not bound by any social morals or rules of war, nor are the perpetrators signatories of any treaties. This is a war where there is an uneven playing field, because Australia and our allies are bound by such principles—as we should be. Terrorists' extremist views are absolutist in their actions. Their actions are intended to have the maximum effect that they possibly can; this effect is measured in the amount of
collateral damage caused and/or the degree to which their victims have been maimed. Make no mistake, these extremists have targeted Australia.

Terrorist groups exploit the wealth of the Western world to embed feelings of distrust and envy. Those feelings are then manipulated in such a way as to encourage membership of disgruntled, lower socio-economic individuals who feel that they have nothing to lose and everything to gain in the afterlife if they take as many of the Western heathens with them as possible. Also manipulated to recruit members are various events in which the Western world can be spun as a negative perpetrator—for example, Western support for Israel, the war in Iraq and the occupation of Afghanistan. Given Australia's involvement with these events, it is no surprise that various groups, including the highest funded terrorist organisation, al-Qaeda, have named Australia as a target in which the state must be abolished. Australia values everything that these extremists individuals despise, such as religious tolerance, freedom of speech, the rule of law, principles of equality and, above all, a modern, pluralistic, non-sectarian, democratic government.

Although the number of incidents in the West may seem to have fallen, the threat is growing, as terrorist groups continued to make links across the globe. To give an example of this, al-Qaeda has admitted that it continues to have links to Jemaah Islamiah, a terrorist sect located in Indonesia and its geographical neighbours. It is well-known that al-Qaeda has trained many of the JI members in training camps, provided logistical support for many of its planned operations and provided substantial aid. This partnership has taken the lives of Australians in the past, such as the Bali bombings in 2002 that claimed the lives of 202 people, including 88 Australians.

Despite the excellent work done by our enforcement and intelligence agencies, the threat to Australians from organisations such as al-Qaeda and JI remains. As such, it is appropriate and prudent that we acknowledge this threat and plan for its potential outcomes, which is why I support the need for some form of recognition of those who have lost their lives in these attacks and the ongoing effect it has had or may have on their loved ones. Such tragic loss of life arises not because of their own personal actions or their own characteristics but because of what they represent. They are targeted because of their way of life, because they represent the Australian way, a way characterised by the principles of freedom for all and equality—principles that are anathema to these extremists.

Because of the deeply political motives behind their targeting, Australian victims of terrorism pay the price for an attack on all Australians. Accordingly, all Australians need to acknowledge the price, as well as the price paid by their families and loved ones—the people who are left behind. In stating that this country needs to acknowledge these victims and their families, I am not implying that this country has not taken this responsibility seriously in the past. Government has always provided necessary practical assistance, such as Centrelink payments, medical assistance and so on. However, this country needs to go much further than we have and provide formal recognition that clearly demonstrates our support and commitment to these individuals for the sacrifices they and their families have made. Australia needs to recognise the impacts that these attacks have on the lives of those affected, whether it is medical, psychological or financial, and ensure appropriate compensation is in place to ensure that these impacts can be redressed by government, so far as is possible.
What this bill proposes is not much different to that in the victims of crime legislation available to victims of crimes committed within the states and territories. It takes that concept and translates it into a federal recognition of crimes committed against our citizens that have resulted in the death or maiming of an individual outside our borders. It is an appropriate way for the community to acknowledge these terrible events that have befallen our fellow citizens, and the sacrifice they have made, not through any fault of their own but because they represent a way of life we all enjoy and believe in. It is a means through which this country can acknowledge their loss and show our support for their eventual wellbeing. It is appropriate that we acknowledge that those who are victims of crime overseas, in this case terrorism, are just as detrimentally affected by such events as those who suffer as a result of criminal acts within our borders, and they should be treated accordingly.

The sad reality is that the threat of terrorism is not going to go away. Indeed it is likely to be with us for the foreseeable future. This threat will be persistent and, tragically, may grow in lethality as sects grow in numbers and experience. It is essential that this chamber recognises this as fact and acts accordingly to show its support.

The coalition, I am proud to say, has taken a lead on this much needed bill and moved a very similar bill prior to the government introducing this one. The coalition recognises that the victims of these crimes, as well as their loved ones, face a massive irreversible loss, and a national recognition of that loss and sacrifice is an important way that the community can demonstrate its support, sympathy and understanding. In saying that, I am fully aware that monetary compensation will never replace their loss or adequately pay for that sacrifice. But it may assist them to deal with some of the financial consequences that inevitably do flow following such a loss. The bill should be supported.

Senator FAWCETT (South Australia) (09:57): I also rise to address the Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill 2011. This is the second time I have risen to address this topic, given the long history of coalition support for this measure. Going back to 2009, the now Leader of the Opposition, Mr Tony Abbott, tabled the Assisting the Victims of International Terrorism Bill, in 2010 Senator Brandis tabled the Assisting Victims of Overseas Terrorism Bill and on 21 February 2011 Mr Abbott again tabled a bill in the other place. So this is yet another bill that the coalition will support looking at how and why we should support people who have been victims of terrorism overseas.

The question that some in the public may ask is: why should we put in place a scheme to support people who have been victims of terrorism overseas? Firstly, there is the issue of precedent. We have well established precedents in this country whereby we provide care for individuals who have been injured through no fault of their own. Probably the one that is most widespread and that all of us contribute to is compulsory third party motor vehicle insurance. We contribute to a scheme to ensure that people who are injured, through no fault of their own, receive care. The National Disability Insurance Scheme is one where we are looking at situations where people have an inherited disability, and families have essentially inherited an obligation to care for them, through no fault of their own. We are looking for ways to provide for those people. There are also precedents in countries such as Israel; the UK, Northern Ireland in particular; and the United States, where there
are well established schemes to recognise the burdens that fall upon people due to injuries received or, in the case of death, burdens that fall upon close family members, because of acts of terrorism. Generally speaking, I believe in personal responsibility and the fact that people should be taking steps to care for themselves. Some people have asked, in relation to this proposed act, why it is that we do not just require people to take out insurance. Since the 9-11 attacks, increasingly travel insurance policies have had specific exclusions for acts of terrorism. So even those people who wish to take measures to protect themselves and their families when travelling do not have options, under many policies now, to take out that measure of cover. Again, this bill is one way we can extend the precedence set for domestic situations, such as motor vehicles, to our citizens. The government has taken some steps in terms of commercial insurance onshore to give business confidence, but that does not extend to people who are travelling overseas. So there are some very strong precedents that I think support this bill, which is why the coalition has since 2009 put forward three bills to this end to give support to victims of terrorism.

The second question is why Australians are being targeted overseas. Sometimes it would be easy to assume that it was just the wrong time and the wrong place and that it was completely random. But the reality of the attacks in London, in Bali and in America is that while they may not be targeted against the individual they are definitely targeted against people with common characteristics. The Department of Foreign Affairs and Trade has quite clearly identified in its paper Transnational terrorism: the threat to Australia that Australia is a terrorist target, both as a Western nation and in its own right. Almost without exception in the contemporary global setting, terrorism has links to extreme Islamist groups. The DFAT paper goes on to say:

Weakening the influence of the West would advance their political goals by helping undermine those Muslims they view as corrupt and open to Western influence. We are seen as standing in the way of their goal to transform the Muslim world into a Taliban-style society. According to their simplistic worldview, we are part of the Christian West which, to them, is un-Islamic and therefore illegitimate.

The core values we hold and which are intrinsic to our success as a liberal democratic culture are anathema to these extremists.

So the very things that actually define us as a nation—being a liberal Western democracy, our value of individual life, which is part of what brings us to support this measure—are the very things that make us a target to some people around the world.

It is important to recognise that there are those different world views and that whilst we continue to maintain those values that have made Australia a great place to live, a place that values individuals, we will be a target. That should not make us retreat from the defence of that world view. Particularly as we look at things like the Arab Spring unfolding, and we look at events in countries like Syria, Egypt and Tunisia, we need to understand that there are different world views, different values placed on life, and we should never be ashamed to stand up for the values that Australia represents.

As we listen to the voices of people in Egypt as they face a very uncertain time, we hear the concerns of minority communities there, such as Christian Copts. We hear the concerns of people in Syria, such as the Alawites, the Druze and, again, the Christians about the lot they will face given the regime change that may occur. The Bishop of Aleppo, for example, has highlighted that should regime change occur
it would be the end of his population in Syria. Some world views and some forms of government do not have the same respect for freedom of religion, for the equality of men and women and for providing equal opportunity that we have here in Australia. Those things make us a target, but we should never back away from supporting them.

One of the particular aspects of the bill that I wish to look into is the provision in the proposed new section to enable the secretary to determine an amount payable to a primary victim which must not exceed $75,000. The $75,000 in some cases may assist somebody who has suffered either physical or mental harm. But in other cases, particularly where there has been significant physical injury or psychological harm to the point of someone not being able to work, I have to acknowledge that that amount will not cover the loss that those people will suffer financially, in quality of life and in their relationships, given the impact that these kinds of events can have on people and their families. I recognise that in some cases it may appear generous while in some cases it will be woefully inadequate.

The system tries to recognise that there are both primary victims and secondary victims and puts in place a mechanism whereby, when the primary victim—somebody who was actually at the scene of the incident and was killed at the time or within two years—passes away, close family members are entitled to make a claim for some compensation. The total claim cannot exceed $75,000, and multiple parties—siblings or children of that person—can share that.

My concerns are more about part 2 of the schedule, which presents amendments to other acts. Item 15, for example, amends the A New Tax System (Family Assistance) Act 1999 to ensure that these payments are not income for the purposes of assessing entitlements paid under that act, such as family tax benefit and childcare benefit. Item 16 amends the Health and Other Services (Compensation) Act 1975 so that this payment is not regarded as compensation to recover from Medicare payments and services provided. Likewise, items 17, 18, 20 and 21 amend other acts to make sure that this payment can be used by people.

I note, though, that there are no proposed amendments in the bill to exclude the payments from the definition of income in section 8, which is the incomes test of the Social Security Act, or from the definition of asset in section 9 of the act. I would welcome any clarification from the minister as to the intent there. If you look at section 8, there is a whole list of exceptions that very clearly shows that the intent of the parliament is that, where people receive a payment in recognition of something that has occurred above and beyond normal life circumstances—and there are payments in there for a whole raft of things: for example, for people who contract HIV, for veterans for different reasons—this payment should not detract from the normal assessment of their income and other benefits. I note that there is no proposed amendment to exclude the payment from section 8 or 9 under the SSA. Likewise, there are no corresponding amendments to the Veterans’ Entitlement Act 1986 to exclude these payments from the income and assets test definitions and applications for our veterans.

What those two omissions would mean, if I am reading this correctly, is that on the one hand the government will say to a person in these circumstances that the government recognise that something out of the ordinary and beyond the person's control has occurred and, just like the government compensate people in other situations, the person will be eligible for some compensation from the

---

CHAMBER
people of Australia, while on the other hand the government will say that they will treat that as an asset or as income, which may then disadvantage the person in terms of the other payments that they are receiving to manage their normal affairs. I am happy to be proven wrong. I would welcome some clarification from the minister. That concerns me because if people are already suffering injury or families have lost the income earner for their home and they see the $75,000 as some assistance—and, as I have already said, in many cases it will already be inadequate compared to the loss or disadvantage faced by people—to then have other entitlements cut as a result of receiving this money, to my mind, defeats the purpose and intent of this parliament providing that payment.

In conclusion, the coalition do support this bill. We have put forward a very similar bill several times in the past. I have spoken on this previously. We do it because the nature of Australian society is that we place a value on individual life and we recognise that we have a duty of care to those around us when things occur to them that are beyond their control. I reinforce the point that we will continue to be a target for terrorists because of the values that we hold. That should not make us back away from standing up for those. If anything, it should make us defend them all the more vigorously, which is part of what we are doing by passing this bill today. I support the bill.

Senator McKENZIE (Victoria) (10:11): I rise today to also speak in a truncated manner about this particular piece of legislation, the Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill 2011. As previous speakers have acknowledged, this bill is an important acknowledgement of the cost that Australian families and individuals pay in response to overseas terrorist incidents simply by virtue of being an Australian citizen, in many cases, and hence being the target of these reprehensible acts by overseas terrorists. We should not forget that high price that is being paid. This bill is actually a copy, as was mentioned earlier today, of the private senator's bill introduced by the coalition in March this year by Senator Brandis. It follows a long line of private members' bills seeking to address the cost that is paid by individuals and families who are influenced and hurt as a result of terrorist attacks.

Since 11 September 2001, some 300 Australians have been killed or injured in terrorist incidents overseas. We know Australians died in the World Trade Centre. We know many Australians died in Bali in two terrorist attacks. Australians died in a terrorist attack in London. So we lost Australians in the World Trade Centre. We lost too many Australians in Bali, not once but twice. And we lost Australians in London. We have also lost Australian citizens in Jakarta. Some 300 Australians have been killed or injured simply because of their citizenship and the value that we hold dear within this nation of freedom—freedom to worship, freedom to express our opinions and freedom to live and work together.

So let us never forget that those bombs went off because the perpetrators of these outrageous attacks believe that our way of life, for them, is equivalent to evil. That is what they believe—that how we live our lives, how we conduct our governance and how we go about our everyday existence is actually evil. That is what they believe. The people who died or were injured in these terrorist incidents were targeted precisely because of their way of life, their values and the civilisations of which they were a part. Australia has been targeted precisely because we are part of the Western civilisation and the values system which these terrorists hate. It should be remembered that after each of the terrorist incidents which I have just
mentioned the Australian government was there to help. Centrelink assistance was rendered. Medical expenses were paid. I want to congratulate governments of both persuasions for the efforts they have made to help Australians, and they continue to help Australians who have been injured and the families of those who have been killed in terrorist incidents overseas.

We have to acknowledge the fact that these people have suffered for their country in a way not entirely different from the sufferings that our soldiers have faced in the struggle against terrorism. They were not random victims; they were victims because of the way of life of this country and they were chosen as targets because of the way of life and the civilisation in which they participate. Simply as a result of our civilisation and values, the act of terrorism, the act of random violence against innocents, has a specific impact on our value systems that it does not necessarily have in other places. We cannot thank these agencies enough for the assistance that they rendered. We must stand by our fellow Australians in trouble, those who are targeted because they are Australian.

I will go to the bill specifically now. The bill provides for up to $75,000 in government compensation to be paid to people affected by an overseas terrorism act. They can be either primary victims—those directly involved in the attack itself, who have to have been in close proximity to or within the place where the specific terrorist attack occurred—or secondary victims, in the event of the death of a close family member. Who is defined as a close family member is outlined within the legislation.

Eligibility for the scheme requires the Prime Minister to declare the incident an overseas terrorism act and will be more than willing and able to respond if the horrible need arises. The applicants would have to be Australian residents and, for obvious reasons, would have to have in no way contributed to the act itself. An additional aspect is that victims will not be required to repay Medicare, workers compensation or other benefits. Payments under the scheme would be tax exempt.

I would like to mention, though, that the coalition moved amendments to see if payments could be applied retrospectively. However, the amendments were not passed in the other place. I would also like to mention that we do have a variety of other acts within the Commonwealth that deal with victims of criminal acts, and obviously acts of terrorism are defined as criminal acts right throughout the Commonwealth. Within Victoria, Victorians are covered by the Victims' Charter Act 2006. However, that only covers terrorism acts within the state, not overseas. Victoria has also passed referring legislation under section 51(xxxvii) of the Commonwealth of Australia Constitution Act, giving the Commonwealth powers to cover this sort of thing.

I was overseas during the 2001 attacks. I was in North America, not in America itself but in Canada, on that fateful day. It was quite horrific to wake up, and I had young children with me at the time, in a foreign land, albeit a Western country. We woke up on the other side of Canada to the news of the attacks on the World Trade Centre. To see the carnage, to watch firsthand how people within that nation dealt with the absolute horror of what had occurred in America on that day was very moving.

I remember that my father, who is a milkman, was up very early in the morning delivering milk to the various small shops in
Gippsland. He is not a very emotive man and does not regularly call or write but he gave me a very early phone call that morning. Obviously, Australians knew about it a lot earlier than people on the west coast of Canada did. He said, 'I want you to get on a plane, Bridget; I want you to get home.' It was something that struck me because it was quite out of character for my father. The people who went through the carnage and horror of that event have struggled to rebuild their life over time, struggled to reconnect and make sense of the act itself and also the loss of family members and loved ones. Governments internationally are struggling with the way we deal with the new risks involved in a globalised world. We have all had to struggle with how we are going to deal with this, and this piece of legislation will assist families. It can never cover the cost that they have had to bear as a result of our shared values. It will never bring back their loved one or repair the damage personally in a physical and mental sense that has occurred as a result of these horrendous act. But it will allow them to know that they have been recognised by the state and it will allow them to seek other means to help them deal with their loss.

I am extremely conscious of the lack of time and the long list of coalition senators who would like to speak to this piece of legislation. Before the guillotine is enforced, in approximately seven minutes, I will have to conclude my remarks. I did want to go on to more specific things that I have an issue with within the legislation but obviously I will run out of time to do that. I will cede before time.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (10:22): I realise that time is short so I will make just a few quick observations about the Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill 2011. This bill is essentially the one that was put forward by the Leader of the Opposition, Mr Abbott, and that was introduced into this chamber as a private senator's bill by Senator Brandis on behalf of Mr Abbott.

It is gratifying that the government saw the merit in Mr Abbott's proposal and picked that up. That is a good thing. That is, to some extent, the impact that private senator's bills and private member's bills can have in this place. Individual members and senators, even the opposition, can put forward a good idea. We never complain on this side when the government picks up a good idea. There is one slightly disappointing aspect though, and that is after the government indicated that they thought this legislation was a good idea it took the best part of 12 months before the bill was brought forward, put in a place where it could be debated and where we could get to it. That was a little disappointing. Another element of disappointment with this piece of legislation is that one of the proposals put forward by Mr Abbott, that this legislation go back and cover the period before the Bali bombings, was not picked up by the government. The opposition did move amendments in the other place. Those amendments failed but we are still of the view that this is one area where it would be appropriate to have a retrospective element to the legislation. Not all retrospective acts of parliament are bad; some are good. In this instance I think there was a strong case to have a retrospective element.

I should point out that this bill was almost a casualty of the government's own guillotine. Last night we were in the situation where the House had already dealt with this bill but, because of technical matters related to the printing and transmission of the bill, it was not in a position to get to the Senate at the time that it was scheduled. If the
opposition had not cooperated with the government, if we had observed the government's own guillotine motion, if we had insisted on the government's own guillotine motion being observed, that bill would have been effectively bounced from the guillotine into next week. There would have been a further delay of the passage of this legislation. I think that again just goes to show the folly of the guillotine and also the inadequacy of the government's management of this place.

Things are best done in this place by cooperation. We demonstrated that on Monday night when we facilitated the passage of 19 pieces of non-controversial legislation. We demonstrated that it is with cooperation that this place should operate when we agreed with the government last night to adjourn the Senate early so that this piece of legislation did not come on for debate. If it had, as I said, it would have been bounced to next Wednesday. Because we agreed with the government to adjourn early last night, it enabled the message, the transmission, to happen so that we could deal with this piece of legislation first up today. I think it is important that the chamber acknowledge the opposition's cooperation in that regard.

The essence of this bill is effectively to introduce a Commonwealth equivalent of state victims-of-crime legislation, but in this case to cover Australians who are injured overseas because of terrorist acts. We know from the Bali bombings that Australians are now targeted simply by virtue of being Australian, simply by virtue of their nationality. We know that the reason that happens is that they are seen to be representatives of a nation that has a particular value set, that believes in democracy, that believes in pluralism, that believes in the rule of law. There are certain world views that find the rule of law and democracy and pluralism anathema. There are certain world views that find those things offensive. It was once said, and I think it probably is still said in Israel, that every Israeli citizen is, in effect, a front line soldier. That has been the view in Israel because Israeli citizens at home and abroad are often targeted because of their nationality, because they come from a nation that is a beacon of democracy in the Middle East. I am not saying Australians find themselves with quite the same existential threat that Israelis do, but we do now find ourselves in a situation more akin to that which Israelis have experienced, where Australians overseas are targeted because they are seen to be representatives of a pluralist democracy. That is a relatively new development and it is a situation where the Australian government I think does have a duty of care to Australian citizens.

Of course, the Australian government has a duty of care to assist Australian citizens around the world where they may be in distress. That assistance is rendered through consular and other measures. But there is now I think an additional appropriate duty of care for the Australian government to assist Australians who are victims of terrorism overseas with their expenses. There are models in state jurisdictions where victims of crime receive some compensation, some support, for what is a misfortune, for circumstances beyond their control. That is one of the core responsibilities of government—to assist their citizens who face additional challenges for reasons beyond their control. We see it in my own portfolio of disabilities. That is the heart of the rationale for government support in my portfolio. We see it in state jurisdictions in relation to victims of crime, and I think it is appropriate and long overdue that that same duty of care to Australian victims of
terrorism who find themselves facing additional challenges from circumstances beyond their control be addressed.

The DEPUTY PRESIDENT: Order! The time allotted for the consideration of this bill has expired. The question is that the bill be now read a second time.

Question agreed to.

Bill read a second time.

Third Reading

The DEPUTY PRESIDENT (10:30): The question now is that the remaining stages of this bill be agreed to and that the bill be now passed.

Question agreed to.

Bill read a third time.

Appropriation Bill (No. 5) 2011-2012

Appropriation Bill (No. 6) 2011-2012

Second Reading

Debate resumed on the motion:

That these bills be now read a second time.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (10:30): As I start the debate on these appropriation bills I should acknowledge the circumstances in which we find ourselves now, and that is that the previous bill, the Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill, was guillotined. I know that Senator Edwards was particularly keen to speak on that bill but he was denied that opportunity by the guillotine. It is appropriate at both the start and the end of debates, and indeed during every contribution, on each bill over the remainder of today and next week that we recognise the opportunity that has been denied to senators to talk to legislation that is important to their constituents. It is important to acknowledge that up front.

Appropriation Bill (No. 5) and Appropriation Bill (No. 6) 2011-12 seek appropriations totalling some $390 million. The key measures for which funding is sought by these bills are $112.6 million to the Department of FaHCSIA for the Family Support Program; $44.1 million to the Department of Health and Ageing for increasing payments in 2011-12 for primary care financing and for rural health services; $34.7 million to the Department of Broadband, Communications and the Digital Economy to assist commercial and national broadcasters to vacate digital dividend spectrum; and $43.7 million to the Department of Regional Australia, Local Government, Arts and Sport to fund a range of sports and grants that have been announced for things such as the Western Sydney football stadium and the Jim Stynes Achievement Scholarships.

I can remember when $390 million used to be real money. When we see numbers of this sort, although they may be for good purposes, we should always recognise that this money has come from taxing Australian citizens; that it is not our money—it is not the government's money and it is not the parliament's money—and we should always take a moment to reflect on that as we appropriate. As I was reading through the departments for which money has been appropriated, many of which have very long titles, I get a little bit nostalgic for the days when Commonwealth departments had simple titles like the department of health or the department of transport—it is just a personal preference and I look forward to a time when we have departments that have shorter, more straightforward titles.

In looking at these appropriation bills for 2011-12 it is relevant to consider the overall budgetary context, including the budget that has just been delivered. The government, in our view—and you may disagree, Madam Acting Deputy President—has resorted, to accounting
tricks, money shuffles, the purpose of which was to manufacture a wafer-thin budget surplus, or what I like to call a 'technical' budget surplus, because it is not a real budget surplus; it is a manufactured budget surplus. We might call it dodgy; you might not, but it is a case of shuffling the cards to create the illusion of a budget surplus.

One thing that strikes us as particularly curious, if the government really believes in this budget surplus—which is not really a surplus at this stage; it is just a forecast of a surplus—is why the government is moving to increase the Commonwealth debt limit from $250 billion to $300 billion. That just strikes us, in passing, as ever so slightly curious—that the government might lack faith in its own budget forecasts. And there is good reason for the government to lack faith in those budget forecasts of a budget surplus, because this government has yet to deliver a single budget surplus. Budget surpluses on budget night are really wishes, hopes and prayers. They have yet to amount to anything more than that.

The Treasurer did not mention in the budget night speech his intention to increase the Commonwealth debt limit. I can understand that, because he would be a little embarrassed. It would be betraying a lack of confidence in his own ability to follow through and actually deliver that forecast budget surplus. At one level I can understand him not mentioning that, but it does remind me a little bit of that famous budget night speech.

I am sure you know, Madam Acting Deputy President, that journalists around Australia, budget aficionados and those of us in the opposition sit there on budget night waiting to hear what the forecast figure is for the budget bottom line. Will it be a surplus? Will it be a deficit? What size will it be? Indeed, that very number is the main reason for all of the budget lock-up. All of the budget security is because that budget bottom-line figure is market sensitive.

I remember well that famous budget night where the Treasurer, Mr Swan, did not ever actually mention what the budget bottom line was in his budget speech. He did not actually mention the size of the budget deficit. I went back at that time through budget speech after budget speech, and it was the first time that a Commonwealth Treasurer had not mentioned the actual budget bottom line, so ashamed was Mr Swan of the budget deficit forecast that he was delivering.

When Mr Swan—going back to the budget just passed—was asked why he needed to lift the debt limit if he was returning the budget to surplus, he replied, 'Well, very simply, this is no big deal.' It might not be a big deal to him, but I can tell you that it is a big deal to the taxpayers who would have to fork out additional taxation to service the borrowing requirement of the budget going even further into deficit.

This government has done one good thing, I have to say, in relation to budget accountability. I know we are often critical of the government in relation to budget management, but it has done one very good thing—that is, it has made it much easier to identify deficit budgets and to identify surplus budgets and to tell one from the other. You would be well aware of the excellent economic record of Treasurer Costello, who delivered 10 budget surpluses. When Mr Costello was the Treasurer, the budget papers were white. Budget one was in surplus; two, surplus; three, surplus; four, surplus; five, surplus; six, surplus; seven, surplus; eight, surplus; nine, surplus; and 10, surplus—and you will notice that they are all in white covers.

The Swan budgets are all in deficit, and, very kindly, Mr Swan changed the colour of
his budgets so that we could identify very easily the budgets which were in surplus. Whenever you see a white cover, it is safe to assume a surplus budget; whenever you see a blue cover, it is safe to assume a deficit budget. So here we have one deficit budget, two deficit budgets, three deficit budgets, four deficit budgets. We have a forecast budget surplus for this financial year—but, then again, we had a forecast budget surplus in Mr Swan's first budget speech. I think the budget for 2012-13 will end up being as much a work of fiction as the preceding four budgets. That is my prediction. We will see if I am correct; I suspect I will be. But, again, I think it is useful for all of us to observe that surplus budgets are in white and deficit budgets are in blue.

We find ourselves in the situation whereby this government has delivered cumulative record deficits of $174 billion. It is not, as this government says, because of revenue write-downs. We hear all the time that the budget has deteriorated fundamentally because of revenue write-downs. But if you look at the reason this budget will eventually go into deficit and the previous budgets were in deficit, it is overwhelmingly as a direct result of policy decisions by government. By 'policy decisions' I mean decisions to spend more money. That is the reason this government has delivered consecutive budget deficits, that it has cumulative deficits of $174 billion. It is not because of revenue write-downs; it is because of policy decisions by the government.

The government needs to be honest about that, it needs to be upfront about that. Whenever it talks about the revenue write-downs, it seeks to leave the impression in the minds of the Australian public that the budget is in surplus simply because of circumstances beyond this government's control—that it is a cruel world out there, that there are storm clouds on the horizon that have caused reduced business and consumer confidence and that therefore revenues are down and that—gee, shucks—therefore the budget is in deficit. It is not true. Yes, there are some storm clouds on the horizon. Yes, consumer and business confidence is down. But that is not the reason this government has delivered successive budget deficits. It is because of spending decisions by this government. The ultimate example of that was this government's stimulus package—this government's program to respond to the global financial crisis.

    Senator Sterle interjecting—

    Senator FIFIELD: I heard Senator Sterle say that the Howard government never had a global financial crisis. We did not have a global financial crisis, but we had an Asian financial crisis. And let me let this government in on a secret: Australia is much more directly enmeshed in the Asian region than it is with the United States and than it is with the United Kingdom.

    Government senators interjecting—

    The ACTING DEPUTY PRESIDENT (Senator Moore): Will senators on the right please stop shouting across the chamber.

    Senator FIFIELD: So, despite the fact that during the Asian financial crisis our region was not growing, Australia continued to grow. When I hear from the other side that we had it easy when we were in government—that we had no challenges—I say that the Asian financial crisis was a big challenge. Our region was not growing, and we continued to grow. One of the reasons we continued to grow was that the Australian people had confidence that the government of the day knew what it was doing. The Australian people had confidence that if there were external shocks, external challenges, we would make the right call.
One of the reasons business confidence and consumer confidence have taken a hit under this government is that the Australian people have lost faith in this government to make the right calls when there is a challenge.

With the global financial crisis, the Australian people know that the government made the wrong call when it came to massive spending on school halls. They know the government made the wrong call when it came to massive spending on pink batts. And they know that the reason we did not go into recession was not due to those spending measures. It was because of demand from China for our mineral resources. It was because the Reserve Bank cut interest rates. It was because we had a floating exchange rate. They are the reasons we came through the global financial crisis. Also, we had the world's best prudential regulatory environment, courtesy of Mr Costello's reforms. That is why we survived the global financial crisis in relatively good nick. When looking at these appropriation bills we must look at why we are in the situation that we find ourselves in today. The reason is the policy decisions made by this government. This government acts as though it is just a victim of circumstance: it is a bad world out there, things happen that are beyond our control—gee, shucks, revenue is right down and we cannot balance the budget. That is not true; it is because of policy decisions. The important thing with this government, and indeed with all governments, is to look not at what the government says but at what it does—to look at the policy decisions it makes.

One of the reasons I find myself becoming increasingly frustrated in my disability portfolio is that when you look at the forecast debt interest costs for the next financial year, you see that they are $7 billion a year. Debt interest of $7 billion a year represents an opportunity forgone. Every one of those seven billion dollars is going towards absolutely nothing. They are going to fund not a single school, not a single hospital, not a single supported accommodation place and not a single port; those dollars are going to support absolutely nothing. If this government had managed its affairs better, if it had lived within its means, there would have been enough money today to fully fund a National Disability Insurance Scheme. The additional ask for an NDIS is $7½ billion; $7 billion to $8 billion will be the annual interest bill for this government. It represents an opportunity forgone. It is frustrating, and it is tempting to say, 'It does not really matter if the government goes into debt.' It does matter, because that debt has to be repaid, with interest, and those dollars represent an opportunity forgone. That is why I want to see government live within its means. That is why I want to see government not go into debt unnecessarily. Debt compromises the ability of governments to do the things they need to do, such as implement an NDIS. I suspect that is part of the reason why this government allocated only $1 billion for the NDIS over the forward estimates rather than the $3.9 billion recommended by the Productivity Commission.

I will leave it there, because time is short. We know that the guillotine is going to come down and I know that Senator Brandis is champing at the bit to make a contribution.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (10:47): Yesterday afternoon, during the debate on taking note of answers, I made some remarks about freedom of speech. I said, among other things, that last year a column by the respected veteran political journalist Mr Glenn Milne was removed from the Australian newspaper—it was withdrawn after it had been published. It was taken down from the Australian's
website. That column contained serious allegations concerning the Prime Minister.

Yesterday, also, in the other place, the honourable member for Barton and former Attorney-General, Mr Robert McClelland, made a contribution in the debate on the Fair Work (Registered Organisations) Amendment Bill 2012. Speaking about trade union officers, Mr McClelland said:

Officers have sought to obtain personal benefit, or benefit on behalf of others, at the expense of members of their union. Reported instances include not only misapplying funds and resources of the union but also using the privileges of their office to attract and obtain services and benefits from third parties.

Aside from issues of profiteering, secret commissions and tax avoidance, these undeclared benefits can compromise officials. Rather than diligently representing the interests of their members without fear or favour, they effectively 'run dead' as a result of these side deals. This is no less than graft and corruption in its most reprehensible form, and it occurs at the expense of vulnerable members whose interests they have been charged with representing.

A little later in the speech, Mr McClelland referred to litigation in which he had been involved as a solicitor in the 1990s, involving the Australian Workers Union. He said:

... these issues also arose in those matters that I was involved with in the mid-1990s, which were filed in both the then Industrial Court of Australia and the Federal Court of Australia. There are a number of matters, generally under the name of Ludwig v Harrison and others, but probably most relevantly matter No. 1032 of 1996.

Also, Mr McClelland was involved, as a member of the firm Turner Freeman, in a related matter in which the parties were again William Patrick Ludwig as applicant, with Steven Harrison and others, including Bruce Morton Wilson, as respondents. Those matters, filed in the Industrial Relations Court of Australia, New South Wales District Registry, are identified as No. NL96/2082—in other words, industrial matter 2082 of 1996.

It is, in the opposition's view, of great significance that Mr McClelland chose to throw a spotlight on those matters. The opposition agrees with Mr McClelland's observation about the corrupt conduct of—and I am sure they are a small minority—some union officials. The opposition agrees with Mr McClelland's observation that the bill before the parliament at the moment in relation to registered organisations does not go nearly far enough. But what is most significant is the fact that Mr McClelland chose to throw a spotlight on those proceedings concerning corruption in the Australian Workers Union in the mid-1990s concerning which he, as a lawyer for Mr Ludwig, had direct knowledge and concerning which Mr Bruce Morton Wilson was one of the respondents. What is even more consequential is that in his speech yesterday Mr McClelland made what the Australian Financial Review this morning describes as 'pointed references' to the Prime Minister. This is what he said in his speech yesterday:

... I know the Prime Minister is quite familiar with this area of the law; as lawyers in the mid-1990s, we were involved in a matter representing opposing clients.

What Mr McClelland appears to be saying is that the Prime Minister knew about all of this as well. Mr Bruce Morton Wilson was one of the adverse parties against whom Mr Ludwig brought that series of proceedings.

Now, on 29 August last year, Mr Milne published in the Australian newspaper the opinion piece to which I will make reference. As I said yesterday, that opinion piece contains extensive and detailed reference to the Prime Minister's involvement in these events—as revealed and alleged in the proceedings conducted by Mr McClelland in
the Industrial Relations Court of Australia and in the Industrial Division of the Federal Court in the mid-1990s. One can but wonder why it is that Mr McClelland, as a backbench member of the government, chose to draw attention to those matters from the 1990s—matters concerning which, as a solicitor, he had direct and thorough knowledge. One can but wonder why, in particular, Mr McClelland chose, in a very pointed way, to throw a spotlight on the Prime Minister's knowledge of those matters.

What we do know is that three courageous journalists, Mr Glenn Milne, Mr Michael Smith and Mr Andrew Bolt, had sought to bring to public attention the matters Mr McClelland referred to—those proceedings which he chose to remind the House of Representatives about yesterday. We know as well that, of the three journalists whose names I have mentioned, two suffered a grievous professional price for trying to reveal to the Australian people what Mr McClelland was hinting at yesterday.

Mr Glenn Milne's article, a copy of which I have here, deals with extensive allegations concerning the Prime Minister—none of which, by the way, have been the subject of a defamation suit against either him or the publishers of the Australian—was published on 29 August 2011. Within hours, it was taken down from the Australian's website after the direct intervention of the Prime Minister with the then CEO of News Limited, Mr John Hartigan. Yet the Prime Minister did not choose to sue for defamation. If ever there has been a case of political interference with the media, that would have to be it.

We also know that Mr Michael Smith—a very successful broadcaster first, as you will remember, Madam Acting Deputy President Moore, in Brisbane on 4BC and latterly in Sydney on 2UE—proposed to air those allegations as well on his radio station. We know that Mr Michael Smith was sacked by management. One can but wonder what political intervention occurred to produce that result. Of the three journalists who have sought to bring this issue to the attention of the Australian people, the only one who did not suffer a serious professional consequence was Mr Andrew Bolt. The events that Mr Robert McClelland, who is a very honourable man—I was his shadow until he was dismissed from the ministry by Julia Gillard at the end of last year and I must say that he conducted himself as Attorney-General with integrity, as a gentleman—

The ACTING DEPUTY PRESIDENT (Senator Moore): Senator Brandis, I need to remind you that you should refer to the Prime Minister by her correct title. I know you are aware of that.

Senator BRANDIS: Thank you. Mr McClelland conducted himself with integrity and as a gentleman. He conducted himself more impressively as Attorney-General, I am bound to say, than does the incumbent. In any event, what Mr McClelland seemed to be seeking to draw to the attention of the House of Representatives deals with the self-same matters that Mr Glenn Milne was punished for trying to draw to the attention of the Australian people on 29 August last year and what Mr Michael Smith was punished for trying to draw to the attention of the Australian people at about the same time on radio station 2UE and that Mr Andrew Bolt continues to seek to draw to the attention of the Australian people.

We must ask why it is that Mr McClelland chose to throw the spotlight on those matters yesterday. Why is it that he pointedly sought to refer to the Prime Minister's knowledge of those matters? What are the facts which Mr Milne and Mr Smith sought to communicate to the public before they were interfered with
that plainly Mr McClelland knows about and invited public attention to in his remarks yesterday?

Senator Joyce, who is about to follow me in this debate, has some other observations to make. Let me conclude my remarks simply by saying this: there are matters being concealed. There is an area of public discussion being stifled here of the utmost seriousness. The public is entitled to know of those matters. It is entitled to know of the allegations made in the Federal Court and industrial court proceedings conducted by Mr McClelland's firm in the mid-1990s which he drew attention to yesterday. The public is entitled to know the roles of the various dramatis personae whose names have been mentioned. It is entitled to know the facts which Mr Milne and Mr Smith sought to draw to the attention of the public last August and which Mr McClelland refreshed our memory of in his speech yesterday.

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (11:02): An issue has come back to light not by the recent actions of any person in the coalition but by the statements of a former Attorney-General of the Commonwealth of Australia in the other chamber, a person who most would say deserves the title 'honourable'. I have never found Mr McClelland to be vindictive, haphazard or unnecessarily partisan. He is a fair, reasonable and decent person and therefore the statements that he makes have to be taken seriously. At times like this, we must have the courage to reopen the files and have a look at what went on here.

Without being trite, I always remember one of my favourite movies, The Thin Red Line, and the discussions between Travolta and Nick Nolte, who was playing the character Colonel Tall. On the deck of the frigate when they were going in, he said, 'The closer to Caesar, the greater the fear.' Well may you have fear the closer you get to this Caesar, because we have seen the deliberate actions taken against those who dare to question. I have been listening in the last week to Senator Conroy talking about transparency and unreasonable influence on the media. One must assume that if he professes that creed in here then he believes in it. We must look closely at exactly what happens to people who follow that creed. Senator Brandis has already spelt out that this has had consequences for people. A range of people have done the right thing by our nation by trying to be transparent on an issue, which the Australian people have a right to know about, because it goes to the highest offices of our land. Mr Glenn Milne from the Australian basically lost his job. Mr Michael Smith, a person who acted as a police officer and detective for a number of years, a person who is extremely capable, not just on radio but in his understanding of the law, lost his job. They did not lose their jobs because they lied. That has never been asserted. It is because they breached editorial direction. And who was the person most aggrieved by that breach of editorial direction? Apparently it came from the Prime Minister's office. This influences the liberty of the fourth estate to express their views. If it was a case that could be defended no doubt somebody could have come out of the Prime Minister's office and defended it. That was not the case. They found the messenger and shot them.

That being the case I wish to go back over a number of documented cases and re-investigate this. Labor sources from Gillard's office have said in the past that they were looking at people and what they did in their 'younger days'.

The Deputy President: Senator Joyce, could I advise you to refer to the Prime Minister as 'the Prime Minister'.
Senator JOYCE: Certainly. The Prime Minister's office said that they should look at what people did in their younger days. I imagine that means that under their guidelines we can ask serious questions about what people did in their mid-30s, when they were a partner at Slater and Gordon. One would presume that a person who has been made a partner in Slater and Gordon was a person of some competency. I presume that Slater and Gordon know enough about the law not to appoint imbeciles or fools but are appointing people who are capable.

I would like to draw your attention to an article by Mr Ebru Yaman in the Australian in October 1995 that referred to an ALP candidate linked to graft. That ALP candidate was standing for the Senate at position No. 3 on the ALP ticket. The ALP candidate at that point in time was Ms Julia Gillard, the current Prime Minister of Australia. The article said:

"There is currently an investigation under way by the National Crime Authority who have also referred the matter to the Victoria Police, who are also investigating this particular matter," he said. Last night, Ms Gillard strenuously denied all of Mr Gude's allegations.

She said she was still a partner with Slater & Gordon and had "no intention of leaving". Ms Gillard also denied she had ever paid money to the AWU or borrowed money from the union to work on her house.

"I am aware it is an allegation of Mr Gude's that I acted on behalf of Mr Wilson. Whether or not Mr Wilson was a client of mine is irrelevant," she said.

It is interesting that at that point in time Ms Gillard, by her own statements, had no intention of leaving Slater and Gordon, so one would presume there had been no discussions. But later on we find out that she left. The first question is: why?

I would now like to go to a quote by the Prime Minister herself on Australian Story, Sunday, 12 March 2006. Ms Gillard said:

I remember in 1995 Phil Gude … raised a series of allegations against me they had the status of rumours going around the ALP the rumours where that I had been involved in a relationship with a man who was an official at the AWU and the nature of the rumours where that he in some ways had misappropriated created money to spend on my house renovations, I had been renovating a house at that stage and you know clothing for me.

The allegations also extended to her expenditure on clothing items. This house has now come back. An article in the Financial Review today says that Mr McClelland, the former Attorney-General:

… repeatedly referred to allegations made against Mr Wilson that have been made several times in the Victorian Parliament, most recently in 2001 when he was accused of misappropriating about $500,000 of union funds, including $102,000 spent on a house in Kerr Street, Fitzroy.

The Prime Minister had no comment yesterday and has repeatedly denied allegations she was linked to union corruption. Mr McClelland made pointed references to the Prime Minister's involvement.

I would now like to refer back to the Victorian parliament, where, on 12 October 1995, the Minister for Industry and Employment said:

Serious allegations of fraud and impropriety have been brought to my attention.

It is alleged that the former secretary of the Australian Workers Union, Mr Bruce Wilson, who left the union's employ in August of this year, has apparently misappropriated union funds and used his position as secretary in the most improper manner.

I understand the AWU is still receiving bills for strange items ordered by Mr Wilson. All attempts thus far to find him have come to nothing. What did Mr Wilson do when he found out that his actions had been discovered? The first thing he did was to seek legal advice from the union's
solicitors, none other than Slater and Gordon. From whom did he receive that advice? One Julia Gillard.

I am informed that Ms Gillard is no longer with Slater and Gordon due to commitments as an ALP Senate candidate. That may not be the only reason she is no longer working at Slater and Gordon.

To further elucidate this, I will go to another article, from the *Sydney Morning Herald* of Tuesday, 30 July 1996, by Murray Hogarth, which I think clearly states the case for why this is a concern. We have a concern with Mr Thomson and his use of other people's money. That is the issue here—not what he did but the fact that he did it with other people's money. If we look at what is happening currently in the Health Services Union, what resonates in the community is the misappropriation of other people's money and the fact that people are receiving a pecuniary benefit that is in no way associated with benefit to the union members. This is the thing that so many union members are absolutely up in arms about. Allegations that go to the highest office in the land in regard to that have to be answered and answered clearly.

Mr McClelland, a former Attorney-General of the Commonwealth of Australia, a member of the Australian Labor Party, has now raised this issue again. This is not an issue of incitement. I read the paper like everybody else. We have to start asking serious questions of the Labor Party. If the former Attorney-General is asking questions of the Prime Minister, then I think it is incumbent upon this chamber to do its part in fleshing out exactly what is going on here.

So I look at this article by Mr Murray Hogarth in the *Sydney Morning Herald* from 30 July 1996, which says:

Between 1992 and 1995, about $370,000 flowed through two Perth-based accounts - operated in the name of the "AWU Workplace Reform Association Inc" - which, until last month, had never been heard of in the AWU's national offices in Sydney.

We have to find out who set these accounts up. We have to find out whether the person who set these accounts up had told the Australian Workers Union that they were setting up these accounts. We have to find minutes to prove that the accounts that were being set up were under the instruction and the auspices of the Australian Workers Union and not set up outside. Any competent solicitor would start asking those questions. So who is setting these up? What is the purpose of these accounts? What is the source of these funds? What is the application of these funds? That is what a person who was competent would ask. Most certainly it is what a partner of a law firm would ask. They would definitely be the questions that a partner of a law firm would ask, especially if they were the ones drawing up the accounts. It also says:

All the money came from the big construction group Thiess Contractors, which says the payments were legitimate, arising from a tripartite agreement between it, the AWU and the West Australian Government.

Indeed, says Thiess, the Government paid it money for an employee training program at a $58 million Thiess construction project and it then paid the AWU. But once in union hands, it seems, the funds went walkabout when the AWU branch in WA was crying poor and running up a debt with head office approaching $1 million.

It is now known that nearly $220,000 was withdrawn using about 40 cash cheques—

There seems to be similar vein here with another person, Mr Craig Thomson, and his use of cash— ranging from $4,000 to $50,000.

Exactly where all the money ended up is far from clear. The man who should know, a former top official, Mr Bruce Wilson, says it is all "old hat stuff" and he has "nothing to say".
However, two of the so-called “WA Inc” accounts were finally emptied in April last year, when about $46,000 was paid into an even more mysterious Perth-based account called the Construction Industry Fund. It, too, is understood to have been closed this year and may have no legal connection to the union.

Several other cheques totalling about $35,000 were made out in 1993 to a now ex-AWU official, Mr Ralph Blewitt, and, once, about $67,000 went to the trust account of the high-profile Melbourne law firm Slater and Gordon. The timing of this payment has caught the eye of AWU bosses. It coincides with the purchase of a house in the Melbourne suburb of Fitzroy in Mr Blewitt's name.

A cheque made out to the "Slater and Gordon Trust Account" was dated five days before the firm arranged settlement on the $230,000 property.

… … …

In a major new development, the Herald has learned that on July 14 last year, a cheque bearing what appears to be Mr Wilson's signature was written in an apparent bid to transfer about $160,000 from the "Members Welfare" account in Victoria, into the still-unexplained "Construction Industry Fund" in Western Australia.

But the cheque was caught at the last minute by a "freeze" on the account placed by lawyers acting for the present AWU State secretary in Victoria, Mr Bob Smith, who was a bitter enemy of Mr Wilson, and remains a close ally of Mr Steve Harrison, one of the two rival joint … secretaries.

A month later, in strange circumstances, the $160,000 was "unfrozen" in a peace deal done by Mr Smith and his lawyers …

Now these are articles from the papers. This is public knowledge. The question that we have to ask is: is it that with these issues being raised once more by a former Attorney-General, the Hon. Bob McClelland, it is believable that a person in a relationship with Mr Bruce Wilson over a number of years and who had the competency to be a partner of Slater and Gordon would be unaware of the actions taken by her partner at that time even though the benefit of those actions was evident in the house she was living in—that is, they were paying for them? Is this believable? Is this believable that a person could be completely unaware? As I said, the defence given by the Prime Minister is that she was young and naive. Is that believable? It is becoming abundantly apparent to all and sundry, including the former Attorney-General, that, from what we can see—and with his calls for a further investigation and greater tightening—it is obviously not believable—and this is the former Attorney-General of the Commonwealth of Australia, one of the most respected people in the Australian Labor Party.

Senator Mason: Deputy President—

The DEPUTY PRESIDENT: Senator Mason, there are seven seconds left, so I will not call you, because the time allotted for the consideration of these bills has expired.

Senator Mason: Deputy President—

The DEPUTY PRESIDENT: No, your time has now expired, Senator Mason. The question now is that these bills be now read a second time.

Question agreed to.

Bills read a second time.

Third Reading

The DEPUTY PRESIDENT (11:20): The question now is that the remaining stages of these bills be agreed to and the bills be now passed.

Question agreed to.

Bills read a third time.

Parliamentary Counsel and Other Legislation Amendment Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

(Quorum formed)
Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (11:22): The Parliamentary Counsel and Other Legislation Amendment Bill 2012 proposes to amend the Parliamentary Counsel Act 1970 to provide for the transfer of the Attorney-General’s Department’s legislative-drafting functions to the Office of Parliamentary Counsel. Currently, responsibility for legislative drafting is split between the Office of Legislative Drafting and Publishing, the OLDP, and the Office of Parliamentary Counsel, the OPC. The OLDP is a division within the department comprising 23 legislative drafters and 50 staff responsible for drafting subordinate legislation as well as for the registration, editing, compilation and publication of all Commonwealth laws. The OPC is an independent statutory agency consisting of a First Parliamentary Counsel, two Second Parliamentary Counsel and 55 staff. Its responsibility is the drafting of government bills and amendments.

Most other Australian jurisdictions combine the drafting of bills and the drafting of subordinate legislation in one office. The Skehill review, entitled Strategic review of small and medium agencies in the Attorney-General’s portfolio, has recommended the merger in order to realise efficiencies in the use of specialised technology and to achieve uniformity in drafting practices for principal and subordinate legislation. The measure is considered budget neutral. Its regulatory impact will be positive if the intended outcome of better legislative drafting is achieved. The coalition is happy to support this bill.

Senator IAN MACDONALD (Queensland) (11:24): I am very keen to make a contribution on the Parliamentary Counsel and Other Legislation Amendment Bill 2012 today. The title of ‘Parliamentary Counsel’ in the name of the bill relates, in my mind, to the titles of ‘Senior Counsel’ and ‘Queen’s Counsel’, and I recognise the contribution that Senator Brandis, a Senior Counsel, has just given to this parliament in what was quite a remarkable speech. Some very interesting questions were raised in the speech that Senator Brandis just gave. Senator Joyce, while not a Senior Counsel or a Queen’s Counsel, added to that with some questions that I certainly hope someone might be able to answer. But I digress.

This bill proposes to amend the Parliamentary Counsel Act 1970—can I still be heard?

The ACTING DEPUTY PRESIDENT (Senator Stephens): Senator Macdonald, you can still be heard.

Senator IAN MACDONALD: Perhaps we should get the AWU to put some money into the electricity supply in this place. It is rather unnerving to be speaking almost in the dark, as one might say. This bill proposes to amend the Parliamentary Counsel Act 1970 to provide for the transfer of the legislative drafting functions from the Attorney-General’s Department to the Office of Parliamentary Counsel.

Firstly, I congratulate those who do the drafting functions in this parliament. It is never an easy job to convert the thoughts of politicians into legislation, into laws, that then impact upon most Australians. It is a very significant task that the Parliamentary Counsel does for the people of Australia. The work requires great skill, great ability, particularly, I might say, under this government; it was not quite so bad under our government. But the qualified professional lawyers in the drafting office have had to put some of the crazy thoughts of the current government into legislation, and that is a task I would not want to undertake.
Madam Acting Deputy President, you would understand the concerns of the drafting office when they saw before the last federal election, as we all did, a promise by the current Prime Minister that 'There will be no carbon tax under a government I lead.' That was a direct promise to the Australian public—and those in the drafting office. The rest of us would have said, 'One of the things the drafting office will not be doing in the next three years is drafting legislation to implement a carbon tax.' You can well appreciate that that would have been furthest from the minds of the people in the drafting office, because they, like everybody else in Australia, would have been able to understand the commitment, the promise, the hand-on-heart pledge, by Ms Gillard, the Prime Minister of Australia then and today, that there be would no carbon tax. Shortly after the last election, one of the first instructions given to the Office of Parliamentary Counsel, the parliamentary drafting office, would have been to prepare 18 different bills to implement that carbon tax that Ms Gillard solemnly promised the Australian public she would never introduce. How do you then draft 18 separate bills—again, I am glad it was not me who had to do it—to implement this carbon tax which we had all been promised would never be implemented? It was not just one bill saying, 'There will be a carbon tax; pay up.' There were 18 separate bills because the mere fact of introducing a carbon tax—in many cases overriding any rights the states might have, in many ways dealing with the impacts of the tax coming out and compensation being paid—is so complex. Trying to draft legislation that penalises up to 500 major emitters but no-one else is a skill in itself.

It is a long time since I practised law—and, even when I did, many might have said I needed more practice!—but I do know the difficulty in drafting documents. I never had to draft legislation, but I can well understand that drafting complex legislation like the carbon tax bills would have been a real difficulty, even for those skilled, tested and trusted practitioners in the parliamentary counsel office. I know that some, if not all, of those carbon tax bills will be flawed—and you can be assured that, when those flaws become evident after 1 July, in the typical refuge of scoundrels, the minister will get up and say, 'Oh, this is a technical error, a drafting error,' by implication blaming the parliamentary drafting office. It is guaranteed that that will happen.

One of the reasons that will happen is that those 18 very complex bills drafted by the parliamentary counsel were barely debated in this parliament. This parliament is supposed to debate all legislation to ensure that the executive government's program is thoroughly investigated and tested. But you will recall, Madam Acting Deputy President Stephens, that in this chamber those bills were rammed through in double-quick time; and, if you divide the time that was guillotined from debate on the legislation by the number of senators and the number of bills, you will find that every senator had a couple of minutes to debate every bill. As a consequence, most of the bills were not even mentioned in this chamber, because the Greens and the Australian Labor Party had got together to curtail debate and, therefore, scrutiny of those 18 carbon tax bills so that the obvious flaws could not be pointed out. I can understand the Labor Party and the Greens political party not wanting to have full debate on those bills—and particularly the Labor Party, because their leader, Ms Gillard, had promised there would never be a carbon tax, so the sooner they could get it in and get it through, the better. As I heard one of my colleagues say yesterday, the one good thing you can say about the Greens political party—and I struggle to find even one
thing—is that, at least insofar as the carbon tax is concerned, they were never duplicitous. They always indicated it was part of their program. They always thought it was a good idea. With respect to those in the Greens, the radical Left in our country—as represented by the Greens political party—rarely have any good ideas, but at least they were honest about the introduction of the carbon tax. I give them credit for their honesty. You cannot say that of the Australian Labor Party.

I know Australians around the country are just waiting for their opportunity to say, 'We will not be lied to,' to Ms Gillard and the Labor Party—I suspect Ms Gillard will not be there at the next election. It does not matter what they think about the issue—whether they agree with a carbon tax, whether they are sure that the world is coming to an end because of carbon emissions, whether they are sure that the current change in climate is different to the climate change that has been happening for hundreds of thousands of years—most Australians will never forgive the Australian Labor Party for their duplicity, for promising one thing and doing another. Most Australians and all of the Labor Party know that, had they promised before the last election to bring in 18 bills, drafted by the parliamentary drafting office, that would introduce that, they would not have been elected at the last election. Everybody knows that. The Labor Party know that. You can see from the faces of fear opposite us in this chamber even today that Labor Party people know that, had they promised it before the last election, many of the senators would not be in this chamber today. But they know for certain that, at the next election, Australians will show their disgust at the duplicity and dishonesty of Ms Gillard and the party she currently leads. I raise those points again to make known to the parliamentary drafting office that we understand the difficult role they have.

The main amendments in this bill will confer on the Office of Parliamentary Counsel additional functions, functions that are currently performed by the Office of Legislative Drafting and Publishing. These relate to the drafting of subordinate legislation, making arrangements for the compilation, printing and publication of laws, and other functions incidental to ensuring the quality of legislative instruments. For those listening to this debate, let me indicate what 'subordinate legislation' is and what 'legislative instruments' are. They are pieces of legislation, pieces of rulings, by the government of the day that impact on people's lives—that can send people to jail, that can create offences. They are not legislation that is debated in this chamber. Subordinate legislation is usually called regulations and ordinances. They are supplementary or subordinate legislation that ministers sign off on and they then have the same force of law as legislation that is debated in this chamber. That has been happening since time immemorial, and it is necessary for the functions of government for that to be the case.

The Senate Scrutiny of Bills Committee, which I chair, looks at every piece of legislation, not in a policy sense but to determine whether people's rights are unduly being trampled upon, whether civil and political rights are being interfered with or whether governments are overstepping the mark by dealing with things in subordinate legislation which should be dealt with in the main legislation and debated in this chamber. I have to say, since the advent of the Gillard and Rudd government there has been an increasing tendency with legislation that is debated for them to come into this chamber and say, 'Here's the broad outline of the
legislation, but the details of the legislation will be dealt with in regulation promulgated by the minister, under his hand, at some later time.’ Increasingly under Labor governments, and certainly under the Gillard-Rudd Labor government, there is this tendency not to bring important legislation to parliament but to deal with it by way of subordinate legislation. Again, that does not lessen the skills needed by our parliamentary draftsman. But it is a concern for me, and I think it is a concern for most senators on this side of the chamber. And, were it known more widely, it would be a concern for all Australians that instruments that can impact upon their life, liberty and property are being drawn in the back rooms by departments of government, put into hopefully a legal form by the parliamentary draftsman and then ticked off by the minister without ever being debated in this chamber.

If you believe in parliamentary democracy then you understand that laws should be passed only if they are fully appreciated and understood and then debated and exposed by this parliament of the land and certainly by this Senate. This Senate has long had a reputation for inquiring and looking very closely—it was set up by our founding fathers to do so. (Quorum formed) The Senate is supposed to be a house that reviews bills. Under what is a very typical relationship between the Greens political party and the Australian Labor Party today, debate on this bill is also being guillotined. It shows the absolute farce which happens with a guillotine motion, which has required the Senate to come back and sit today in a very truncated way. And if you look at the Labor Party benches, you will see that none of the ministers are here. They put in these additional hours, then curtail the debate in time to ram through as many bills as possible without proper scrutiny and then the ministers all flit off around the country and around the world. It is okay for everyone else to turn up, but where are the ministers?

It shows the whole farce of this guillotine process that has been put in place yet again by the Australian Labor Party and the Greens political party—34 bills are being rammed through the parliament in this very short, two-week session. It simply shows that, so far as the Greens and the Australian Labor Party are concerned, the old idea of the Senate being a house of review that would fully and thoroughly investigate every aspect of legislation has gone by the board.

I have a lot more that I want to say about this bill and indeed other bills that are being rammed through parliament today and next week. But, unfortunately, time is going to beat me yet again. That is what happens when you have this situation. I hope the people of Australia who are listening to this debate will understand just how rotten it has become in this parliament, a parliament that is supposed to scrutinise bills but which the Labor Party and the Greens keep curtailing, ensuring that proper investigation and scrutiny does not occur. I am conscious other colleagues want to speak, so I am going to stop before my time elapses.

Senator McKENZIE (Victoria) (11:46): I rise today also to contribute to what I am sure is going to continue to be a scintillating debate on the bill before us this morning, the Parliamentary Counsel and Other Legislation Amendment Bill 2012. Whilst I am conscious of the guillotine hanging over all of us today, I will attempt to get out what I want to get out about this bill so that the many coalition senators who are on the list can have their chance.

The Office of Parliamentary Counsel is an independent agency and, obviously, this bill brings together the functions of two offices within the parliament that are responsible for the drafting, publishing, and printing of
legislation, all the things that make our democracy function—the boring bits, if you like—the big books which some of us might use as doorstops but which I have, as I am sure most of the senators here listening today also have, close at hand so that we can refer to them right throughout our work as senators. It is to do with the compilation and publication of all our laws within our democracy. This bill seeks to actually bring those things together into one place, which would seem a sensible thing to do.

I would love to quote from the Attorney-General's speech on this matter: 'The reason for doing this … as the need for greater federal regulation grew.' And hasn't that been the case—federal regulation grew. We would not be having to debate this bill if we curtailed federal regulation rather than increased it. I will make a suggestion—I will not move it as an amendment—that we decrease federal regulation across our Commonwealth rather than increase it. It might also be another way of addressing the issue that this amending legislation seeks to address.

As previous speakers have outlined, some of the work that will be undertaken as a result of this bill will be the drafting of subordinate legislation. I think Senator Macdonald made a wonderful contribution earlier, describing what that subordinate legislation is and how it interacts in a very important and intrinsic way with the functioning of our democracy. Additionally, he highlighted the lack of scrutiny that pieces of legislation sometimes receive and that not all of the devil in the detail is allowed to come before the people's representatives within the parliament.

Another function will be the preparation of compilations, reprints and information about Commonwealth laws. As you know, Madam Acting Deputy President, I am a new senator. I am not quite as new as Senator Whish-Wilson from Tasmania, but I have not quite reached my first anniversary in this place. The whole concept of having up-to-date laws has been quite important to me as I have attempted to fulfil my functions as a senator, looking at various acts and pieces of legislation. I am thinking particularly of the Environment Protection and Biodiversity Act, the EPBC Act, which I have on my shelf right near my desk. It has not been updated for over four years. Whilst I am sure an updated version is available online, we have been amending acts over time and having up-to-date reprints in hard copy is really important. So I am hoping that this bill will make that work easier and make sure that we have printed, published, public and up-to-date versions of our Commonwealth laws.

Another really important aspect of the work done by the Office of Parliamentary Counsel is the provision of assistance to foreign countries in drafting, printing and publishing their laws. When I think about foreign aid—and there has been quite a lot of debate recently about our contribution as a nation to those countries particularly in our own region that are not as well off as we are and whose systems and structures of government may not be as strong as ours—I think part of our contribution to the ongoing efforts to create stability in the region is offering assistance in strengthening and building central government institutions in these nations. Part of that is providing assistance in drafting laws and getting them published, printed and accessible to the citizenry within those nations so that people are all aware of their rights and responsibilities under a liberal democracy and hopefully so that they can build the strong traditions that we enjoy here in Australia in the Westminster system of governance. So that is very positive and
practical work being undertaken by this office.

Another aspect, which goes to the heart of the remainder of my remarks, is that this particular office will be responsible for the maintenance of the Federal Register of Legislative Instruments. Legislative instruments are parts of our legislative framework which are a little hard to put your finger on, but I do know that my colleague in the lower house Darren Chester, the federal member for Gippsland, moved a motion this year to disallow legislative instrument No. 191 relating to the Environment Protection and Biodiversity Conservation Amendment Regulations 2011. This legislative instrument related to alpine cattle grazing. As you may know, Madam Acting Deputy President, I am the granddaughter of a high country cattleman and we see it very much as part of our heritage and our culture. We want to be able to continue what has been a tradition in the Alpine National Park since way before it was the Alpine National Park, for over 150 years.

I would like to preface some of my ongoing commentary with a little bit of a historical perspective on the decision that Minister Burke made around restricting cattle grazing, and on the motion moved in the other place by my colleague on this legislative instrument. It goes back to 2005, when the former state Labor government, on ideological grounds, banned the cattlemen from the national park, it having been declared a national park in the mid-eighties under both a state and a federal Labor government. The fact that there had been over 100 years of cattle grazing there at the point of its declaration did not seem to be an issue. But it became an issue for the Labor government in 2005. I might suggest that their sudden interest in this and their change of heart may have had something to do with the rise of the Greens party in my home state of Victoria rather than with any actual derogatory impact from the cumulative effect of over 100 years of cattle grazing. But I am not here to make those sorts of comments; I want to address my remarks directly to the legislation in front of us.

Since time immemorial, the Labor Party had held the seats covering Gippsland and the Latrobe Valley, being the heart of the big unions, with the power stations there. In the 2006 state election, in response to the state Labor government's decision to ban cattle grazing, the locals elected a National Party member. Let us be clear: my colleague from the other place was addressing the issue of letting just 400 cattle into a 26,000-hectare national park. I think we have to keep that in perspective.

This is about keeping a federal register of legislative instruments, and I understand that there are currently tens of thousands of legislative instruments. It is important that there is some control over this so that we can see how they interact and have some knowledge of what is going on.

I would briefly like to mention legislative instruments in conjunction with the Murray-Darling Basin Plan. The second draft is before us. In my home state of Victoria, we are not happy with what is currently happening, but the disallowance of legislative instruments may be a strategy that we will have to pursue given the details of this plan and its resulting decimation of our regional communities.

There are other senators in the chamber who want to speak on this bill, so I am very conscious that I will have to cede my time before the guillotine is upon us in a little over 20 minutes. I can see them lined up here, Madam Acting Deputy President, to speak to this very important piece of legislation. Thank you.

Senator CASH (Western Australia) (11:58): I too rise to speak on the
Parliamentary Counsel and Other Legislation Amendment Bill 2012. In addressing my comments today it would be remiss of me not to begin by reminding the people of Australia that yet again, as so often in this place, as we look at the Order of Business, we see that limitations have been placed on the debate on this bill. The time allotted for debate on the remaining stages of this bill expires at 12.20 pm. For the benefit of those listening, it is not the case that we have been debating this legislation since the commencement of parliament at 9.30 this morning. In fact, the Senate has been forced to push through two other bills already this morning that were subject to the guillotine. One in particular was an appropriations bill, whereby those on the other side yet again had to come cap in hand to the parliament because once again they had miscalculated just how much money they were going to bleed from Australian taxpayers. This morning the Senate, again under the impetus of the guillotine, has had to push through a bill whereby the Labor Party have yet again asked for more money from the Australian taxpayer because of their complete, total and utter incompetence when it comes to managing Australia's economy.

When you come to this place as a senator you assume an important role in society, and one of the aspects of that role is in relation to accountability. Accountability and openness in government, I remind those on the other side, requires those who exercise power when performing the functions of government to demonstrate in an open and practical sense that they are doing so with honesty, integrity, appropriate skill and judgment, and that they have discharged their duty in a proper manner for the common good and in the public interest. The use of the guillotine is an indictment of the government and of their alliance partners the Greens yet again. Many comments have been made by the Prime Minister of Australia and the former Leader of the Australian Greens, Senator Bob Brown, saying that under no circumstances should democracy be put under attack and those who want to speak on bills be silenced. Let us see what the Prime Minister said at the National Press Club to the people of Australia on 31 August 2010. She said, 'People do want to see us more open, more accountable, more transparent. I am going to be held to higher standards of accountability than any other Prime Minister in the modern age.' I ask those on the other side: have you show the Prime Minister today's Dynamic Red? Has the Prime Minister seen that each bill the Australian Senate is debating today has been guillotined? What would the Prime Minister say in relation to the openness, accountability and the transparency she promised to the people of Australia?

What has the Leader of the Government in the Senate, Senator Evans, said in relation to transparency, accountability and the use of the guillotine? This is what Senator Evans has put on the record:

"... in government or opposition Labor supports the Senate as a strong house of review, scrutiny and accountability."

Senator Evans, all I can say to you is: have you seen the Senate Dynamic Red today? Clearly, if you have, you blatantly misled the people you were speaking to when you made that statement. Quite frankly, you probably were, because you do not believe in openness, accountability and transparency. Senator Whish-Wilson, I assume that today at 12.20 pm you will be voting for the guillotine. Perhaps you would like to know what your former leader said when he was confronted with the use of the guillotine.

"It is a case of a Howard-Crean guillotine on parliament and chainsaw attack on Australia's forests", a despairing Greens Senator Bob Brown said today.
That was back in 2002.

Senator Jacinta Collins: Did you say a Howard guillotine?

Senator CASH: The Greens have a longstanding opposition to the use of the guillotine.

Senator Jacinta Collins: You have just tied yourself in knots.

Senator CASH: Let us have a look at what Senator Brown said in 2006:

Senator Brown also noted that before the winter break the Senate had sat for only 34 of a potential 112 sitting days; that the Senate committee is being clobbered; and that debate is regularly guillotined in both Houses of Parliament.

They are just words—

Senator Jacinta Collins interjecting—

Senator CASH: and some are judged merely by their words, as opposed to their actions. We will see the actions of both Labor and the Greens at 12.20 pm today, when Senator Humphries will be told mid-speech: 'Senator Humphries, sit down—and the reason I am telling you to sit down is that debate on this matter is being guillotined.'

Quite frankly, the government like to hide from the people of Australia. They probably wish that we could move the Australian parliament to Antarctica because if we could move it to Antarctica perhaps then there would be no scrutiny of what they do. Senator Collins, in one of her many interjections—which I normally, quite frankly, would not take—commented on the fact that the former Howard government used the guillotine. Senator Collins, you are correct; we do not deny that. However, let us contrast the use of the guillotine under the former Howard government and the use of the guillotine under the current Labor government. This is the fact: under the current government, never have this many bills been guillotined in the Senate—

Government senators interjecting—

The DEPUTY PRESIDENT: Order! Senator Cash, just a moment. Senators on my right, please stop interjecting. Senator Cash, please direct your comments to the chair and not across the chamber to Senator Collins.

Senator CASH: Thank you, Mr Deputy President. The reality about the guillotine under this government, with its little alliance partner, the Greens, is this: never have this many bills been guillotined in the Senate since the parliament first met in 1901—and it is worth noting that in the last three years of the Howard government, between 2004 and 2007, when the coalition had a majority in the Senate, we guillotined just 36 bills. But, in this sitting fortnight alone, Labor and their little friends the Greens will have managed to have guillotined the exact same number of bills—36 over three years versus 36 in two weeks. When you want to talk about an attack on democracy, be sure you are very careful about what you say to those on the other side, because by your actions you shall be judged. You have already been judged twice today, because two bills that we have voted on have been guillotined, and you will again be judged shortly, in approximately 15 minutes, because that is when yet again the guillotine is going to fall on this bill.

The bill is actually a non-controversial bill. The coalition will support this bill. Despite those on the other side running off to the media and bleating every day and saying, 'All the opposition does is oppose; all it ever does is oppose,' we are actually supporting this legislation, but that is not the point. The point is that legislation in this place should always be available for debate. The mere fact that those on the other side are so incompetent that they cannot get their sitting pattern right and have to extend hours this week and next week—the mere fact that they are causing the public to pay an extra million
dollars today because they need to ram some legislation through this place—does not detract from the fact that even non-controversial legislation should be able to be debated.

One aspect of this bill which is of concern to the coalition—and this has become a regular occurrence under this government—is the content of the bill which we do not know about because the government puts it all into regulation. So many of the bills that come before this place are merely shell legislation and nothing more. We are told that we have to rely on the so-called good faith of those opposite in believing that what they eventually put into the regulation will not impact detrimentally on the Australian people.

On this bill, we are going to take you at your word. I can only say to the Australian public: I hope you too are able to take this party at its word, because, with so many of the bills that come before this place, it is an indictment on the government that it betrays the Australian people time and time again. In the interests of time, knowing that Senator Humphries would like to contribute to this debate and knowing that there is all but 12 minutes left before—yet again—the guillotine falls on the Senate, I conclude my remarks.

Senator HUMPHRIES (Australian Capital Territory) (12:09): I thank Senator Cash for highlighting the context in which this debate is taking place. It is clearly not one of the finer examples of the Australian democratic process at work. Perhaps I can just underline that point that Senator Cash made about what is happening here for the benefit of people who are listening to this debate on the radio or in the chamber. The Senate is dealing—on a Friday, when it does not normally sit—with a whole range of government legislation that the government has not been able to organise to have on at an earlier time for debate. It is legislation that spends millions upon millions of dollars of Australian taxpayers with grossly—

Senator Jacinta Collins: They are called appropriation bills.

Senator HUMPHRIES: That is right—appropriation bills. They are very important bills and are the way in which the parliament authorises the government to spend money. These bills are being considered in extremely shortened periods of time. The appropriation bills this morning had about 100 minutes of debate—hundreds of millions of dollars spent in about 100 minutes of debate. This legislation is important. It has got about one hour of debate—a 60-minute debate.

Senator Jacinta Collins interjecting—

The DEPUTY PRESIDENT: Senator Collins, order!

Senator HUMPHRIES: The national vocational education and training legislation, important legislation, again expending millions of dollars, has got 40 minutes in which the Australian parliament can decide what is important and what is not about this legislation. That is disgraceful.

Senator Bilyk interjecting—

Senator HUMPHRIES: You would be able to get up and have your say as well, Senator Bilyk, except there is no time left. You have cut the time short. There will be no time left for you to have your say about this legislation.

We have here a very serious problem with the process, even though, as Senator Cash pointed out, this legislation is not exceptional. I think it is important for us to be able to bring together the resources of two disparate arms of the Commonwealth drafting function into the one office, the Office of Parliamentary Counsel. That of itself is an important, uncontroversial
development that makes it easier for legislation to be properly drafted, and I think that is a rational use of resources. But I have to say that the one thing about this process that fills me with some dread is that by providing for the expanding volume and complexity of Commonwealth legislation to be managed more effectively and efficiently in this one office, we are, sadly, going to abet the process whereby the Australian government has spectacularly dishonoured one of its promises.

I know there is not much point in my getting up here and talking about the broken promises of the Labor Party. That is old news. It is a different story every day; this is only one more story to add to the list. But among the millions of promises the Labor Party appears to have made, it made a promise at the last election that for every piece of regulation it imposed on the Australian community it would take another one off—put one on, take one off. That is a sensible idea for every Australian household, every Australian business, every person in employment, every person who drives a car, every person who operates a farm and everybody subject to thousands of regulations. There are, frankly, too many regulations for the average citizen to understand and be able to work to and obey. So the promise was made to remove some regulations.

That is not what has actually happened. This government has been able to repeal some regulations. It has repealed a total of 86 regulations under the life of the Rudd and Gillard governments. Great, they have removed that burden from Australians. Unfortunately, while repealing the 86 regulations through the consolidated offices we are now considering, they have at the same time added a few more.

Senator Cash: How many more?

Senator HUMPHRIES: It is rather a large number.

Senator Cash: Ten? Fifteen? Twenty?

Senator HUMPHRIES: It is a bit more than that, Senator Cash. I am afraid they have added, while removing 86 regulations, 18,089 new regulations. The world is so much better for that fact! We are all so much better off now that we are so heavily regulated by this government! So, as we creak and groan under the weight of the regulations that the Labor Party promised would not be happening, sadly we are assisting in this process by passing this legislation today. That gives me great regret, because I think it makes our system of government complex. It puts a burden on people. It makes the effectiveness of our system of government, which relies on principles like cooperative federalism to be able to work better, less effective. This legislation, sadly, facilitates that process, even though we cannot object to the idea of consolidating the resources of the government in the one place. When I see consolidation taking place, I get suspicious. We are told that this is about making things more efficient and bringing them together so that a more effective use of specialised technology can be made by those who draft the laws and regulations of our country. But I have also seen other examples where consolidation is, in fact, a byword for cutting. Only this morning I debated on radio with Senator Lundy the government’s decision to consolidate Medicare and Centrelink offices in Canberra. We are told that they are consolidating two offices of Centrelink in the Tuggeranong Valley and two offices of Medicare in the city. This is not about making things better, more efficient and bringing people into the one-stop shop that people talk about. It is actually about making cuts. That is what it is all about. It is about reducing the services
available to people—in this case, in Canberra—and it is a weasel word for describing a process whereby the Commonwealth drastically and in a fairly ad hoc fashion reduces its expenditure across the Australian community.

Why are they reducing their expenditure? It is because for the last four years they have spent at unsustainable rates. They have run up massive deficits and huge debt. At last somebody inside the government said, 'We have to draw a line under this and start to make the government live within its means.' So today they are involved in a desperate, random scramble to try to reduce the size of the government's spend. Decisions like this to consolidate are what results.

When the explanatory memorandum to this bill says that the bill will not have any net financial impact, I assume that that is a way of saying it will not cost any more money, but that, in fact, is not the same as saying that it will not save money. This is about reducing costs as well as making the organisation more efficient. I assume that was Mr Stephen Skehill's brief when he produced his report, Strategic review of small and medium agencies in the Attorney-General's portfolio. But whether that is the intention or not does not matter.

The other concern I have about this legislation is that, again, while we accept that we need to be more efficient in the way we spend money, we are also allowing for a greater resource to be targeted on the making of regulations. We have seen in recent years so much more of the Commonwealth's law-making function descend from laws, which have to pass through the parliament and which the democratic representatives of the people get to vote upon, down to regulations, where there is not the opportunity for parliament to debate and amend laws effectively that apply to the Australian community. This new consolidated Office of Parliamentary Counsel will be able to make regulations that affect that transition the government has been engaged in for a number of years now in a way which I suspect is not in the best interests of a healthy, functioning democracy.

Democracy is not having its best day today with the application of the guillotine, so it is appropriate that this legislation be considered for its impact on the quality of our democratic process. I for one greatly regret the fact that opportunities to have debate in this chamber about important things affecting the Australian community are diminished in some way. We have the spectacle of the parliament having to rush through the chamber legislation that is important to the future quality of life of Australian citizens and which represents the expenditure of millions and millions of dollars which Australian taxpayers have contributed to the Commonwealth's coffers in a way which just does not allow members of the Senate or the other place to do their job properly because the time has not been provided for proper analysis and consideration of what the parliament has to do. If we have to come back in the future and amend some of these bills—and I would not be surprised if we do at some point—because they have been rushed through this parliament like it is some sort of sausage factory, we will be there to ask, 'Is it really any surprise that we find ourselves in this invidious position of having to come back and repair at leisure the things we have done in haste because of the incompetence of this government?'

This government, which has botched so much of what it has done in the last four years, now expects us to trust that it has done things properly on this occasion.
The DEPUTY PRESIDENT: The time allocated for this debate has expired.

Question agreed to.

Bill read a second time.

Third Reading

The DEPUTY PRESIDENT (12:20):
The question now is that the remaining stages of this bill be agreed to and the bill be now passed.

Question agreed to.

Bill read a third time.

National Vocational Education and Training Regulator (Charges) Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator MASON (Queensland) (12:20):
The National Vocational Education and Training Regulator (Charges) Bill 2012 relates to the oversight of the vocational education and training industry by a national regulator. This bill does not conjure up rhetoric or emotion, but I will do my best.

Vocational education and training is an important industry, as you know, Mr Deputy President, so the oversight of quality and standards in VET is an important responsibility of any Australian government. It is crucially important for Australia both domestically and of course internationally. Lately, the discussion of education in this country has focused largely on our schools. Honourable senators would of course be well aware of the debate raging about our schools, subjected as they have been over the past five years to the government's amorphous Building the Education Revolution program, and about our universities, which are currently undergoing the most significant reforms in a generation, sponsored of course by the Bradley review of higher education, which uncapped student places. So there is much reform in the education space.

This reform, following the recommendations of the Bradley review, is meant to assist the government in its goal of ensuring that at least 40 per cent of young Australians hold an undergraduate degree by 2025. That is four young people out of 10—four young Australians having a bachelor degree or more—continuing the trend of the past few decades of vastly expanding the number of Australians with a tertiary education. One of the hard things for educators, and, indeed, policy makers, to get their minds around is that no longer are our universities elite institutions catering to a small minority of students; increasingly, of course, they are institutions of mass education. So their role has changed fundamentally over the last 20 to 30 years.

While VET does not generate as much media interest or debate as schools or universities, it is nevertheless very important for the economic wellbeing of our nation. Particularly at the time of a mining boom, our economy needs a large number of workers qualified in many trades. The resources sector—its mines and all the associated infrastructure—is generating a tremendous demand for construction workers, electricians, welders, boilermakers, truck drivers, excavation equipment operators and countless others. Our VET institutions face a crucial challenge in trying to supply all these qualified workers. I see in the chamber my good friend Senator Cash, who is from Western Australia. She knows the difficulty that the mining industry has, in Western Australia, in particular, in trying to locate sufficiently qualified people to undertake all the duties associated with the mining industry. That largely falls on vocational education and training.
But it is not just the mining industry: the health and growth of all the other sectors of our economy require a large cohort not just of professionals but also of people with those allied technical and trade skills. Our economic growth, our productivity and our employment growth depend on the VET industry being able to satisfy domestic needs. So it is a critical part of Australia’s productivity and educational infrastructure.

As I mentioned earlier, the importance of the VET sector is not just domestic in nature. I think I have said this perhaps 100 times over the last few months to honourable senators, but let me say it yet again: education is Australia’s fourth largest export, after coal, iron ore and gold, and it is our largest services export industry, ahead even of tourism. Most people do not appreciate that education services which Australian institutions provide to hundreds of thousands of overseas students every year contribute almost $16,000 million dollars to our economy—$16 billion a year to the Australian economy from the international education sector. That is from schools, from VET and from our universities. So it is an enormous industry and one I think is still underappreciated by the public and at some levels by parliamentarians and public policymakers. But I think we are getting there. We are making some progress. VET accounts for $3.1 billion of the total of $16 billion, and English-language training for a further $675 million per annum.

It is not surprising that maintaining, and indeed improving, quality and standards is of crucial importance in the VET sector. Quality and standards are critical. We need to supply people with good, respected and worthwhile vocational education and training qualifications because otherwise they will not find appropriate employment and our employers will not find qualified workers to fill vacancies—or we will have no choice but to fill them with underqualified, unsuitable candidates. Either outcome will have dire consequences for our economy. Western Australia is a great example of this. There is still concern from some of the mining companies that operators of various pieces of equipment and those with trades and technical skills are not sufficiently qualified or indeed their training does not sufficiently meet the needs of the industry. These are very difficult issues that TAFE and VET have to come to terms with.

VET is also an export service that we in effect sell overseas to international students, so we need to maintain quality and standards to stay ahead of our competitors overseas who would want to help themselves to our share of the international education market. International education is a very competitive industry, in VET and particularly in universities and higher education. It is a very competitive marketplace. Any sense that there has been a slip in standards or quality means a fall-off in international student demand, and therefore a fall-off in what this country earns through our largest services export industry. We are talking about a major potential impact. Quite simply, unless the reputation of the VET education we provide is strong, overseas students will not continue to come to our shores to gain qualifications and contribute billions of dollars a year to our economy.

There is more at stake here than just VET itself. We have to look at international education as a whole and even though VET is only part of the industry and is dwarfed by universities, it is nevertheless part of what many of us in this place call Brand Australia—it is so powerful, so attractive and often so very lucrative. Damage VET and you can damage our overall reputation as an international education provider. It is fair to say that over the last two years some dodgy VET providers have undermined Brand
Australia. It affects not just the VET sector; it affects also the university sector. We saw not so long ago institutions in Melbourne—hairdressing institutions and other VET providers—actually causing concern about the quality of university education being provided by this country. In other words, problems with standards in the vocational education training sector can impact on our university export industry. That of course is a big problem.

To be fair I must pay tribute here to Senator Evans and Senator Kim Carr, both of whom have looked at this issue and I think taken appropriate action in many cases. In fact, I remember when I first came into the Senate one of Senator Kim Carr's great crusades was against dodgy providers who did not measure up to standards. I have to pay credit both to Senator Kim Carr and to Senator Evans, because they have prosecuted many of these issues very well on behalf of the government and the community.

We cannot allow the collapse in standards, because it will have an effect right across the sector—universities, VET and English training. Standards and quality are critical. The national regulator is the outgrowth of this valid concern for the health and wellbeing of the sector. The Australian Skills Quality Authority, ASQA, was established in 2011. It replaced state and territory run regulatory bodies, there being the view that Australia's international reputation deserves a unitary focus or indeed a national one. ASQA, was established through agreement at COAG, with the majority of states and territories seeking to address quality concerns and lack of consistency within the VET sector. Clearly, there were different standards in the states and territories and the government did the right thing to try to bring those different standards of quality and quality assurance into one particular body, ASQA.

ASQA has responsibility for the registration and monitoring of vocational education providers. It fulfils its responsibility for monitoring ongoing compliance with registration standards by undertaking compliance audits and investigating complaints about national vocational educator registered training organisations. Compliance audits are the main method used for monitoring compliance as well as investigations into complaints received about the performance of training providers.

The object of this bill, the National Vocational Education and Training Regulator (Charges) Bill, is to enable ASQA to charge registered training organisations for compliance audits and substantiated complaint investigations conducted by the regulator. That is the aim of the bill. In setting up ASQA, COAG agreed that the regulator would be established on a cost recovery basis, initially funded by partial cost recovery. This is in contrast with the previous system, where state and territory arrangements did not operate on a cost recovery basis, opting instead to partly subsidise registration and regulation costs. Under the COAG agreement, states and territories are still able to provide subsidies and/or financial support to registered training organisations to assist with registration cost; however, it is their choice whether they wish to do so.

The coalition has some concerns. The coalition has always been a strong supporter of the VET sector. We understand its importance to our economy as an export industry. We want to ensure the wellbeing and future growth of the sector. I do not have to remind the Senate that the coalition is a staunch champion and defender of quality and standards in education, be it primary, secondary, at schools, at universities or at VET institutions. I have made this point.
frequently in relation to universities, but it is just as applicable and important in relation to vocational education and training.

The coalition acknowledges the role for an industry regulator and supports its work to maintain quality and standards through the VET sector, and in particular to prevent the re-run of the provider collapses of just a few years back. As is so often the case the opposition does not have a dispute with the government about ultimate ends or aspirations, but we do about implementation and about the way the government seeks to get there. We believe that there will be significant cost impositions on providers as a result of this bill. Many registered training organisations are small businesses that are already confounded by the vast amounts of red tape under the compliance regime. In their submission to the inquiry into the bill, ASQA acknowledged this reality. They said:

... for most RTOs, the proposed ASQA fees and charges will be an increase on what they have paid in the past. This is because most state and territory governments have subsidised the cost of regulation.

That is something that they—the state and territory governments—will not necessarily continue to do, particularly in the current tight fiscal environment. These costs are not insignificant. Based on the average salary of a compliance officer and making allowances for on-costs and overheads, ASQA indicate that the hourly rate would be in the vicinity of $111 per hour. Additional costs would be incurred where various subtasks were completed by other employees within ASQA.

Proposed section 7 in the bill also states that the regulator can charge both for the costs incurred in Australia and, as it says in part (b):

... if the audit is conducted outside Australia in whole or in part—any reasonable expenses incurred by the Regulator relating to the audit or part of the audit.

Since educating overseas students is such a big part of the VET industry, such costs would not be at all unusual nor would they be insignificant.

The coalition is concerned that the high cost of compliance may cause financial difficulties for some smaller providers, given that their costs may equal those of some of the larger or publicly funded providers. Providers in rural or remote areas may also be further disadvantaged by the proposed cost recovery for auditing if they are required to fund the travel costs of the auditors. In their submission to the Senate inquiry, the Australian Council for Private Education and Training, ACPET, highlighted this, querying whether the cost of conducting an audit would also include travel costs and other costs associated with the travel. If this is in fact the case, providers in rural and remote areas will have a significant additional cost burden relative to those operating in metropolitan areas. In addition to identifying the likely cost imposition, ASQA acknowledges:

... the higher fee may discourage the accreditation of some vocational courses that are currently delivered in the community education sector such as those offered by Neighbourhood Houses or welfare agencies.

As the coalition senators said in their dissenting report on the bill:

1.1 The Coalition holds grave concerns about the increased economic and regulatory burden this Bill will place on providers. The Australian Skills Quality Authority’s submission even states that: ‘for most RTOs, the proposed ASQA fees and charges will be an increase on what they have paid in the past. This is because most state and territory governments have subsidised the cost of regulation’.

1.2 We acknowledge that the Intergovernmental Agreement makes provision for states to continue to assist in meeting these costs. However, if the
states are not required to help reduce the end cost to the providers, in all likelihood they will not.

1.3 The submissions received by the Committee reiterate the concerns held by the sector and the Coalition, that there will be a lack of transparency with potential fees and charges and the impact this could have on smaller rural and regional providers in particular.

That is the concern of the coalition.

While the coalition believes in the crucial importance of maintaining quality and standards in the VET sector, we consider that the mechanism in this bill has the potential to be too onerous for too many providers, particularly in rural and regional areas. For this reason, the opposition will be opposing this bill.

Senator BILYK (Tasmania) (12:38): I rise to speak on the National Vocational Education and Training Regulator (Charges) Bill 2012. In March last year, I spoke in this place on the National Vocational Education and Training (Regulator) Bill and associated bills which established, for the first time in Australia's history, a national regulator for vocational education and training. The establishment of a national regulator for the VET sector was a key recommendation arising from the 2008 review of higher education led by Professor Denise Bradley AO.

I find it unfortunate that those opposite opposed this measure last year, because this key reform has a great many benefits for Australia's VET sector and its stakeholders. But, if I am going to give the federal opposition credit for anything, it has to be for their consistency. They are consistent in opposing any positive measures to cut red tape and help strengthen the Australian community. I note that the opposition also opposed this bill, the National Vocational Education and Training Regulator (Charges) Bill 2012, in the House, which is no great surprise given that this bill is an important part of the national regulatory framework for the VET sector and they are opposed to sensible national reform.

Unlike those opposite, this government is committed to improving the quality and consistency of training across the VET sector. We now have a national vocational education and training regulator, the Australian Skills Quality Authority, or ASQA, and I am pleased that this important reform was able to pass the parliament despite the relentless negativity of those opposite. ASQA's functions are: registering training providers as registered training organisations; recommending organisations as providers that can enrol international students; accrediting vocational education and training courses and ensuring that organisations comply with the conditions; and standards for registration, including by carrying out compliance audits.

Of course, those on this side of the Senate understand and appreciate the benefits of a national regulator. We know that there are a number of businesses and industries operating across state borders that require particular vocational skills and are concerned to ensure there is consistency between qualifications, regardless of where those qualifications were obtained. In trying to establish the skills needs of their business or industry, they do not want to have to deal with nine regulators in nine different jurisdictions. Also, in a country that is a world leader in the export of education, this is an important reform to ensure the quality and sustainability of international education in this area. Thirty-seven per cent of international students in Australia are enrolled in vocational education and training, and they deserve to have the confidence that they are receiving a quality product. Having a national system of regulation will help ensure that quality and will improve the marketing of Australian VET courses to
students overseas. The other major benefit of national regulation is that it assures the quality of vocational education and training, and the confidence of industry and students in that quality.

So I am pleased that the Bradley review made this recommendation, I am pleased that the majority of the Ministerial Council for Tertiary Education and Employment have signed on to this reform and I am pleased that we have been able to get it through the parliament despite, as I said, the negativity of those opposite. There are, unfortunately, two states that have chosen not to refer their powers and come under the jurisdiction of ASQA, and they are Victoria and Western Australia. However, I am confident that, over time, the benefits of a national system of vocational education and training will become apparent to the governments of Victoria and Western Australia and eventually they will come to the conclusion that it is also in their interests to sign on. But here we are now with a national regulator that has responsibility for the registration and performance-monitoring of registered training organisations, and undertakes various monitoring activities associated with that role.

That brings me to the bill before the Senate today. ASQA levies fees and charges through its monitoring activities on a partial cost recovery basis and will be progressively moving to full cost recovery by 2014-15. ASQA's fees and charges were subject to extensive consultation throughout 2011. The National Vocational Education and Training Regulator Act authorises fees and charges that are application based, and the purpose of this bill is to authorise charges for services that are not application based—that is, additional monitoring activities. These monitoring activities are important to maintaining the ongoing compliance of RTOs and include compliance audits and complaint investigations initiated by ASQA. I will just go into a little bit more detail about those.

First, with regard to the compliance audits, ASQA uses a range of indicators, such as financial management, governance arrangements and the training provider's past performance, to assign each provider a rating that indicates its non-compliance risk. Each provider's risk is rated as low, medium or high, and this determines the level of monitoring that ASQA will apply. For example, a provider that is considered to have a high risk of non-compliance will obviously have more rigorous monitoring applied to it. Complaints may be lodged by any member of the community who is not satisfied with the quality of training delivered by an RTO, but generally it is expected that the complaints would be from students, their parents, employers or other industry representatives. Complaints also provide important information regarding RTO compliance for standards of registration. Following the investigation of a complaint or the conduct of a compliance audit, ASQA has a range of sanctions available to it to enforce compliance. These include fines, suspension of registration and, in the worst case scenario, closure. The charges allowed by this bill for compliance audits and complaints investigations conducted by ASQA will be payable by the provider to which the complaint or investigation relates.

For audits, charges will apply for the cost of the audit. For complaint investigations, the charges are payable for the costs and expenses incurred by ASQA in conducting the investigation and any compliance audit conducted as part of the investigation. However, charges for complaint investigations will only apply where ASQA finds the complaint to have been substantiated. For Senator Mason to imply
that the costs will be prohibitive is of great concern to me—

Senator Mason: I did not say it was prohibitive.

Senator BILYK: I said 'imply' that the costs would be prohibitive. You have got to listen, Senator Mason, rather than chat. If you had listened, you would have understood what I had said. If there has been a complaint and it has been substantiated, I do not understand the concern from the other side. I think it is important that everybody is assured of quality, and this is certainly a way to make sure that that happens.

The charges supported by this bill were subject, as I said, to extensive consultation throughout 2011. I am not certain whether Senator Mason mentioned the consultations. But the consultations included face-to-face meetings with state and territory senior officers, peak RTOs, unions and industry representatives. So it is not as though the government is plucking prices out of mid-air. We have had quite extensive consultations. Public comments were invited regarding the draft schedule of fees and charges and an exposure draft of ASQA’s cost recovery impact statement. The charges were established having regard to the resources required, to effectively audit and investigate an RTO. The feedback received from consultations was extremely helpful in ensuring that the new cost arrangements are appropriate to the sector.

The charges were agreed by the ministerial council on 30 June last year and will now be authorised by legislative instrument. A strong, nationally consistent regulatory framework is key to achieving quality and consistency across the VET sector. The integrity of that framework means you must have a strong regulator—a regulator with teeth. You need a regulator that can ensure that VET providers—registered training organisations—are complying with registration standards at all times. Senator Mason reflected on the fact that occasionally that did not happen. It is imperative that we ensure—and I agree with Senator Mason—that this does happen and that the standard is high. It is an area, as Senator Mason mentioned, that is sometimes disregarded by the media and even by the public. I wholeheartedly agree with that view. I think the way to help overcome that disregard is to make sure that the system is tight and that we have quality standards to offer. The compliance audit and complaint investigation powers of ASQA provide a strong incentive for RTOs to comply. They are an incentive, therefore, for RTOs to improve quality if they need to.

The bill currently before the Senate empowers ASQA to charge for these additional monitoring activities. It provides a schedule of fees and charges that allows ASQA to recover reasonable costs and expenses. It also supports a fair and proportionate framework for ASQA’s cost recovery arrangements.

I note that the bill was referred to the Senate Economics Legislation Committee for inquiry. Despite some concerns around clarification of terms and costs for regional and overseas institutions, the committee recommended that the bill be passed in its current form. The committee expressed the view in its report that adequate explanations had been provided regarding the services provided as part of the registration process. The committee also found that the cost recovery impact statement sufficiently explains all relevant fees and charges and clarifies any uncertainties relating to the extraneous nature of compliance audits and additional monitoring activities. In conclusion, this bill is an important component of the national regulatory framework that this government has
established for Australia's vocational education and training sector. I commend the bill to the Senate.

Senator FAWCETT (South Australia) (12:50): I rise to address the National Vocational Education and Training Regulator (Charges) Bill 2012. There are a number of important points that I would like to cover. Unfortunately, given the guillotine that the government and their Greens alliance partners have yet again imposed, I only have about nine minutes to cover them.

I would like to talk about the importance of vocational education, the principle of regulation, the practice of regulation by this new authority as it has been encountered by small businesses in the sector, and some particular concerns with this bill.

Firstly, in terms of vocational education, obviously with the need to sustain and hopefully grow the manufacturing sector and the services sector in Australia we need vocational skills. There are a number of areas that provide that, but the small business sector and the 4,500 RTOs across Australia are a very important part of providing that. Quality is an important element to that. There is no point having organisations that give out pieces of paper where people do not actually receive the required skills. The determination of that quality, though, brings me to a point that I want to get on the record again. Industry led curriculum is the best way to make sure we have young people, or older apprentices, who are trained, who come out job ready and who can add value to their employers and to the economy.

I cite yet again the example of the technical colleges established as Australian technical colleges under the Howard government. I look in my own state of South Australia at St Patrick's Technical College, which has a board led by industry so that the curriculum, the rate of work, the type of training and the topics covered are actually focused on what industry needs. When people come out of that college they are snapped up by employers because they have the quality and the training that the employers want. I place on the record that, if it is led by the training institution, you may well have quality but it may not be what the employers need. That straightaway means that those young people, or adults, are not as employable as people who are trained in an organisation which is led by industry.

I notice a number of people in the private sector, Mr Forrest amongst them, are pushing the idea, for example in the area of Indigenous employment, that if industry will guarantee a job but the government will allow industry to direct the training then you will get good outcomes. That is a principle that we in this place must consider as we look at training programs and funding for training programs. We need to engage industry, who at the end of the day are the employers, to make sure that the training is focused. Almost by default, quality will follow, because that is what employers are demanding.

Having said that, the principle of regulation and then audit is something the coalition agrees with. We support the concept of a national regulator. I also put on record the fact that this does not only apply to the training sector. Across a number of areas, the coalition supports the concept of local control, local delivery and local accountability, whether that is within government departments or whether that is out in the private sector, as opposed to centralised control and delivery from big government in Canberra. But the way you achieve that in terms of having a quality outcome is by having a regulatory structure with a closed feedback loop of audit and reporting.
So in principle we support and have supported the creation of a national regulator for the vocational training sector. The issue is: how does it work in practice? That is part of the concern we have with the system that is in place. That is partly because, as has been pointed out by the government, not all states have signed up to it, which indicates that they are still exercising their rights in a federation, which is what Australia is, to say what is in their state's best interests. Rather than criticising them for that, we should be asking: what is wrong with the system that they are not prepared to sign up for it? At the end of the day, one of the strengths of Australia is that we have checks and balances in the fact that we are a federation and states have a head of power that they can exercise to decide whether or not they support legislation that comes out of this place. If we cannot get their support, rather than just criticising them we need to work with them to find a way forward that will achieve the benefits that the legislation for the national regulator intended.

Some of the issues that small business are pointing out to us in terms of the implementation are the very large increases in costs, some going from in the order of $2,000 to $3,000 to up around $37,000 in costs that are being borne by business. For a small business, those kinds of costs are just not sustainable in the long term. The unintended consequences, sometimes, of legislation are something that politicians from all sides need to make sure that they understand so that when we announce policy and think it through we actually look at it from a systems engineering perspective and we understand all the unintended consequences.

One of those unintended consequences for small business—and this is a particular concern—is the delay. We have had reports of anything from six to 12 months for a small RTO trying to get an approval for a Certificate III. Given the kind of marketplace reaction time a small business needs to be able to capture a particular market element, the dead hand of regulation from a centralised body is just stifling the ability of that organisation to make its product and its business work. Regulation is fine if it is effective, if it is supporting and if it is timely—if it is actually working to make the product offered by that business better, as opposed to making it almost impossible for the business to get on and deliver its role.

Particular concerns for the charges bill go to regional providers. The bill is talking about the fact that this regulator can charge reasonable costs in terms of the audits and also any investigations. That might be fine if you are in a capital city, but in South Australia, for example, if you are Balance Training Services, a training group in Mount Gambier, or if you are the Australian College of Community Safety, in Berri, or if you are the Regional Training Organisation in Whyalla Norrie, the costs to get out to those places, the overnight accommodation costs and the hourly rates are significantly higher. If all of those are going to be passed on to small business, it makes it a non-viable and an unfair impost on regional training providers. And often it is the small businesses providers who are prepared to go and set up in a regional area to meet the needs of regional businesses, because young people there do not necessarily have access to the larger corporate or government training organisations that people who are based in the city may well have.

There are a number of areas in which I think we could try and make this charges bill better. Some people have asked why it is a separate bill. The wisdom of the parliamentary system here is that under section 55 of the Constitution these charges essentially form taxes, and therefore it needs
to be a separate bill. We are here in the Senate, and a tax bill cannot be amended in the Senate. Therefore, despite the fact that some amendments may be able to make the bill better, we are in a position where we will have to oppose this bill.

It is not that we are opposed to vocational education. The coalition have a strong record of supporting vocational education, particularly industry-, business- or employer-led vocational education so that we get the focus and the quality that makes the graduates job-ready. We are not against the principle of setting a standard and holding people to account to make sure that they meet that. That is a good model to allow distributed control of activities, accountability of the person providing them and meeting a standard. We support that concept.

But we also recognise that the implementation is as important as the principle. If the implementation is not right, if it actually represents for small business the dead hand of central government regulation which stymies their efforts to create jobs and to create opportunities for young people to move into existing jobs, then it is not something that the coalition is prepared to support. So, whilst we support vocational education, we support the principle and we have in the past supported the concept of the national regulator, for this bill and the charges that go along with it the coalition is not prepared to—

**The ACTING DEPUTY PRESIDENT (Senator Pratt):** Order! The time allocated for the consideration of this bill has expired. The question is that this bill now be read a second time.

The Senate divided. [13:04]

(The President—Senator Hogg)

Ayes....................31
Noes....................26
Majority.............5

**AYES**

Bilyk, CL
Cameron, DN
Crossin, P
Evans, C
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
McEwen, A
Milne, C
Polley, H (teller)
Rhiannon, L
Stephens, U
Thorp, LE
Whish-Wilson, PS
Wright, PL

**NOES**

Abetz, E
Boyce, SK
Bushby, DC (teller)
Colbeck, R
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Kroger, H
Madigan, JJ
McKenzie, B
Payne, MA
Scullion, NG

**PAIRS**

Brown, CL
Carr, KJ
Carr, RJ
Conroy, SM
Ludwig, JW
Lundy, KA
Siewert, R
Sterle, G
Waters, LJ

**Question agreed to.**

**Bill read a second time.**

**Third Reading**

**The PRESIDENT (13:08):** The question is that the remaining stages of the bill be agreed to and that the bill be now passed.
The Senate divided. [13:08]

(The President—Senator Hogg)

Ayes................. 31
Noes................. 26
Majority............. 5

AYES

Bilyk, CL
Cameron, DN
Crossin, P
Evans, C
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
McEwen, A
Milne, C
Polley, H (teller)
Rhiannon, U
Stephens, U
Thorp, LE
Whish-Wilson, PS
Wright, PL

Bishop, TM
Collins, JMA
Di Natale, R
Farrell, D
Feeney, D
Gallacher, AM
Hogg, JJ
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Singh, LM
Thistlethwaite, M
Urquhart, AE
Wong, P

NOES

Abetz, E
Boyce, SK
Bushby, DC (teller)
Colbeck, R
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Kroger, H
Madigan, JJ
McKenzie, B
Payne, MA
Scullion, NG

Boswell, RLD
Brandis, GH
Cash, MC
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID
Mason, B
Parry, S
Ryan, SM
Smith, D

PAIRS

Brown, CL
Carr, KJ
Carr, RJ
Conroy, SM
Ludwig, JW
Lundy, KA
Siewert, R
Sterle, G
Waters, LJ

Williams, JR
Fisher, M
Ronaldson, M
Bernardi, C
Back, CJ
Sinodinos, A
Birmingham, SJ
Nash, F
Cormann, M

Bill read a third time.

Broadcasting Services Amendment (Digital Television) Bill 2012

Debate resumed on the motion:

That this bill be now read a second time.

Senator IAN MACDONALD (Queensland) (13:10): At the outset, I want to make the comment that the Broadcasting Services Amendment (Digital Television) Bill 2012 is a very important bill. There are seven speakers listed as wanting to have a say on matters relating to this bill, yet, because of the way the government organised the guillotine, rather than having 50 minutes for seven speakers we now have 40 minutes because we have spent 10 minutes of the time allotted by the Greens and the Labor Party to address this bill having divisions on a previous bill. If anyone wants to know why Australia is in such an economic mess at the moment, they just have to look at this. The government cannot even run this chamber of parliament; no wonder they cannot run the country. I repeat: seven speakers want to speak on this very important bill and we now have 40 minutes to do that. That is about five and a bit minutes each.

The people who are listening to this broadcast today expect this parliament to fully investigate and assess every aspect of this bill. That is what this parliament is all about; it is about accountability. Indeed, our Prime Minister, Ms Gillard, told the National Press Club on 31 August 2010: 'People do want to see us more open, more accountable, more transparent. I am going to be held to higher standards of accountability than any other Prime Minister in the modern age.' These days nobody believes anything Ms Gillard says, after her 'there will be no carbon tax under the government I lead' promise just before the last election, but, if you did, how could you correlate that
promise of higher standards of accountability when we have this farce before us this afternoon? This important bill has seven speakers wanting to look at every aspect of the bill and we are going to get less than five minutes each to do that.

You cannot run a parliament, particularly a house of review like the Senate, when the Greens and the Labor Party continue to curtail and constrain proper debate. This is a bill which does require some close examination. Many areas of Australia have made the switch to digital television, including regional areas in my home state of Queensland as well as parts of South Australia, Victoria and, more recently, New South Wales. To date the analog signal has been switched off in some regional areas and towns. Digital TV has been available in our capital cities for a decade, and those Australians who are lucky enough to have digital TV now enjoy far more free-to-air channels than ever before. While the coalition will be supporting the general thrust of the bill, there are issues about this bill, and about the whole switch-over, which need to be debated. Indeed, I have a list of issues I would like to address today, perhaps in the committee stage of this bill, where people who have been impacted upon by the switch-over from analog to digital have had real problems. I would like to ask the minister: ‘Why did this happen? What can you do about it? How can you help constituent A? What about constituent B’s problem which needs to be addressed?’ I would also like to raise with the government the issue of pensioners receiving complex and outdated set-top boxes—at no cost to the pensioner but at a huge cost to the taxpayer—with contractors making a killing from providing these products, some of which have been described as cheap Chinese junk in press reports.

I wanted to raise the issue of small businesses such as caravan parks and motels. This switch-over involves them having to acquire dozens of different pieces of equipment, particularly in areas where terrestrial coverage is being replaced by satellite coverage. They will have to get dozens of satellite dishes. For any business, this means tens of thousands of dollars in upfront costs at a time when, thanks to the Labor Party and the Greens, electricity prices are soaring because of the carbon tax and consumer confidence is low. It is small business that is again getting it in the neck.

Those issues should be fully addressed in discussing this bill. But am I going to get the opportunity to do that now? I am not, because my five minutes has now expired. I am going to cheat a bit on my colleagues and go beyond my five minutes. I apologise for that, but there are issues I want to raise. I assume Senator Ludlam, who is listed to speak on this bill, will forfeit his right to speak, given his party’s collaboration with the Labor Party. Those seven of us who wanted to speak are now going to have hardly any time and the decent thing for Senator Ludlam to do would be to take himself off the speakers list—

Senator Bilyk: No, because we would only have to listen to you.

Senator IAN MACDONALD: Thank you for that interjection, Senator Bilyk. You and your friends in the Greens curtail the debate and then, when others want to speak on it, you and your mates in the Greens get up and take the relevant speaking time. How is that the more open, accountable and transparent approach Ms Gillard said she wanted? I well understand that Ms Gillard will not be Prime Minister when parliament resumes in August, but she did commit, on behalf of the Australian Labor Party and the Greens, to more accountable and transparent
government. Yet here we are—we want to speak, we want to have that transparency, we want you to be accountable for this bill and we have lots of questions we want to ask on this bill, but are we going to have a chance to ask them? We now have about 20 minutes left for seven speakers to hold the government to account. What a farce.

It is because of the scant regard the Greens and the Australian Labor Party have for democracy and the responsibility of this parliament—particularly this chamber—to thoroughly scrutinise legislation that we are in this situation. As I said, the Greens and the Labor Party have put themselves on the speakers list merely so they can get up and laud the government, thus denying those who are here to keep the government accountable any opportunity of holding this rabble, which is called a government, to account.

As I say, few people believe Ms Gillard after her no carbon tax promise. We all understand that Mr Rudd's forces are now circling. We well understand that, when the parliament comes back in August, Ms Gillard will no longer be Prime Minister. We understand the speech from the former Attorney-General just yesterday in this parliament was the start of that process. Nevertheless, Ms Gillard, on behalf of the Australian Labor Party, promised accountability. It is now not going to happen.

Before I conclude my remarks to try to give my colleagues some opportunity to address the issues, I raise the issue of caravan parks and motels up in the north-west of my state of Queensland. There is a huge grey nomad tourist industry going into places like Karumba on the Gulf of Carpentaria. But this particular way that the Labor Party have managed the transition from analog to digital means that small businesses in those areas will really get it in the neck. It is going to cost them a hell of a lot to provide television services because they are, by and large, getting their signals through satellites. The government should have done something to ameliorate the cost. Not only do the businesses suffer but they now have to, in an attempt to recover some of these additional costs, put up prices for the grey nomads, who are principally pensioners or people on fixed retirement incomes. I would have liked the government to address that in the committee stage. They are the issues that we really wanted to pursue here. I am very conscious that my colleagues want to have some say on this, so I will curtail my remarks. But I lament the fact that we cannot properly look into this bill.

Senator LUDLAM (Western Australia) (13:21): I thank Senator Macdonald for the courtesy of not using up his full 20 minutes. That is certainly a relief to us all. For a change, I mention that there is a school group with us up in the gallery this afternoon. You might not have been aware that amidst that sanctimonious windbaggery we are actually debating a digital television bill: the Broadcasting Services Amendment (Digital Television) Bill 2012. I would like to address some of my remarks to the bill that is at hand so that some of the folks who are visiting us today can know what it is even about.

I do not know whether Senator Macdonald declared whether the coalition is supporting or opposing the bill. I believe the coalition supports the bill. So do the Australian Greens. I am happy to support the bill. It is facilitating the digital switchover that was announced—

Senator Ian Macdonald: You obviously weren't even listening.

Senator LUDLAM: I must concede that that may be true. The bill is to facilitate the digital switchover announced in 2000.
occurring. Lessons are being learned as we get to the metropolitan areas, and those lessons may require some flexibility with the switchover and certainly within the deadline of 31 December 2013. This bill makes that possible. It gives flexibility to the staggered approach, which we agree with. It also provides certainty that the switchover will happen while assistance schemes and broadcasting engineering resources are available. Essentially, while we are planning this and looking at how this is going to work in metro areas, the bill is really about rural and regional Australia, with the people living there making up the bulk of those who will not easily be able to get terrestrial signals and who will in fact get digital television through VAST, the Viewer Access Satellite Television service, which gives Australians direct-to-home digital commercial satellite TV and the full range of commercial and national free-to-air digital TV. People in digital TV black spots will obviously need VAST. In May of this year, roughly 68,400 households were already using the service.

Of all the states in Australia, Western Australia has the most towns eligible for subsidies under the satellite subsidy scheme, so I am invested in the success of this program because of the large number of people who will be added to that 68,400. Currently, if you cannot get digital television terrestrial reception, you cannot get VAST until six months before the switchover date in your area. This bill is intended to help viewers that broadcasters will not get to territorially to get the service over the satellite. Therefore, we support the bill and we support people receiving and enjoying quality television.

While we may have the infrastructure—and it is good that this government got this process underway and are seeing it through, because we all know that it had been stalled for years—we should at least contemplate for a moment the question of what comes over the airways. Although this, I acknowledge, is a bill relating to infrastructure, let us consider the role of television as a large part of the media that people consume for information, analysis and, obviously, for entertainment and face the fact that we are experiencing at the moment, this week in particular, a point of inflexion—a point of crisis, even—in terms of media ownership that greatly affects the quality of what comes over the infrastructure that is partly addressed in this bill.

We know that Ms Gina Rinehart has acquired up to 19.9 per cent of Fairfax and is receiving three seats on the board. Most of the focus of this week has been on the future of the big daily east coast masthead newspapers and the Australian Financial Review. In a converged environment, the boundaries between what is produced in a newspaper, content delivered online and content delivered on television is blurring. That indeed is the whole concept of convergence. It is not just about having adequate infrastructure in place, whether it be the National Broadband Network or adequate digital television reception, and the mode of delivery. It is about the material and the content that is being transmitted and distributed.

At the same time as that announcement was made, Fairfax announced a cut of 1,900 jobs, the establishment of a pay wall for its online material and the compacting of the size of its broadsheets. News Ltd also announced cuts and restructuring to online content, although obviously we are not certain at this stage what that will mean for the people working there.

Concentration of media ownership is linked to the independence of editors and journalists. In Australia, media concentration has now reached a point at which it
represents a real threat to the health of our democracy. Although the comments from coalition spokespeople this week were in some sense ambiguous, there was—at least from Mr Turnbull, the opposition spokesperson for communications—a genuine and thought-through acknowledgement that there is a real problem here. Minister Conroy followed up in a similar vein. That is noted in the Convergence Review. It was noted in the inquiry by former Justice Finkelstein. It has become a matter of record. Eleven of Australia's 12 capital daily newspapers are owned either by Fairfax or News Ltd. The remaining one, which is in my home state, is effectively controlled by the owner of Channel 7. Ms Rinehart owns roughly 10 per cent of Channel 10 and with Fairfax now has interests in newspapers and radio. Just this week, News Ltd announced that it is tightening its grip on pay television and it has recently devoured the Eureka Report and the Business Spectator.

Some Convergence Review recommendations need to be advanced urgently, in particular those related to the establishment of a new regulator, a public interest test and stronger cross-media ownership laws. Until we address these issues, we can have the most robust infrastructure in the world, we can have the best digital TV platforms in the world and we can have the NBN—provided those on the other side of the chamber do not pull it apart—the viewing experience and our democratic right to impartial and accurate reporting about our country, politics, what is happening in our local communities and what is happening in the world around us will be greatly impaired. That is something that is worth taking away and contemplating.

As we consider this bill, which I now understand is being supported by all the parties in this chamber, we also need to keep in mind what exactly it is that is being broadcast and who is going to be producing it to make sure that we get the maximum diversity possible in the voices in the Australian media landscape. I congratulate the government on bringing forward this bill and I commend it to the chamber.

Senator BILYK (Tasmania) (13:30): I rise in support of the Broadcasting Services Amendment (Digital Television) Bill 2012. The Australian government announced, in 2008, that all free-to-air television broadcasts in Australia would be required to complete the switch from analog transmission to fully digital transmission by the end of 2013. The Minister for Broadband, Communications and the Digital Economy, Senator Conroy, announced the timetable for the digital switchover in October 2008, the transition to occur progressively, commencing in 2010.

Digital television will provide the benefits of improved picture and sound quality and greater program choice. For viewers, this means new equipment is needed to receive the digital signals. For retailers, this will require understanding the changes to the technology to better advise customers on the available options. The Department of Broadband, Communications and the Digital Economy has worked closely with the broadcasting industry, the retail sector and other stakeholders to ensure the smooth transition to digital-only television broadcasts so that viewers enjoy the associated benefits.

We know that many people already have digital television, because they have purchased the necessary equipment such as a set-top box or a new television or they live in one of the first areas to transition to full digital services. However, not everyone has been able to afford a new TV or a set-top box and is still making do with an analog television. That is why this government provided financial assistance to people...
receiving a maximum rate age pension, disability support pension, carer pension, Veterans’ Affairs pension or income support supplement payment.

With the transition process well underway this bill is important to ensure that the switchover is completed by the end of 2013. This bill is important to ensure that Australia moves with the times and embraces modern technology. The move to digital television from analog will provide viewers with the benefits of improved picture and sound quality, as well as greater program choice. The Broadcasting Services Amendment (Digital Television) Bill 2012 amends the Broadcasting Services Act 1992, the BSA, to improve the regulatory framework for digital television services.

This bill will facilitate earlier access in particular circumstances to the digital commercial satellite television services licensed under section 38C of the BSA. This is known as Viewer Access Satellite Television, VAST. This access will be made available to areas where it is considered viewers will not be able to receive adequate digital reception once the switchover has occurred.

The amendments being proposed will benefit viewers in regional and metropolitan areas who do not receive adequate commercial digital television terrestrial reception. Currently, viewers in Australia who do not receive adequate commercial digital television terrestrial reception are ineligible to access the VAST service until six months before the switchover is due to occur in their area. The changes proposed by the government will enable these viewers to obtain early access to the VAST service.

The bill will also allow for retransmission services provided digitally by third parties who represent commercial television broadcasting licensees to be taken into account by a scheme administrator when administrating the Conditional Access Scheme for the VAST services.

The Australian Communications and Media Authority will be able to make a declaration that an area is service deficient so that viewers in that area can access the VAST services. It will enable the VAST licensees to provide digital commercial television satellite services to specified external territories of Australia, including Christmas Island and Norfolk Island. In addition, the bill will allow licensees in remote central and eastern Australia, RC and EA, terrestrial licence areas to nominate multiple places in their licence area by which their compliance with time based broadcasting obligations will be assessed. Licensees can then accommodate different input feeds from the VAST services for the terrestrial transmitters in different parts of their licence area.

On 2 November 2009, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon. Stephen Conroy, made the Broadcasting Services (Simulcast Period for Metropolitan Licence Areas) Determination (No. 1) 2009. This determination stated that the digital switchover would occur in the Brisbane TV1 and Perth TV1 licence areas on 30 June 2013, with the Adelaide TV1, Melbourne TV1 and Sydney TV1 licence areas to follow on 31 December the same year.

This bill allows the minister to have greater flexibility to vary the timing of a simulcast period relating to a metropolitan or regional area, so that the variation may be more than three months earlier or later than the period originally specified, provided that the date determined as the end of the simulcast period is before 31 December 2013. The minister will also have greater flexibility to vary the timing of when a local
market area becomes a 'digital-only' local market area, so that the variation may be more than three months earlier or later than the time originally specified.

This bill has been prepared in accordance with part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011, which refers to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of which Australia is a signatory to. This bill engages the right of freedom of expression and the right to take part in cultural life. The Human Rights (Parliamentary Scrutiny) Act 2011 also makes reference to the Convention on the Rights of the Child, and this bill meets Australia's obligation.

The amendments made by this bill will not result in any direct financial impact on the government. It is important that this bill be passed in this session of parliament as failure to do so will delay earlier access to VAST services for some viewers in digital television black spots in Adelaide, Brisbane, Darwin, Melbourne, Perth and Sydney as well as in Hobart in my home state of Tasmania. It will also prevent the minister from varying the switch-over dates in metropolitan licence areas. We need to ensure that switch-over occurs progressively throughout the year, and that the switch-over dates are varied in time to provide certainty to both viewers and the broadcasting industry.

On 19 June 2012, Minister Conroy announced further details about the auction of spectrum that delivers the 'digital dividend'. This will take place in April 2013. The date has been decided as a result of the expert advice provided by the Australian Media and Communications Authority. The advice of the ACMA is that an April 2013 auction will maximise product certainty for bidders prior to the auction. Further to this, new licensees will have adequate lead time to plan and deploy networks before their licences commence.

The digital dividend auction includes spectrum in the 700 megahertz band as well as spectrum in the 2.5 gigahertz band. This spectrum will become available mainly as a result of the switch to digital-only television broadcasting by the end of 2013. A number of digital TV services will then need to be moved to new channels or restacked before the 700 megahertz digital dividend spectrum can be made available to successful bidders.

The release of television spectrum is one of the significant benefits to occur from the digital switch-over process. The sale of this spectrum is a unique opportunity to clear the way for next generation mobile broadband services in Australia, such as 4G mobile services. The Gillard government committed $143.2 million in the 2012-13 budget to ensure that the spectrum is released in a timely fashion and so that viewers experience minimal disruption. The Department of Broadband, Communications and the Digital Economy is working with the ACMA and the broadcasting industry to implement the restack.

The government expects that this reorganisation of affected digital TV services will be completed by the end of 2014. The government has appointed Broadcast Australia to develop an indicative nationwide restack timetable, in consultation with industry and the ACMA, by July 2012, with a more detailed timetable to be delivered in November. The ACMA will then complete television licence area plans containing restack windows that are consistent with these dates before proceeding to the auction. A project and implementation manager will work with broadcasters to ensure the reorganisation of affected digital TV services
starts as soon as possible. Funding has also been provided to ensure that consumers are well informed about any changes in their local area and the impact those changes will have on them.

I note that the House of Representatives passed this bill on 30 May 2012, and I hope that the Senate will join the other place in voting in favour of the government’s proposed legislation. A Senate vote in favour of this bill will ensure that the rest of the transition process goes as smoothly as possible. I commend the bill to the Senate.

Senator JOHNSTON (Western Australia) (13:39): The Broadcasting Services Amendment (Digital Television) Bill 2012 is a very important piece of legislation, particularly for regional viewers of television. This bill amends the Broadcasting Services Act 1992 to improve the regulatory framework for digital television services. This includes facilitating, in particular circumstances, earlier access to the digital commercial satellite television services—known as Viewer Access Satellite Television, or VAST—licensed under section 38C of the Broadcasting Services Act in areas where it is considered that viewers will not be able to receive adequate reception of all of the applicable terrestrial digital commercial television services at the time of digital switchover. The bill also allows for retransmission services provided digitally by third parties who represent commercial television broadcasting licensees to be taken into account by a scheme administrator, when administering a conditional access scheme for the Viewer Access Satellite Television services, and by the Australian Communications and Media Authority, when it makes a declaration that an area is service deficient. I will comment later about how that structure has been working up to this point in time. My regional colleagues Barry Haase and Nola Marino tell me that it has been working very poorly and that ad hoc, unexplained decisions are being made when people seek to access the VAST services and are refused.

The bill seeks to enable VAST licensees to provide their digital commercial television satellite services to specified external territories of Australia. Additionally, it seeks to allow licensees in the Remote Central and Eastern Australia terrestrial licence areas to nominate multiple places in their licence area by which their compliance with time based broadcasting obligations will be assessed. That means those licensees can accommodate different input feeds from the VAST services for their terrestrial transmitters in different parts of their licence area. The bill also seeks to provide the minister with greater flexibility to vary the timing of a simulcast period relating to a metropolitan or regional licence area, so that the variation may be more than three months earlier or later than the period originally specified, provided the date determined as the end of the simulcast period is before 31 December 2013—the date for changeover. Lastly, the bill provides the minister with greater flexibility to vary the timing of when a local market area becomes a digital-only local market area, so that the variation may be more than three months earlier or later than the time originally specified.

These are important pieces of flexibility, because people, particularly older Australians, do not keep up with the state of statutory law and the state of technology. Many risk having their television simply not function, unless they are made aware of what is coming over the horizon with respect to digital television.

The most interesting thing that I want to discuss, apart from the regional impact of the administration of the VAST services framework, is the question of what is so
good about digital television. There have been a number of inquiries into this. The Australian Broadcasting Authority's Digital Television Specialist Group said:

[Over the air] television broadcasting is a demanding engineering challenge. The signals are subject to reflection from and obstruction by buildings and the terrain features. They are subject to interference from sources of electrical noise (e.g. motor vehicle ignition, overhead power lines, electric traction systems, florescent lamps, fax machines and digital mobile telephones and other transmissions). They are also subject to fluctuations in signal strength as they pass through the atmosphere.

The important part about digital television is that it seeks to mitigate those engineering and technical problems, and it achieves a lot of success in doing that. Many viewers will have experienced TV reception problems such as ghosting, snowy pictures and interference. These are all difficult for viewers in particular locations to overcome. By its very nature, digital television will have a dramatic effect on these problems. Digital provides a significantly enhanced capacity for quality of picture in televisions in contrast with the analog system. One method that has been used to improve the situation has been the provision of translator services to repeat broadcast signals into hidden or black-spot areas. These are limited by cost and available radio frequency spectrum. Spectrum and bandwidth are very important considerations right around Australia when you have, particularly, commercial and industrial users using high data rates and particularly large bytes of data and bandwidth to transmit important information. Even state governments, in hospitals and education, use a lot of data in their broadcasts, particularly with video. These are limited by cost and available radiofrequency spectrum, as all repeated services need to be broadcast on separate channels—I am talking about the analog system.

Digital television allows for the use of a single-frequency network, which could potentially allow all the translators within each service area to use the same frequency, freeing up large amounts of spectrum and making installation of receivers easier. This is one of the principal benefits of digital television and the digital network. We are using digital data links in defence and in a whole host of areas where we are moving very large quantities of data and we want to move it securely and not take up too much bandwidth or spectrum.

Broadcasts in each area will be broadcast on their own channel, as they are now, while all translator services for a given channel will form a single frequency network. SBS intends to use just a single-frequency network across a given service area, including for the main service.

The effect of ghosting, caused by reception from a direct signal and a slightly delayed reflected signal, is eliminated when the receiver is successful in recognising the digital data broadcast. The European digital video broadcast system is very good at dealing with this multipath interference. Indeed, single-frequency networks are not far from deliberately causing multipath interference. The US based system is not very good at dealing with this, and it is subject to continuing debate in the United States.

The broadcasting authority also said:

Features such as wide screen formats and higher definition can provide a pathway for the consumer to experience the full benefits of digital transmission.

We have all been familiar with formats such as higher definition and wide-format screens.

The most well known of the new capabilities is high-definition television. This
has been a great advent. We are all going to enjoy high-definition television broadcasts of the coming Olympic Games, and many people are indeed upgrading their services so that they can take full advantage of what we all enjoy in the nature of the Olympic Games. They provide pictures of much higher quality than conventional, formerly analog, broadcasts. It will also be possible to transmit multiple standard-definition television programs within the same bandwidth, which is a very important infrastructural consideration.

Some data capacity could also be allocated to provide closed captions more effectively, which is obviously a positive benefit for those who need to see closed caption television or multiple-language soundtracks. Again, in a number of countries around the world, at the press of a button you can access through your handset an English version of an indigenous-language program, particularly in Japan, for example. Digital enables that quality. Other program related data, such as sports scores and news headlines, could also be sent in this way. We are all becoming familiar with that type of service being available on the more advanced television sets.

The way that digital television is being used in Australia was quite heavily legislated by the Howard government. Purchasers of the new datacasting licences face heavy restrictions on what video content they can carry, while incumbent broadcasters have been forced to always carry the standard-definition television service, meaning that there is often insufficient space around in various places for high-definition television. The digital rollout is going to enhance our capacity to do that.

As time runs out, I want to turn to what is happening with the administration of the VAST system. There are significant problems in Western Australia with that problem—

The DEPUTY PRESIDENT: Order! Senator Johnston, the time allocated for this debate has now expired, so I will put the question that this bill be now read a second time.

Question agreed to.

Bill read a second time.

Third Reading

The DEPUTY PRESIDENT (13:50): The question now is that the remaining stages of this bill be agreed to and the bill be now passed.

Question agreed to.

Bill read a third time.

Financial Framework Legislation Amendment Bill (No. 2) 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (13:50): As I rise to speak, I should note that we have just seen the 12th package of bills guillotined in this place as a result of the government’s guillotine motion passed earlier in the week. Senator Edwards, I know, was extremely keen to speak on the Broadcasting Services Amendment (Digital Television) Bill 2012, but that right for him as a senator to speak has been denied, yet again. I just thought it important to note that as we commence this particular debate.

The bill before us, the Financial Framework Legislation Amendment Bill (No. 2) 2012, is probably one of the drier pieces of legislation which comes before this place. I see one of the clerks raise an eyebrow. I do appreciate that all pieces of legislation are equally scintillating for the
clerks. They can find beauty and elegance in each piece of legislation!

This bill seeks to make technical amendments to 21 acts across six portfolios. It forms part of an ongoing program of improving the financial framework as issues arise. The coalition supports in principle the program. This is the 10th financial framework amendment bill since 2004. It seeks to correct anomalies, add clarity and ensure consistency across government acts. It also aims to ensure that legislation is up to date and properly reflects actual and efficient financial practices. The program also seeks to ensure that financial arrangements are consistent with constitutional requirements. Some have suggested to me that this is tedious work. It may well have its arduous elements but it is nevertheless important work.

This bill is, as I indicated, broad in its reach, covering some 21 acts, but the amendments, although technical, are important and vigilance is required. We always have to be mindful of unintended consequences or inequitable outcomes, which is why it is important that all pieces of legislation, regardless of how innocuous they may seem, receive the scrutiny of this place. We obviously do not want to see changes that will inadvertently make people worse off.

The coalition has examined closely the amendments—Senator Cormann in particular has paid close attention to these. A number of amendments affect the agriculture portfolio. In addition, other amendments which have been closely examined relate to the validation of certain benefits under the Defence Force Retirement and Death Benefits Act 1973. They were made as a result of Commonwealth administrative breaches. There are also amendments proposed across various superannuation related acts—and I know that is an area of policy that you, Mr Deputy President, take a close interest in. These would put in place provisions for the Commonwealth to recover inadvertent overpayments in line with provisions under the Financial Management and Accountability Act 1997. Other amendments in the superannuation area would allow payments made between a recipient's death and the time when the Commonwealth is notified to be recoverable from the deceased person's estate.

There are also provisions under the Taxation Administration Act 1953 which would allow the Commissioner of Taxation or their delegate to make discretionary recoverable advance payments. This relates to benefits that may be in dispute but for which entitlement is likely to be established or re-established. This would only be applied if the Commonwealth were satisfied that the eventual costs associated with halting payments would be greater than if the advances were made. This is designed to require considerations of efficient, effective and economical factors in making payments consistent with the FMA Act.

In the agriculture portfolio, there are amendments which clarify the arrangements around Commonwealth support payments to industry bodies. These payments are subject to a limit of 0.5 per cent of an industry's annual gross value of production, known as GVP. They are based on data prepared by the Australian Bureau of Agricultural and Resource Economics and Sciences, ABARES. In practice, the most up-to-date ABARES data may not be available until after the payments are required. As a result, payments made could inadvertently exceed the 0.5 per cent limit. The amendments would allow for determinations to be made by 31 October. If the amount paid ultimately exceeds 0.5 per cent, the recipient body will pay to the Commonwealth an amount equal
to the excess. If an amount has not been determined by 31 October, the payment will be based on the industry's GVP from the previous year. The shadow minister for agriculture, Mr Cobb, has been consulting with relevant groups and organisations and no concerns have emerged.

In the agriculture portfolio again there are also amendments which put in place more efficient ways of recovering administrative costs associated with making payments to agencies. Under the National Residue Survey Administration Act 1992, there are amendments which align payment approval requirements with actual practice. The NRS is entrusted with monitoring for harmful residues in Australian agricultural products and is funded through industry levies.

In relation to amendments in the DFRDB and other areas of superannuation, it is important that the government commits to fully communicating any changes to scheme members—for example, the changes associated with provisions to recover overpayments for a deceased person's estate. The amendments under schedule 2 of the bill in relation to the DFRDB scheme, importantly, have provisions in place to offset debts owed by members as a consequence of previous administrative breaches.

The changes in this bill are obviously reasonable. There has been a genuine effort to improve the efficiency of the financial framework, and that is welcome. This bill is in nature technical. The work behind it, I am sure, has been forensic. I do say, however, that it is a pity that the good and hard work of the Commonwealth officers behind this bill and their diligence are not reflected by the executive government in its broader management of Australia's finances. You do, for instance, have a government that refuses to subject the $50 billion NBN project to a cost-benefit analysis and is prepared to risk $10 billion of borrowed taxpayers' money on speculative clean energy projects. I see Senator Whish-Wilson here in the chamber; that $10 billion program will be one of Senator Brown's legacies. It was part of the price that the Greens extracted from the government to support them and to become part of the formal governing alliance of Labor and the Australian Greens.

If I can provide Senator Whish-Wilson with any initial advice as he comes to this place it is that he learns from the mistakes of his immediate predecessor, Senator Brown. Senator Brown was someone who really had no regard for the value of a dollar, particularly a dollar compulsorily acquired from the Australian taxpayer. Every single dollar that is put to a purpose by the Commonwealth is an opportunity cost. If you spend a dollar on something it means that there is a more worthy cause that that particular dollar cannot be spent on. I hope Senator Whish-Wilson, with his background in finance, brings an economic rigour to bear in the Australian Greens, which has so far to date been absent.

The current government has demonstrated itself over its five years in office—it does feel a lot longer than that, I must say, not just for us on this side but for the Australian public as well—to be remarkably consistent in one respect, and that is in relation to profligacy. I well recall the former Prime Minister, Mr Rudd—who is, as we know, on the comeback trail; we will probably see him resuming that position in the not-too-distant future—when he was the opposition leader.

He was the official opposition leader rather than the Prime Minister's shadow, which he is at the moment. I remember at that time that Mr Rudd was at an ALP National Conference—Senator Evans will correct me if I am wrong—where, referring to the Howard government, he said, 'This reckless
spending must stop.' Now that was said against the backdrop of a government that had delivered 10 budget surpluses, a government that had eliminated $96 billion of Labor government debt, a government that had established the Future Fund and a government that had lived within its means. But let us just put all that aside for one second. Mr Rudd said, 'This reckless spending must stop.'

Also at that time Mr Rudd—and I remember the television ads with him standing in a bright room—said to camera: 'Some people call me an economic conservative. It is a badge I wear with pride.' And we were all meant to believe that Mr Rudd was just a younger, fresher version of Mr Howard. The Australian public were meant to believe that. Back then, we had Mr Rudd accusing the Howard government of reckless spending. We had Mr Rudd saying that he was an economic conservative—a badge that he wore with pride. He was misleading and deceptive to the Australian public. If the ACCC had jurisdiction over the comments of politicians—and I am not suggesting for a second it should—he would have been done for misleading and deceptive conduct, without a doubt.

We recall Mr Swan's first budget, where he stood up and proudly proclaimed that he was going to be delivering a budget surplus in, I think, excess of $15 billion. He also proudly proclaimed that the budget surplus as a percentage of GDP would exceed the target of 1.5 per cent that he himself had set for the government. As we know, the final budget outcome for the first financial year of this government was a deficit, and it has been followed by deficits every year since. This government has delivered four solid budget deficits and it is well on its way to delivering a fifth budget deficit. Mr Swan has forecast a budget surplus. It is a wafer-thin one. At best you would say it is a technical surplus, but there is absolutely no confidence in the community or on this side of the chamber that that budget will ultimately, when we see the final budget outcome in September next year, after the next election, deliver a surplus. There is no confidence at all that it will be anything other than another budget deficit. It is something that annoys me greatly, for a number of reasons. The first is that as someone who worked—

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! Senator Fifield, I draw your attention to the requirement to be relevant to the bill.

Senator FIFIELD: Thank you, and I am being relevant to the bill, because this bill is in relation to financial framework legislation. I am talking about the broad context of the financial management of this government. What frustrates me greatly in relation to this government's financial management—the broad financial framework, the grand architecture of this government's fiscal policy—is that the previous government worked extremely hard to pay off $96 billion of debt that was inherited. I know, because I worked on a Treasurer's staff. I saw how hard that was. I know, because I served as a senator during some of the time of the Howard government. I know how difficult it was to pay off that $96 billion and how it took the previous government the best part of a decade to pay off that money. It was done without any help from the Australian Labor Party. Every savings measure that was put forward was rejected. You would think that if you were responsible for racking up that debt in the first place you might feel some responsibility for actually repaying that debt. That did not happen, and already we are approaching a net debt of $145 billion. This government has already exceeded, in a little over four years, the debt that was accumulated under the Hawke-Keating
government. So that annoys me, because I know how hard it is to repay debt, and I tend use the rule of thumb that for each year of bad government it takes three years of good government to undo the damage.

Another reason the profligacy of this government annoys me is in relation to my own portfolio—disabilities. The parliament is united, I am pleased to say, on supporting the establishment of a National Disability Insurance Scheme. The Productivity Commission has estimated, on advice updated by the Australian Government Actuary, that there would need to be an additional $7.5 billion per year to eliminate waiting lists for supported accommodation, aids and equipment, and other things that people with disability need. In the Commonwealth budget $1 billion was allocated towards the National Disability Insurance Scheme, on which the Productivity Commission, over the forward estimates—the period that the $1 billion covers—recommended that $3.9 billion be spent. So there is a shortfall there.

The current government is forecast to spend, in the next financial year, above $7 billion on its annual debt interest costs. That means that if different decisions had been taken over the course of this government—if the government had not gone into deficit, if it had not gone into debt—there would be the funds to fully cover the resources required for a National Disability Insurance Scheme. I come back to a point I made earlier, and that is that for every dollar spent there is an opportunity cost. We see that most clearly with the $7 billion plus per annum being spent on the government's debt interest bill. Every dollar of that $7 billion plus is a dollar that is going towards absolutely nothing—not to a bridge, not to a road, not to a school, not to a supported accommodation place but to absolutely nothing. That is what that $7 billion plus a year buys you: absolutely nothing.

I know it is in vogue now to say that going into debt does not really matter, and of course there are occasions when Commonwealth budgets go into deficit. But as far as possible a government should live within its means. As far as possible a government should be a careful steward of each dollar of taxpayers' money, because there is a cost to not being a good steward. The government can find $10 billion for Senator Bob Brown's legacy scheme, a scheme that will pick losers. It is bad enough when governments try to pick winners, but this scheme consciously, deliberately, goes about picking losers. Government should make sure that it focuses on its core business. For me, the core business of government is to assist people who find themselves facing additional challenges for reasons beyond their control. That core business is compromised when governments are profligate, when governments waste the taxpayers' money.

I hope that the government can bring the same rigour, the same evidence based approach, that is shown in the Financial Framework Legislation Amendment Bill (No. 2) 2012 to its conduct and management of the Commonwealth's finances so that maybe they can achieve what Kevin Rudd wanted, and that is to be economic conservatives. I live in hope, but I will not be holding my breath.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:11): As I continue on from the remarks of Senator Fifield on the Financial Framework Legislation Amendment Bill (No. 2) 2012, it is interesting to note that, as we speak, our debt has just gone up by another $2.4 billion. 'That's not a problem! That's not a bad day in the office, that one, is it! We don't care
anymore! It doesn't matter.' It's all out of control, isn't it? They just do not care. Let us just work that out. About $300,000 would be a fair price for a house in a regional town. I imagine Senator Whish-Wilson would probably think that was around the money. That is 8,000 houses. We have just borrowed the money for 8,000 houses. The census tells us that there are about 2.3 people per house these days, so that is houses for about 18,400 people—a town or suburb. The government have just borrowed that. You people in the public gallery are going to pay it back. It is just out of control.

This is all about the financial framework. Any other business would start to tell you that that is a real problem. When you have got debts in excess of $233 billion, they would start to say that that is a bit of a problem. All we get from this government is that we are not as bad as Greece or Spain or Portugal. That is like walking around the graveyard and saying, 'That one is more dead than that one.' It does not matter anymore; it is just a figure. We keep on going down this path because the government have just got no competency whatsoever in financial management—none.

This is to do with superannuation. The Commonwealth superannuation liability, as we speak, is $139 billion. If the government use all the money in the Future Fund—they have got about $77 billion in the Future Fund—there will still be this massive discrepancy of unfunded superannuation liability. That is not added to the debt. That is not part of the $233 billion. That is on top of it. If any individual or any corporation did that, you would go to court. The government do not bother funding their superannuation liability. The only way you can fund your superannuation liability is to get a surplus, but they have not been getting surpluses; they have been getting deficits. The public superannuants around this town, Canberra, and other towns have a figure on a piece of paper saying what they are owed in super, but the government does not have the money in the bank to pay it.

While there is all the anarchy and madness that we see in the front of this government—the Mr Slippers, the Mr Thomsons, the getting rid of an elected Prime Minister and replacing him with another one, the being about to get rid of that one and replace her with another one—what is happening in the background is that the place is completely out of control as well and the finances are completely out of control. So, in talking about the financial framework that pertains to superannuation, we have to acknowledge the financial problems that this nation is getting itself into every week—and all we get are these oblique remarks. One of the ways that they are going to get money in the future is through the carbon tax. This is what they do when they run out of money. First of all what they do is create moral outrage and say, 'Outrage! You must feel guilt. You must assuage your guilt.' And how do you assuage your guilt? 'Well, you accept my premise for how we are going to cool the planet.' How they going to cool the planet? With a tax. It is so bleedingly obvious. That is how you cool the planet: with a tax! Didn't we all notice when they brought in the GST that the place got colder? But, of course, the tax had no effect whatsoever.

Why this is interesting and pertinent today is that, in this rolling fiasco of this circus of madness, today they have appointed to the Climate Change Authority, as one of the people who will instruct the minister to jack up the tax, a very interesting gentleman, a bloke by the name of Clive Hamilton. Clive Hamilton is going to be one of the instructors to the minister, to tell them to put up their tax. This Clive Hamilton has come up with some interesting things lately. One of the things that he has said is that he believes at
times that we have to dispense with democracy, because it gets in the way; that you have got a greater moral duty at times just to dispense with democracy. It is an interesting person for a democracy to appoint: a person who believes that you can dispense with democracy. He also believes that at times it is morally right to break the law for the sake of fighting the climate. And he is the one who will be making the recommendation to the minister to ‘take your tax up’ from what it would initially be—$23 a tonne. It is completely and utterly insane and way beyond where any other nation is at. It is an insane tax. You should not have it at all. He is the one that will make the recommendation that ‘to fight the climate, to fight the frost and to fight the fog we must increase it’. Of course, even in their own modelling they talk about taking it up to $131 a tonne. So a man who does not believe in democracy and a man who postulates that it is all right to break the law is probably going to be the same one who is going to start talking about jacking the tax up—to the point where whatever is left in the way of an economy will be quickly put out.

So here we are, as I speak, seeing that as Friday comes around $2.4 billion extra is borrowed. We could build the Toowoomba range crossing with less than that. We could build more inland rail with less than that—and that is just a week. There are so many things that we could do with that money. There are a lot of people out there. Think of the things that we could do for pensioners with that money, think of the things that we could do with the Defence Force with that money, think of the roads that we could fix with that money. People would crawl over broken glass to be able to get their hands on a budget like that given the things that they could do with it. But that money is just going out the back door at this point in time because they cannot make their expenditures match their revenues and so they borrow the difference week after week after week. So week after week, as we make our way merrily through the third debt ceiling and start heading our way to the fourth debt ceiling, we end up with a bigger debt than our nation has ever had in its history!

Take Queensland under the stewardship of the Labor Party. We now know after the latest audit, by the former Treasurer of Australia, Mr Costello, that he found that the Labor Party had basically misrepresented where our debt had got to and that in Queensland it was going to head to over $100 billion. Per capita the debt in Greece is about $40,000 per person. Now in Queensland it is in excess of $30,000 per person. And they say it is not a problem, there is nothing to worry about and there is nothing to see here! But it has all got to be paid back. We see New South Wales heading up to in excess of $70 billion in gross debt. South Australia have lost their credit rating. Queensland, by reason of the Labor Party, are going to get downgraded again. But it is not a problem and there is nothing to worry about!

That massive unfunded superannuation liability, in excess of about $62 billion as we speak, is nothing to worry about. It is all fine—all under control!

We do not know what is happening. We know, basically, that the Prime Minister no longer has the confidence of her caucus, that she does not have the numbers and that they are going to go back to Rudd. And they are arguing now about who the Treasurer is going to be—whether it is Shorten or Bowen. They cannot make up their minds.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Senator, just remember to address members of the other place by the appropriate title.
Senator JOYCE: Sorry—the Hon. Bill Shorten or the Hon. Mr Bowen. But they cannot make up their minds who the new Treasurer is going to be. Mind you, I must admit I have always believed that, if you are going to change the sheets, you change both of them. So, if the Prime Minister is going then the Treasurer has to go as well.

Senator Edwards: There are a couple of blankets as well!

Senator JOYCE: Yes, there might be a couple of blankets that have to go out the door with them! This is the absurdity of where we are.

It is going to be so hard to try and get the finances of this nation back on an even keel. It is not going to be even. As an accountant, I have seen this client before. The first thing this client always has is denial: 'There's not a problem. It's all under control.' You find they keep on going back to the bank. It is such a problem, they just keep going back to the bank. You always ask them: what do you think is going to keep happening if you keep going back to the bank? Do you think this goes on forever? You explain it to them. It is simple. What happens is that one day the bank says, 'Yes'; then it says, 'Okay'; and then it says, 'I'm concerned.' Then, one day, it gets to a point where it says: 'No, that'll do. That's it'.

Nobody has ever got to a really bad problem that they cannot fix without going through a problem that they could have fixed but chose not to. In the end the number becomes an irrelevance; it becomes a mathematical wonder because it is something you cannot possibly fix. One of the key signs that a person is going out the back door is when they start capitalising their interest payments so they borrow the money for the interest. Once they start doing that, it becomes kind of economic palliative care. Then you start making sure, as an accountant, that they pay you before they see you. Otherwise, you become another one of the debts that they cannot fix up.

The Australian Labor Party has lost control of the nation's books. Whatever they have to do until, basically, they lose an election, they have to do. It is a time where our major exports have been at the highest prices that they have ever been, a time that we should not be going out the back door— we should be absolutely up to the gunwales with cash. We should have huge reserves put aside. But we do not. They break every rule in the book. In their budgetary papers they have the expectation of a peak price, and the reality is that that is not going to happen, and therefore they are financing future debts with an income stream which is completely improbable.

How do we fix it up? If they are getting themselves into this much debt whilst we have a boom in mining resources, how on earth are we going to pay it back when it naturally peels back off to where it was? How will we fix it up then? Where is the money going to come from? Do you think that the world will just kindly look at us and say, 'Oh, we'll just keep lending you the money; we don't care'? Look at what is happening in Europe. In Europe, as I stated at the start of the year, they are going to split the economic sheets. The southern European economy is going to go in one direction and the northern European economy is going to go in the other. The reality for us is that the whole thing is going to peel off. The biggest market for China is Europe, not America. If that market goes into the doldrums, Chinese sales go down and therefore their demand for our commodities peels off. Prices then peel off—and we are getting the peel-off in prices now. Therefore, the capacity to pay our debt falls over. Obviously, our taxation revenues
peel off and we are stuck with this massive debt. So, where do we go?

You have to cut the cloth to fit the wearer. People who rely on government services, or who are the beneficiaries of government services, who live on the providence of the taxpayers' dollar, are the ones who will get hurt. Whether it is pensioners, whether it is those using the Pharmaceutical Benefits Scheme, whether it is public servants—they are the ones who get hurt because of the complete inadequacies and absolute hopelessness, total and utter incompetence, of a person to understand the basic business principles of being cautious, prudent, of banking the best and planning for the worst, of having provisions, of having money aside. But we have not done that. It all went, no matter what they say.

We have to look at what happened in the past. It is not going to be easy to pay back debt. The last debt the Labor Party left us was $105 billion in gross debt and $96 billion in net debt. I say those two figures to show you how close one was to the other. Sometimes we are led down this path. I can show you right now on the Australian Office of Financial Management web site—and for those listening to us, just type AOFM into Google and you will see your overdraft come up. It is in a box. You will note it is 233.4 as we speak. That is the gross. When they talk to you about net they can never actually explain how they get that number. They just tell you and they accept it. It is an acute number for them because they do not have to update it every week when they borrow more money. With that number, if you own $139 billion in superannuation, they say, 'We will take the money out of the Future Fund and basically pay off our debt with it.' That means your unfunded liability for superannuation just blows through the roof. It is absurd.

Sen. Boyce: It's the sort of thing a bankrupt tries.

Sen. Joyce: Yes, it is magic money. This is just so infuriating. I have been talking for years about where our debt has been going. Since then, it has not got better; it has got worse every time. I do not understand why this government does not get why we have got ourselves in such a bind. We now have, by reason of this debt, the lowest expenditure on defence as a percentage of GDP since 1938. You might say that we do not need that insurance policy. I suppose you do not need to have an insurance policy against your house burning down either, except when it burns down and then you do need it. We have put ourselves in this dire predicament. With this client called the government, we can see it is all starting to come unstuck. Everything is starting to rattle and the wheels are starting to fall off it.

Our Prime Minister is over in Rio somewhere. I do not know when she is coming back—maybe she is not. I do not know what is happening there. In the midst of all this chaos we have the former Attorney-General—good luck to him; I think he is an honourable person—asking serious questions that have to be answered about issues pertaining to the past. We did not put this on the agenda. The former Attorney-General of the Commonwealth of Australia has said that there are issues pertaining to the Australian Workers Union and funds that were—we do not know—misappropriated. Questions have to be answered and unfortunately they tie up to the current Prime Minister of Australia and her role at that point of time in the establishment of accounts that were used for the divestment of those funds. It is in the paper today: the front page of the Australian Financial Review. Where did it come from? Not from our side. It came from the Labor Party's side.
This is the chaos that has beset our nation. To improve the financial framework of where we are, to try to get the show back on the road, we have to make some changes now and then get to an election as quickly as possible. For the sake of our nation, not for the sake of the Labor Party or the Liberal Party or the Greens or the Nationals, we must take back control of these finances. You will only know that is happening when, instead of seeing the debt go up, you start to see the debt go down.

Senator BOYCE (Queensland) (14:29): The Financial Framework Legislation Amendment Bill (No. 2) 2012 is not a bill that we are intending to oppose; in fact, we support it in principle. This is the 10th bill designed to improve aspects of the financial framework under which the acts of Australia operate. In fact, the program of going about repairing the financial framework when issues arise has been ongoing since 2004 and therefore is something that was begun under Treasurer Peter Costello. This particular bill would amend 21 acts across six portfolios to regularise Commonwealth payments. In the main it is about overpayments and underpayments of funds to people who receive payments from the Commonwealth. Certainly in regard to nine acts there is provision for authority for the inadvertent overpayments of some benefits and for their recovery in line with the duty to pursue recovery of a debt under the Financial Management and Accountability Act.

Whilst we certainly do not object to this bill, whilst we support it in principle, we do of course suggest that there must be great vigilance exercised here, primarily because of this government's inability to implement or legislate its way out of a paper bag. The fact that we are actually here having this debate today demonstrates part of the government's inability to manage its schedules, to manage its programs and to manage its legislation. The fact that all week the number of speakers on each bill has been seriously curtailed by the government-Greens decision to apply a guillotine to legislation once again demonstrates that there is no reason for anyone to have any confidence in this government's ability to implement and legislate in a way that is actually for the benefit of the Australian people or not likely to cause them harm. It simply demonstrates their complete incompetence.

When you think about the cost of having this building operating today, the cost of having so many politicians here today, the cost of having so many staff here today, you realise that the government do not have financial management ability. That is what it comes down to. When Senator Joyce spoke earlier, he gave us a long list about the fact that, if they were a small business coming into the local accountant's office, he would put them in the basket-case category. That is where they belong. That is where they will end up. Unfortunately, it cannot happen soon enough.

I am constantly bemused by their attitude of: 'Why aren't people in Australia happier? You've never had it so good.' Apart from anything else, that is a complete and utter falsehood, perpetrated by Treasurer Swan, who dishonestly persists in claiming that the economy is wonderful and not making the point that, if you are in manufacturing, if you are in tourism, if you are in retail or if you are in the construction industry in any way, you are probably doing it tough.

I watched Treasurer Swan smirking his way through his announcement about the improved GDP figures a week ago. At the same time, within a couple of hours of that, I had had news of two young men who had lost their jobs that day. One worked as a flooring contractor in a company that relies
completely on the housing industry being buoyant. It is not. Has anyone noticed that the housing industry is a disaster at the moment? The other one worked for a small business that relies on the retail industry to survive, and he was a deputy manager. The owner of the business could no longer afford to employ him. The owner of the business had been waiting and waiting for the wonderful world that Treasurer Swan is promising but could no longer afford to keep this guy on. In fact, as the owner of the business is currently not making a profit and has not done so for some months, it is quite possible that the business itself will have to close. Yes, it is all very well to talk about the pain of restructuring, but for this government to sit and smirk and carry on and try to pretend that everything is all right for everybody is dishonest. But why would we be worried about the government being dishonest when they have been dishonest since the day in 2010 that they came into existence? They have been dishonest and awful.

The reason that most Australians are not leaping with pleasure over the state of the economy, despite all those wonderful markers that suggest they should be, is that life is not just about the economy. Life is also about having a government that you can trust and a government that performs. I spend a lot of time with people who ask me, some of them quite aggressively, 'When are you going to get rid of that government?' People hate the Gillard government. They do not trust it and they have now got to the stage where they expect it to behave dishonestly. They are completely cynical about politicians, about government and about the ability of Australian MPs to perform in a way that they see as being in the public interest. So it is no wonder that despite the best efforts of Treasurer Swan—despite even the Reserve Bank governor Glenn Stevens talking about the glass being half full—Australians see the glass as being half empty. Because it is not just about where you live; it is about how you feel, how proud you feel of your country and the way it functions, and right now Australians are ashamed of their government, completely and utterly ashamed of their government.

Senator Edwards: And tuned out.

Senator BOYCE: And yes, as Senator Edwards points out, they are tuned out because they would rather not know about it. They simply do not want to know about it.

In that context, whilst we certainly support this legislation, we are very concerned that we continue to be vigilant about how this legislation transpires, given that some of the amendments here relate to the area of superannuation, under ComSuper, and that the legislation overall seeks to correct anomalies, add clarity and ensure consistency across government acts. It aims to ensure that legislation both is up to date and properly reflects actual and efficient financial practices, and it also seeks to ensure that financial arrangements are consistent with constitutional requirements. As the member for Goldstein said in the second reading debate:

It is tedious work, but it is important work.
And that is absolutely right. It is work that is painstaking; it needs to be done with great accuracy and care. So of course we are concerned about this government's ability to legislate it properly, implement it properly and then undertake it properly. We have to be very mindful of unintended consequences and equitable outcomes. You would think that that would be something you would simply keep an eye on if you trusted the government that was doing it, but people do not trust this government so it is something that we have to watch like hawks.
There are some examples given of how the changes will affect people, and I would like to mention some of these in the time that remains to me. I will be curtailing my remarks because I know that, even with me speaking briefly, there are at least three other speakers who will not have the opportunity to speak. So I will be cutting my remarks short, but I would just like to tell you about some of the examples that have been given in the explanatory memorandum of the types of situations that might arise. One of the examples is of a discharge of a Commonwealth liability. It says:

Kath is the recipient of a $100 recoverable advance in the 2012-13 year as a result of an identified error in an interest on overpayment calculation. She lodges her income tax return in July 2013—

and is entitled to a refund of $500. The tax office then says, 'Ah, but Kath owes us $100,' and she receives a refund of $400—certainly a very efficient administrative way of going about things if it works and if Kath, the woman in the example here, is aware that that is what is going to happen. If she is not aware that that is going to happen then she may be left in a difficult situation when she spends what she expects to be her tax refund and receives less.

One of the examples that concern me relates to Defence Force veterans, widows and the like. Under this legislation, it has been made simpler for the government to seek to reclaim payments that are made to recipients in the time between when the recipient dies and when the government body is notified of that recipient's death. So we have a time when payments are made and when the person who is to be paid is no longer alive. I would be very, very concerned about how tactfully and sensitively that is handled. Of course it is reasonable for the government to reclaim payments that are made to people who no longer exist, but it is such a difficult and fraught area for people around them, who in most cases may also be recipients of benefits themselves. So this would certainly be an area that must be done very, very sensitively.

The last case I want to talk about is the recoverable advances that are made in conjunction with other payments. The example given here is that in 2009 a batch of about 228,000 co-contribution payments that were valued, all up, at about $43 million had been processed with an error in the calculation of the interest attached to 1,165 of those payments. The error was worth about $17,000. Of course, within that whole framework it would cost more to try to get the money to fix the error than to allow the error to stand and therefore for the ATO to receive about $17,000 less than it might otherwise have received. Even though it would have been more efficient and effective to allow the payments to proceed, without the recoverable advance legislation that is now going through there was a risk that the ATO would in fact be non-compliant with section 83 of the Constitution. So the proposed changes here would let the tax commissioner allow payments like that to proceed, with the excess amount then being treated as a recoverable advance if it were worthwhile to proceed with that on that basis.

Whilst, as I said, the coalition supports this legislation in principle, we continue to be concerned, and the Australian people are concerned, about this government's ability to implement its legislation in a way that is in the public interest. So I ask that vigilance be completely maintained on this.

Senator EDWARDS (South Australia) (14:44): I must protest, Mr Deputy President, that this is the third time—third time lucky—that I have tried to speak today, and I have eventually made my way. There
were some bills this morning that I was keen to speak on to support my colleagues in their views. However, I have been denied this opportunity. I again look at Senator Whish-Wilson over there—our newest senator elected to this place—who has taken his seat today. He must wonder what he has walked into. We have two weeks of sitting in which 36 bills will be guillotined. I look at the people in the gallery and I ask: is democracy served? No, it is not. Do we want to have a say? Absolutely.

I rise to speak on the Financial Framework Legislation Amendment Bill (No. 2) 2012. This bill looks to make technical amendments to 21 acts across six portfolios, constituting part of a continuing program of reforming the efficiency of the financial framework as issues arise. The coalition does support these reforms in principle. This is the 10th financial framework amendment bill since 2004. This bill is designed to rectify inconsistencies and further clarify and remove anomalies across government legislation. In doing so, it will seek to keep legislation up to date with current and efficient financial practices. It is totally consistent with constitutional rigour.

This bill contains 140 items of amendment—and, understandably, I will only talk on some of them. This is one of the few bills the government has introduced to make legislation simpler, more efficient and less burdensome for those working underneath it. It is a sad reflection on this government that they have not taken this approach with more of their legislation and programs they have foolishly embarked upon. The government promised a one-in-one-out approach to new regulation. As we all know, however, this government is all talk and spin and very little action. In reality, 18,089 new pieces of legislation have been introduced and just 86 items repealed—86 items of the 18,089 new pieces of regulation.

This is a government, in conjunction with the Greens, that just want to come and live in your homes. They want to dictate how you live your life. Make no mistake all of you who are listening to this: we should be vigilant in ensuring that this does not continue to occur. Take, for example, the financial advice bills that came before the Senate earlier this week. I had planned to speak on those bills but was unable to because the government, in collusion with the Greens up there, right under your noses, gagged the debate on those bills as they have done for most of the bills this week. The FOFA bills are a good illustration of the government’s bungling of financial legislation. Certainly doing business has become a lot harder and more complex in Australia. That legislation will lead to increased costs and reduced choice for Australians seeking financial advice—a poor outcome for Australians badly bruised during the financial crisis, when a number of high-profile Australian financial service providers collapsed.

In the one minute I have left I will move to some concluding remarks. While the coalition offers in-principle support for the reasonable changes contained within this bill, we believe there has been a frank attempt to improve the efficiency of the financial framework. As I said, it is a shame the government has not been as studious with the other pieces of legislation. Of course, being a Labor government in power, it cannot resist introducing new regulations and more red tape—this despite another top-level talkfest called by the government to reduce red tape only a week ago in Brisbane. More regulation is part and parcel of the Labor Party’s DNA. The Labor Party takes too much notice of vested interests and has its own financial reasons for wanting legislative changes.
The DEPUTY PRESIDENT: Order! The time allotted for consideration of this bill has expired.

(Quorum formed)

Question agreed to.

Bill read a second time.

Third Reading

The DEPUTY PRESIDENT (14:52): The question now is that the remaining stages of this bill be agreed to and the bill be now passed.

Question agreed to.

Bill read a third time.

Migration (Visa Evidence) Charge Bill 2012

Migration (Visa Evidence) Charge (Consequential Amendments) Bill 2012

First Reading

Bills received from the House of Representatives.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (14:52): I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (14:53): 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—

MIGRATION (VISA EVIDENCE) CHARGE BILL 2012

The Migration (Visa Evidence) Charge Bill 2012 is the principal bill in a package of two bills which will enable the government to impose a charge for the production of visa evidence. The visa evidence charge is the first of a series of new visa related charges to be implemented under the Visa Pricing Transformation program. The Visa Pricing Transformation program restructures the way in which visas are priced.

The visa evidence charge will reduce the administrative burden on the Department of Immigration and Citizenship associated with processing hard copy visa evidence. The visa evidence charge will also allow for greater cost-recovery for these services and will generate additional revenue.

The Migration (Visa Evidence) Charge Bill 2012 imposes a charge in relation to requests for visa evidence and establishes a charge limit of $250 for a request made in the financial year ending on 30 June 2013. The Bill also provides a mechanism for this amount to be indexed in later financial years.

The Migration (Visa Evidence) Charge (Consequential Amendments) Bill 2012 is the second bill in this package and will make amendments to the Migration Act 1958 to implement the visa evidence charge.

Currently, Australia does not require visa holders to have hard copy evidence of their visa, however, clients are still provided with the option of being given evidence if it is necessary for them to have evidence to transit or exit another country, or if they make a personal decision to obtain such evidence. Visa holders will continue to have the option to request evidence of their visa, however, once the amendments in this package of bills commence, visa holders will be charged for this visa evidence, unless an exemption or waiver applies, or there are circumstances where the visa evidence charge is nil.
The key elements of the visa pricing transformation include a move to a 'user pays' model. The Visa Evidence Charge component of the Visa Pricing Transformation program will discourage reliance on visa labels by immigration clients and foreign officials and encourage the use of electronic systems for validating a non-citizens right to enter Australia.

Although most non-citizens are not required under Australian law to have a visa label as evidence of their visa status, many visa applicants apply to have a visa label issued at the time of grant or post-grant. Eliminating the perceived need for visa labels is a priority for the government as currently one third of visas granted each year are evidenced. In 2011, 455,000 Visa labels were issued onshore and 910,000 offshore totalling 1.365 million visa labels issued over calendar year 2011. Issuing visa labels is the highest volume service undertaken at immigration client service counters both in Australia and overseas. Imposing a service delivery charge as a pre-requisite to having a visa label, or other non-electronic evidence issued, is intended to compensate for the costs associated with delivering that service and encourage Immigration clients to travel without a visa label.

Changing client and stakeholder behavior to recognise the validity of electronic confirmation of a person's visa is the primary driving force behind the introduction of the Visa Evidence Charge. Visa Entitlements Verification Online (VEVO) or Advance Passenger Processing systems in the case of airlines and border agencies will reduce overheads for the department and reduce the risk of fraud. A number of business process based initiatives have been tried to reduce the use of hard copy visa labels in recent years, but in the absence of a price disincentive these have had limited success. As part of the Visa Pricing Transformation program, work will be undertaken to improve the online entitlements verification service and educate clients about the ease of travelling without a visa label.

The Department of Immigration and Citizenship conducted detailed modelling which has confirmed that the new visa charges including a charge for visa evidence will have a minimal impact on the education, tourism and employment sectors and Immigration clients as visa demand has been shown to be unrelated to the cost of the visa or the cost of visa evidence.

To complement the modelling conducted by the Department of Immigration and Citizenship, the Department of Foreign Affairs and Trade sought views from Australia's overseas missions, as well as conducting assessments of how the proposed changes would be received by host governments. Feedback received from posts revealed that the price restructure would not compromise Australia's international competitiveness and rightly emphasised that foreign government reactions to the changes will need to be managed and pre-empted through high-level engagement in advance of introduction of the new pricing schedule. This engagement is currently underway.

In summary, this package of bills will enable the government to impose a charge for the production of visa evidence. The Visa Evidence Charge will encourage clients to reconsider their need to have a visa label. The department's modelling has confirmed that the visa evidence charge will have a minimal impact on the education, tourism and employment sectors and Immigration clients as visa demand has been shown to not be affected by these changes. These changes are a component of a larger strategy that will ultimately reduce the administrative burden non-electronic visa evidencing imposes on the Department of Immigration and Citizenship and will eliminate the current financial burden visa labels impose on the Australian taxpayer.

MIGRATION (VISA EVIDENCE) CHARGE (CONSEQUENTIAL AMENDMENTS) BILL 2012

The Migration (Visa Evidence) Charge (Consequential Amendments) Bill 2012 is the second bill in a package of two bills which will enable the government to impose a charge for the production of visa evidence. This new Visa Evidence Charge is the first of a series of new visa related charges to be implemented under the Visa Pricing Transformation program. The Visa Pricing Transformation program restructures the way in which visas are priced.
The visa evidence charge will be imposed by the principal bill, the Migration (Visa Evidence) Charge Bill 2012, which enables a charge to be payable for the production of prescribed evidence of a visa. The Migration (Visa Evidence) Charge (Consequential Amendments) Bill 2012 completes the package of amendments needed to implement the visa evidence charge.

This Bill amends the Migration Act to enable a visa holder to request to be given a prescribed form of evidence, and requires a person who makes a request for visa evidence to pay the visa evidence charge. If a visa holder makes a request to be given visa evidence and pays the visa evidence charge, the officer must give the visa holder this evidence.

The amount of the visa evidence charge will be prescribed in the Migration Regulations and will be subject to the maximum charge limit set out in the Migration (Visa Evidence) Charge Bill 2012. In appropriate circumstances, the visa evidence charge may be nil.

The Bill will also insert regulation making powers to allow regulations to be made to specify different amounts of visa evidence charge for different forms of visa evidence, different classes of visas, different methods of payment, where the person elects to have the request dealt with expeditiously and for requests made in different circumstances.

The regulations will also prescribe the circumstances in which the visa evidence charge may be waived, refunded or remitted, as well as specifying those persons who will be exempt from the charge.

Debate adjourned.

**National Water Commission Amendment Bill 2012**

Returned from the House of Representatives

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

**AUDITOR-GENERAL’S REPORTS**

Reports Nos 47 and 48 of 2011-12

The DEPUTY PRESIDENT (14:53): In accordance with the provisions of the Auditor-General Act 1997, I present the following reports of the Auditor-General:

No. 47—Performance Audit—Small business superannuation clearing house: Department of the Treasury; Department of Human Services; Australian Taxation Office.

No. 48—Performance Audit—Administration of mental health initiatives to support younger veterans: Department of Veterans’ Affairs.

**ADJOURNMENT**

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (14:54): I move:

That the Senate do now adjourn.

Middle East

Senator MOORE (Queensland) (14:54):

Two weeks ago in my office I was visited by Khalil Hamdan, an Australian citizen and a good friend of our community over many years. He is originally from Palestine and is now living in Brisbane after many years of living in exile from his home country. Khalil and two of his supporters who work very closely looking at the issues around Palestinian-Israeli relationships came to see me because they were particularly concerned about Khalil's brother-in-law Ridha Khalid, who was taken from his home and arrested, in front of his wife and two children, in May this year by soldiers from the Israeli army. His wife, Weam, is the sister of Khalil Hamdan. She contacted her brother in great distress. Mr Khalid's sister described the arrest of her husband. She said:

25-30 Israeli soldiers, young men and women, broke into their small two bedroom unit at 3 am
in the Camp No.1 refugee camp in Nablus, Palestine. They smashed down the door and took Ridha away for no reason and we don't know why he was taken from us. After they took him away they asked Weam to get out of the unit with her two small children and then these young people in Israeli army uniforms proceeded to destroy everything in their small home—furniture, electrical appliances, including the children's computer and all the kids' school books.

I cannot even imagine what that would mean to young children, watching this happen to their home, even young children who have grown up in a refugee camp in the occupied areas of Palestine. The kids were waiting and wondering what was happening around them.

Not content with the destruction of those physical things, it is alleged that the soldiers then took all the food from the refrigerator and cupboards and spread it around the floors and the walls. They removed pictures from the wall and smashed them. This happened in front of young people and the neighbours knew that something had gone wrong. This woman, with her two children, had nowhere to turn. The next day she was able to contact her brother in Australia and talk to him and say, 'We need help. We don't know what has happened to our father.'

Under the current system in Palestine, the administrative detention process, people can be taken from their homes without formal arrest and imprisoned. Lawyers can then apply to a military occupation court for the release of the person who has been removed only after that person has been formally indicted on some charge and then served a period set by the court. Lawyers can visit but they cannot represent or counsel prisoners who are being held without charge. The important thing about this visit I had from my constituent is that Ridha has not been charged. He has just been taken away under charge by soldiers.

It is not the first time that Ridha has been arrested. This is causing particular concern to his family and friends because, the last time he was arrested, he was held for quite a long time. He was treated badly, according to statements that he has made internationally about what occurred, and only then released because of public outrage and also by work undertaken by an Israeli Women's Peace Group. They are a wonderful group of women who have been working for many years to establish peace so there can be a change in this part of the world.

Also at that time, Australian family and friends got involved in a public campaign to ensure that this man could be released. That happened before. So naturally the concern is great amongst the family and friends to see what will now happen to him.

We need to ensure that there is clear understanding about what people's rights are in this area. Nobody knows for sure what is happening to the people in this area, but the international community knows that what is going on there is wrong.

There has been great international outcry. The session of the UN Committee on the Elimination of Racial Discrimination in 2012 concluded that Israel's policies in the Occupied Palestinian Territory—they used this term, which makes me feel chilled to the bone—are tantamount to apartheid. Additionally, this committee determined that many state policies within Israel also violate the convention on human rights. They argue that the United Nations Committee on Economic, Social, and Cultural Rights as well as the Human Rights Committee have held that human rights law must be applicable to the occupied territories. In its advisory opinion on the legal consequences of the construction of a
wall in the Occupied Palestinian Territory, the International Court of Justice also affirmed that human rights law and specifically the fourth Geneva convention should be applicable to the occupied territories. Israel maintains internationally that occupation law, as set out in Geneva convention IV relative to the protection of citizens in time of war, is applicable only as a matter of discretion and not law. This has been disputed internationally and we have reams of paper and hours of debate that talk about the issues around human rights in this area. But it is most important, when we are talking about international conventions, when we are talking about law and when we are talking about the impact on individuals, that we remember that we are talking about people. We are talking about fathers, brothers, sons, sisters, wives. Sometimes in this overwhelming debate we lose the personal pain and we lose the personal story.

I think that is why I am most particularly keen this afternoon to talk about the impact on Ridha Khalid, who is a worker, working for the United Nations. He has held down this job for many years. He works within his community and is seen as a community builder. So the impact on the neighbours and the community of seeing this man being taken, without being charged, from his home in the middle of the night is much worse. It gives the message to the people in this area, people living under occupation and in refugee circumstances, that no-one is safe.

Recently we have seen the case of the young soccer player, Mahmoud Sarsak, which again attracted international reaction. He was also taken into custody by the Israeli government and held for a long period without trial. He was taken in July 2009 and was only released recently. There was an international campaign to personalise the process, to tell Mahmoud Sarsak's story and to explain what he had done in his community, his immense talent as a soccer player and also the impact that sport could have in rebuilding Palestine. It was by telling that personal story that the issues of justice could be brought both into the international area and into individual discussion.

In the coverage of the release of Mr Sarsak last month, the New York Post, which has been covering the cases for a long time, made direct comparison with the case of Palestinian activists such as Mahmoud Sarsak and the outrage in the explanation around the release from China of political activist Chen Guangcheng, who was released from Chinese arrest on 19 May. The New York Post commented on Chen's detention and said:

The 40-year-old, blind activist said that his lengthy detention—
of seven years—
demonstrates that lawlessness is still the norm in China.

"Is there any justice? Is there any rationale in any of this?"

Those same words, replacing the issue in China with the issues in Palestine, could be put out into the international agenda.

Terrorism, occupation, fear and unfair arrest are not peculiar to one area. We need to ensure that human rights are protected across the board and not brought down in a kind of selective way, that human rights in one area are not more important than in...
others. We continue to ask questions about Ridha Khalid; we have gone through our government and also the UN. We are still awaiting information from the Israeli government. But this kind of action cannot be considered right in any case. We bring the case to attention. Maybe we can get some international action around Ridha and around all the other people who are held in detention in Israeli prisons.

Before I finish I would like to congratulate the Deputy Clerk on his service to the Senate and to acknowledge 20 years of service to, I believe, over 195 senators since he started in this place. Thank you.

The PRESIDENT: I endorse those comments and I call on Senator Boswell.

**Marine Sanctuaries**

**Senator BOSWELL** (Queensland) (15:04): Mr President, as you would be aware, less than a week ago Mr Burke produced maps of the marine bioregions that encompass Australia—3.1 million square kilometres that go right around Australia. Within the boundaries of those marine bioregions, there will be no-take zones, there will be banning of trawling on all zones and there will be no fishing in the green zones. As I predicted when the announcement was made, there have been no declarations of the bioregions yet; there are 60 days to go. I am pleased that Senator Faulkner is in the Senate, because he is an old warhorse and he will be able to pick up the danger signals straightaway. I predicted there would be a fight-back. Senator Faulkner made fun of me yesterday when I said the battle of the Coral Sea would begin.

**Senator Faulkner:** I didn't think that was an appropriate analogy.

**Senator BOSWELL:** Well, it has begun, Senator Faulkner, whether it was appropriate or not. If I have offended you, I apologise, but it has begun. In today's *Australian*, there was a half-page ad taken out by the Boating Industries Alliance Australia, who represent a huge number of people—I think it is about 34,000 people—that work and get their living in the marine industry. Outboard Engine Distributors Australia and the Australian Marine Engine Council, who represent the outboard motor industry, which employs many thousands of people; the Cairns Professional Game Fishing Association, which is only relatively small, with about 50 boats; Flightech, who do the spotting for the fishing; East Air; Tackleworld; and the Australian Marine Alliance. Combined—all those organisations represent a huge number of boaters and a huge number of people that get their living from selling boats. That is only the commercial arm of the marine industry.

There are five million amateur fishermen, who are represented by the amateur fishing lobby, and they are already advertising in the fishing magazines in a campaign called 'Don't lock us out'. That will be run, I presume, in all the mainstream press. You can see the coalition of forces that is starting to build up. One thing I have always learnt is: never stand between a blue-collar worker and his fishing. You will get run down every time. These blue-collar workers can swing between the Labor Party and the coalition, and one thing they are very, very concerned about is their fishing. The Australian Recreational Fishing Foundation has come out very, very strongly. It has said: … the Government has recently approved access to a huge foreign industrial-size commercial fishing vessel the likes of which this country has never seen before, yet Mum, Dad and the kids will be "banned" from trying to catch a fish!

"Recreational anglers face being locked out of … a number of inshore iconic fishing spots such as Osprey Reef in the Coral Sea, Geographe Bay, Perth Trench and Dampier.
It is a brave, brave government, or a stupid, stupid government, that will take on this combined coalition of all the marine industries, the commercial fishing industry, the boating industry, the outboard marine industry and the tackle industry—every one of those shops. Tackleworld represents 48 retail shops, with approximate turnover of $70 million, and employs about 300 to 400 people Australia-wide, and they believe they will be directly impacted by the proposed marine parks. Every one of those shops will be a campaign office against the Labor Party. They will be there signing up petitioners and handing out anti marine bioregion literature. And it will not be only them. Rod Tweddle represents the marine industry in Western Australia—big yachts, charter boats, super yachts. They are not big in number but they are pretty influential, and they also will be campaigning against the marine bioregions. And there are many others. There is Sunfish. Sunfish represents 45,000 marine amateur anglers. So you can see that the coalition is growing and growing and growing.

When Mr Burke put down the final map, he said, 'Where to now? Shall we continue?' and I said, 'Why don't you go and ask your colleagues in marginal seats whether you should continue or not?' We will know whether the government wishes to continue—after 60 days the final declarations will be laid down. There are so many questions unanswered here. How are these adjustments going to be funded? There is no money in the budget. What is the method of adjustment? There is no socio-economic impact statement put out. But there should be. Before these declarations are made, there should be a socio-economic impact study of the towns and the processes. No-one knows whether the processes are going to be picked up in the adjustment. No one knows whether the boats, the licences or the nets are going to be paid. Or is it just going to be 'We'll pay you a percentage of the fish that you catch'?

This could have all been answered had the government and the Greens not combined yesterday to block the Senate inquiry. As I said yesterday, if the government is proud of the marine bioregions, and if they believe in them, they should have allowed a Senate inquiry that would allow these questions to be answered. People affected by the closures would have had the opportunity to come down and put their case before a Senate inquiry. That would have given us the opportunity to find these matters out. But we are flying in the dark. No-one knows, no-one can be told. There is no management plan; there is nothing—they just put down some new maps and in 60 days the declarations can be made.

Senator Faulkner, you and I share different political opinions, but we have been around here long enough to know that, when the red flag goes up, you watch it. I am warning you that this is not a winner. You are on a hiding to nothing with this. The Greens may want it. It may be part of their agreement to go into government with you: 'If you want to be a government, you have to make these marine park closures.' Well, if I were you I would go to them with my hat in hand and say: 'Please don't insist on this. You're going to kill us.' You are going down because you are losing the blue-collar workers—the Greens are going up and you are jammed fairly in the middle. Are you gaining progressives? No. The Greens are gaining your progressives. And the coalition is gaining your blue-collar workers. Why do we have to have 70 per cent— (Time expired)

Tobacco

Senator FAULKNER (New South Wales) (15:14): On 31 May this year there was the celebration of World No Tobacco
Day, and the theme for this year's event was tobacco industry interference. According to the World Health Organisation, this year's campaign focused on the need to expose and counter the tobacco industry's brazen, nefarious and increasingly aggressive attempts to undermine the World Health Organisation Framework Convention on Tobacco Control.

Recently, at the 15th World Conference on Tobacco and Health, in Singapore, the World Health Organisation's director-general, Margaret Chan, applauded Australia's determination in fighting tobacco industry intimidation. She urged the world to stand shoulder to shoulder against the tobacco industry's attempts to intimidate and overturn Australia's new path-breaking tobacco control laws. She said:

'We must make plain packaging a big success so that it becomes the success of the world.

The Cancer Council of Australia and the Heart Foundation have advised that tobacco kills over 15,000 Australians every year, and is widely recognised as the single largest cause of illness and premature death in this country.

The World Health Organisation have advised that the global tobacco epidemic kills nearly six million people each year and that if we do not act now we will kill up to eight million people by 2030, of which more than 80 per cent will live in low- and middle-income countries. World Health Organisation figures have indicated that, while tobacco consumption is decreasing in some high-income and upper-middle-income developed countries, consumption of tobacco products globally is still increasing. Unfortunately, evidence suggests that tobacco is still a growth industry in developing countries.

Senators may have seen the distressing report on smoking amongst children in Indonesia on the ABC's 7:30 program this week. The report highlighted the fact that as smoking rates shrink in wealthier Western countries the tobacco industry is shifting their focus to countries like Indonesia, leading to a massive increase in smoking rates even among children. The report described the story of Hadi Ilam, an eight-year-old Indonesian boy who has been smoking for four years, and also his and his family's struggle to get cigarettes out of their lives. Matthew Myers from the Campaign for Tobacco-Free Kids said in the report:

'Indonesia faces a public health tragedy from smoking that's probably as great or greater as any nation in the world. With so many children starting, they're facing a true epidemic. Countries like Indonesia, with weaker tobacco regulation and standards of public health, are an easy target for profit-driven and greedy tobacco companies, and when governments attempt to get on the front foot against big tobacco they often find themselves in court.

The theme of this year's World No Tobacco Day highlighted the fact that, as many countries, including developing countries, move to meet their obligations under the Framework Convention on Tobacco Control, big tobacco is aggressively undermining and attacking these new tobacco control initiatives. As the World Health Organisation Director-General puts it: 'The industry is stepping out of the shadows and into the courtrooms.' The tobacco industry is desperately waging war on governments who seek to protect their citizens by working to create smoke-free work and public places, who are working to inform the public of the disastrous health implications of smoking and passive smoking and who seek to ban tobacco advertising, promotion and sponsorship.

The Australian government is currently being sued in relation to its plain packaging
laws under a bilateral trade agreement with the Hong Kong Special Administrative Region. We are also being sued in domestic courts by the tobacco industry. I am certain that the Australian government will defend itself vigorously, but let me assure you that Australia is not the only country currently defending its citizens from tobacco companies in the courts. Norway, Turkey and Uruguay are also currently battling tobacco industry lawsuits in their national courts. It is my view that these lawsuits are not just an attempt by the tobacco industry to protect their lethal products and their profits but also a deliberate attempt to intimidate other countries seeking to introduce stronger tobacco control measures.

But the fight against the tobacco epidemic is not solely the responsibility of governments. I was heartened to read in the Macarthur Chronicle on 29 May that the Tharawal Aboriginal Corporation was marking World No Tobacco Day by staging an event featuring fun and educational activities teaching people about the harmful effects of smoking. Events like these are especially important given the high rates of smoking in Indigenous communities around Australia. On World No Tobacco Day the World Health Organisation urged countries to put the fight against tobacco industry interference at the heart of their efforts to control the global tobacco epidemic. I strongly support the World Health Organisation in their endeavours. I congratulate the World Health Organisation for their efforts to eradicate these insidious and deadly products from people's lives.

I conclude my remarks by joining with my colleague Senator Moore on this Friday afternoon in commending the Deputy Clerk of the Senate for his meritorious two decades of service. I have no doubt he will be very relieved when I sit down so he can go home and celebrate.

**Rural and Regional Health Services**

**Senator FAWCETT** (South Australia) (15:24): Appropriation Bill (No.5) 2012 came before the Senate this week and I had hoped to make some remarks on it. The role of the Senate is to act as a house of review and to hold the government to account for the legislation it passes, particularly in the important area of appropriations, which is the spending of taxpayers' dollars. Unfortunately the government, in partnership with their coalition partners the Greens, have chosen to guillotine debate on a large number of bills this week, including important bills such as appropriation bills.

This bill includes a provision that the government will provide the Department of Health and Ageing with an additional $44.1 million to support increased payments in 2011-12 for primary care financing, quality and access, and rural health services. I have no concerns with the government providing more money to health, but I do have a concern with the fact that rural health in particular is not adequately funded. Not only is it not adequately funded but the government is not listening to people working in rural areas about what is and what is not working. I accept the fact that no government will ever be able to fund everything that everyone wants, but with the money available surely there is an imperative for people to listen to those working on the ground and to understand what is not working and change it, and understand what is working and reinforce it with the money that is available.

The National Rural Health Alliance estimates that the actual deficit in funding rural health requirements is in the order of $2.1 billion. That group highlights a range of other inequities, but in terms of the budget that is the quantum, that is the magnitude, that we are talking about. The government
has responded with a number of initiatives and plans—for example, the National Strategic Framework for Rural and Remote Health. On the surface that sounds good, except for the fact that, again, it does not actually take into account what rural health practitioners in communities are telling them. You have to question whether all the money placed into developing that framework, if it is not taking account of what is happening on the ground, is money well spent.

Take, for example, the Australian standard geographic classification of remoteness areas. This is the system this government has chosen to use to decide on the payments and benefits with which it will reward doctors for choosing to go and live in rural and remote communities. Unfortunately the system does not work. We have just recently had a Senate inquiry into rural health and the incentive payments that have been made, and witness after witness after witness—practitioners, professional associations and communities—identified the fact that the classification system does not work. The small town of Eudunda in South Australia was classified 5 under the old RAMA system, which is fairly remote. It has a population of around 640 people. Under this government's current system, it is RA2, which is considered inner regional. Hobart, on the other hand, with a population of 212,000, with hospitals and universities and high schools and a range of other facilities, under the old system was RAMA1—quite well developed and well resourced—and under this system has exactly the same classification as Eudunda. Places like Townsville, again with universities and hospitals and high schools, are considered to be more remote than Eudunda. Is it any wonder that the system is not working as intended in terms of attracting and providing incentive for medical professionals to go and support rural communities? Dr Paul Mara from the Rural Doctors Association said during the inquiry:

Quite clearly, there is a major disconnect between what the Government and its health bureaucrats are portraying as a classification system that is working well, and what the procession of witnesses at this inquiry reported. The government needs to listen to those working in the field if it is to spend taxpayers' money wisely. Take, for example, the superclinics. In South Australia the GP Plus Super Clinic at Modbury cost around $25 million, and it opened in 2010 with no doctors. The provider that had contracted to run it had to withdraw. GP Solutions, the second provider, has also had to withdraw. Yet, just down the road there were quite viable existing GP practices. Overall that program has cost the government $650 million, and often existing services that were working well have been duplicated. If we are in a situation where rural health is underfunded by $2.1 billion, with what justification are we duplicating existing services in the city—services that are then failing—and not funding people in rural areas?

Take, for example, the Mental Health Nurse Incentive Program. I have done a fair bit of work over the years with communities in the mid-north of South Australia, and one of the standout providers of health care is the Clare Medical Centre, which has led the way in trying to provide sustainable health models to care not only for the people of Clare but also for those from a number of satellite towns around it. In South Australia, the demographics mean that we have a lot of people in the city and small communities in the bush, and the state based services are thin. So we rely largely on private practice providing a lot of allied health services. The Clare Medical Centre, under this incentive, had engaged some mental health nurses. That saw a 50 per cent reduction in the number of
patients who had to be transferred to Adelaide for hospital admissions related to their mental health problems. This government has now frozen the funding for that, which has meant that the Clare Medical Centre has not been able to take on an additional nurse they had already found and had plans to bring on board to help the community. In fact, there is no certainty of funding beyond 30 June 2013, so they are finding difficulty in retaining the people they currently have to service the community. Here is a community program that clearly works and provides a required medical service, and yet, rather than building on its strengths, the government is actually choosing not to develop it.

The Headspace program, again for mental health, for youth, was an initiative of the Howard government, and I am pleased that the current government has continued to invest in that. But, again, investment is one thing and following through with sensible implementation is another. I was speaking to a GP in the Riverland earlier this year who is quite passionate about supporting young people in the area of mental health. She described the frustration around the funding rules. In the Riverland hub-and-spoke model, there are three or four towns that all come in to a central point. She was quite happy to travel to each of those towns because the target group for Headspace is young people, who often do not have cars, and there is no public transport linking the towns that they can easily jump on. She was happy to travel to meet them, but she was told that under the program she could not access the funding unless she did it in the one location that was approved. To my mind, that is just dreadful bureaucracy getting in the way of local providers who are happy to go out of their way and service a community. In that case, it is not even asking for more money; it is just asking for sensible, good management.

One of the things that has come out of the studies looking into how we can provide sustainable health care in regional areas is that the more that trainee doctors can do their training in rural communities for long-term periods of at least a year, the more likely they are to stay with the community. Flinders University, in particular, has done some good work with longitudinal studies to prove that that is the case. The problem is that once the trainee doctors have finished their university training, they need to do their intern training. In South Australia, the workforce agency has identified that we need around 50-odd rurally based intern places to sustain the workforce. Currently there are only about half a dozen. There is a pilot program running in South Australia looking at how we can use rural GPs who cover a wide range of procedural skills—obstetrics, surgery, accident and emergency—to provide supervision for interns. But, for them to do that and to sustain their practice, the rate of pay for those GPs needs to be high enough to be an incentive to take on the additional staff, to give them the capacity to take on those young doctors.

So I call on the government and the departments working for them to not only allocate the extra $44 million but to listen to the industry, to work with people and to reinforce things that are working so that we can build for this country and for those who live in rural and remote areas a sustainable, equitable and accessible system of health care for the future of this nation.

Senate adjourned at 15:34
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Foreign Affairs
(Question No. 1831)

Senator Johnston asked the Minister for Foreign Affairs, upon notice, on 9 May 2012:

(1) Have all Australian Government sanctions against Iran entered into force.

(2) Is the sanctions regime adopted by Australia fully consistent with the sanctions by the:

(a) United States of America (US)
(b) United Kingdom (UK); and
(c) European Union (EU); if not, what are the differences

(3) Has the Australian Government implemented sanctions against the Central Bank of Iran; if so are these sanctions as comprehensive as those enacted by the:

(a) US
(b) UK; and
(c) EU

Senator Bob Carr: The answer to the honourable senator's question is as follows:

(1) The Australian Government has given effect under Australian law to all sanctions obligations imposed by the United Nations Security Council (UNSC) in relation to Iran.

In relation to Australian autonomous sanctions measures (that is, measures applied autonomously of a UNSC obligation), the measures announced by the then Minister for Foreign Affairs on 6 December 2011 and 24 January 2012 are currently subject to public consultation and it is expected they will commence on 1 July 2012. These measures, once in force, would prohibit, without prior authorisation from the Minister for Foreign Affairs:

(a) the import, purchase or transport of specified Iranian crude oil, petroleum or petrochemical products;
(b) the provision of financial assistance or a financial service related to the import, purchase or transport of such products;
(c) the acquisition or extension of an interest in, or the establishment of or participation in a joint venture with, or the granting of a financial loan or credit to – an entity in Iran that is engaged in the petrochemical, oil or gas industry in Iran, or – an Iranian or Iranian owned entity involved in such industries outside Iran;
(d) the sale or otherwise making available of an interest in a commercial activity in Australia that is related to the oil and gas industry to the Iranian Government or an Iranian company or citizen;
(e) the direct or indirect sale, purchase, transportation or brokerage of gold, diamonds or precious metals to, from or for the Iranian Government, its public bodies, corporations or agencies, or the Central Bank of Iran;
(f) the opening in Australia of a branch, subsidiary or representative office of, or the establishment of a joint venture with, or the acquisition of ownership of an Australian financial institution by, or the establishment or maintenance of a correspondent relationship with – a financial institution that is operated by or on behalf of the Iranian Government, an Iranian company or citizen;
(g) the establishment of a representative office or subsidiary in Iran, or the opening of a bank account in Iran, by a financial institution; and

(h) the delivery of newly printed or unissued Iranian denominated bank notes or newly minted or unissued Iranian denominated coinage to or for the Central Bank of Iran.

(2) Australia's autonomous sanctions regime in relation to Iran is broadly consistent with that of the European Union and the United Kingdom. The principal differences between the regimes are:

(a) the measures listed in paragraphs (a) to (h) in the response to question (1), which the European Union and United Kingdom currently impose and which Australia is in the process of bringing into force;

(b) an additional "human rights" criterion applied by the European Union and United Kingdom to designate persons as being subject to targeted financial and travel sanctions;

(c) in relation to the United Kingdom only, a requirement for all financial transactions with Iran to be subject to prior authorisation (Australian law requires authorisation for any transaction with Iran valued at $20,000 or more).

The sanctions regimes of Australia, the European Union or the United Kingdom are not directly comparable to US sanctions against Iran in terms of reach and restrictiveness, including provision under US law for imposing sanctions on third country persons who engage in specific kinds of trade and investment with Iran. Detailed information about US sanctions can be found at www.treasury.gov.

(3) A number of existing Australian measures are of general application and apply to all financial institutions, including the Central Bank of Iran. This includes the requirement under the Anti-Money Laundering and Counter-Terrorism Financing Regulations 2008 for authorisation for any transaction with Iran valued at $20,000 or more. Of the measures expected to commence on 1 July 2012, those referred to in paragraphs (e) and (h) in the response to question (1) above will apply directly to the Central Bank of Iran, and that referred to in paragraph (f) in the response to question (1) above will apply to the Central Bank of Iran in the same way it would apply to any Iranian financial institution. These measures are broadly consistent with measures imposed by the European Union and the United Kingdom.

Foreign Affairs
(Question No. 1833)

Senator Johnston asked the Minister for Foreign Affairs, upon notice, on 9 May 2012:

(1) Can a list be provided of non-government organisations (NGOs) that have received AusAID funding to 'engage with the Australian people...about the effectiveness of the aid program' or conduct any other domestic campaign, including details of the total amount given to each NGO for this purpose in the 2011-12 financial year.

(2) What is the total amount provided to NGOs to 'engage with the Australian people...about the effectiveness of the aid program' or conduct any other domestic campaign in the:
   a. 2008-09;
   b. 2009-10;
   c. 2010-11; and
   d. 2011-12, financial years.

(3) What evaluation criteria are used by AusAID to measure the performance of NGOs that receive funding to 'engage with the Australian people...about the effectiveness of the aid program' or for any other domestic campaign.

Senator Bob Carr: The answers to the honourable senator's questions are as follows:
(1) Under the AusAID NGO Cooperation Program (ANCP) (which in 2011-12 provides funding of $98.1 million to 43 accredited Australian NGOs to undertake over 600 international development activities across approximately 50 countries), NGOs may use up to ten per cent of their funding to raise awareness of development issues within Australia. AusAID’s guidelines (available at http://www.ausaid.gov.au/ngos/pdfs/ancp-awareness-raising-guidelines.pdf) restrict activities to those which meet at least one of three objectives, these are: promoting transparency in the use of public funds; enhancing development effectiveness; and increasing public understanding of development issues.

Development awareness raising activities will not be supported if they include any form of fundraising, promote a particular religious adherence, build public support for increases in aid funding or lobbying for changes in aid policy, or mobilise members of the public to undertake advocacy in relation to the aid program.

Of 43 eligible NGOs, there are 22 who have opted to use ANCP funding to engage in development awareness raising activities in 2011-12. The approximate portion of ANCP funding used for these activities is provided in the table below. AusAID has also provided separate funding of $317,200 to World Vision Australia in 2011-12 to conduct ‘One Just World’ public discussion forums.

<table>
<thead>
<tr>
<th>NGO</th>
<th>Total 2011-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anglican Board of Mission</td>
<td>$30,000</td>
</tr>
<tr>
<td>Adventist Development and Relief Agency</td>
<td>$13,411</td>
</tr>
<tr>
<td>Australian Foundation for the Peoples of Asia and the Pacific</td>
<td>$88,400</td>
</tr>
<tr>
<td>Australia People for Health, Education and Development Abroad (APHEDA—Union Aid Abroad)</td>
<td>$10,126</td>
</tr>
<tr>
<td>CARE Australia</td>
<td>$205,498</td>
</tr>
<tr>
<td>Caritas</td>
<td>$272,000</td>
</tr>
<tr>
<td>CBM</td>
<td>$168,492</td>
</tr>
<tr>
<td>ChildFund</td>
<td>$330,000</td>
</tr>
<tr>
<td>Every Home Global Concern</td>
<td>$10,930</td>
</tr>
<tr>
<td>Habitat for Humanity Australia</td>
<td>$10,000</td>
</tr>
<tr>
<td>International Needs Australia</td>
<td>$49,510</td>
</tr>
<tr>
<td>International Nepal Fellowship</td>
<td>$9,800</td>
</tr>
<tr>
<td>International Women’s Development Agency</td>
<td>$9,079</td>
</tr>
<tr>
<td>Marie Stopes International Australia</td>
<td>$10,000</td>
</tr>
<tr>
<td>National Council of Churches Australia—Act for Peace</td>
<td>$100,000</td>
</tr>
<tr>
<td>Opportunity International Australia</td>
<td>$63,000</td>
</tr>
<tr>
<td>Oxfam</td>
<td>$553,222</td>
</tr>
<tr>
<td>Plan</td>
<td>$317,376</td>
</tr>
<tr>
<td>TEAR</td>
<td>$15,000</td>
</tr>
<tr>
<td>The Burnet Institute</td>
<td>$10,000</td>
</tr>
<tr>
<td>UnitingWorld</td>
<td>$75,810</td>
</tr>
<tr>
<td>World Vision Australia</td>
<td>$747,288</td>
</tr>
</tbody>
</table>

(2) AusAID funding to NGOs to undertake development awareness raising activities between 2008 and 2012 is as follows:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008-09</td>
<td>$861,352</td>
</tr>
<tr>
<td>2009-10</td>
<td>$2,895,754</td>
</tr>
<tr>
<td>2010-11</td>
<td>$2,541,742</td>
</tr>
<tr>
<td>2011-12</td>
<td>$3,098,942</td>
</tr>
</tbody>
</table>
(3) NGOs which receive grants under the ANCP are required to provide AusAID with annual financial and project plans and reports. Annual plans are required to outline objectives, outputs and targets for all activities, including development awareness activities in Australia. These are assessed against the objectives in AusAID’s guidelines and are subject to approval before funding is granted.

**Infrastructure and Transport**

(Question No. 1855)

**Senator Abetz** asked the Minister representing the Minister for Infrastructure and Transport, upon notice, on 18 May 2012:

With reference to the Tasmanian Freight Equalisation Scheme and the Bass Strait Passenger Vehicle Equalisation Scheme:

(1) What measures does the Government have in place to ensure that the TT Line does not use any support payments under either the Tasmanian Freight Equalisation Scheme or the Bass Strait Passenger Vehicle Equalisation Scheme to assist it in undercutting other competitors in relation to freight costs.

(2) Is the amount paid in relation to the Bass Strait Passenger Vehicle Equalisation Scheme a set payment, irrespective of the quantity of vehicles carried.

(3) What monitoring is undertaken to ensure that motor vehicle traffic across Bass Strait is not displaced on any particular trip in favour of freight carried by the TT Line.

**Senator Kim Carr:** The Minister for Infrastructure and Transport has provided the following answer to the honourable senator's question:

(1) Under the Bass Strait Passenger Vehicle Equalisation Scheme (the scheme) the rebate is provided to the driver of an eligible passenger vehicle in the form of a reduced fare charged by a service operator such as TT-Line and they are reimbursed on the actual claims.

(2) No.

(3) The scheme is a rebate scheme rather than a freight management scheme. Compliance reviews of claims and annual audits of all service operators under the scheme are undertaken to ensure rebates have been claimed for eligible passenger vehicles; and the correct rebate has been claimed for each vehicle type.