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SITTING DAYS—2012

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FORTY-THIRD PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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

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

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

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

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

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

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

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

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

(7) Chosen by the Parliament of South Australia to fill a casual vacancy (vice M. J. Fisher, resigned 15.8.12), pursuant to section 15 of the Constitution.

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
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<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Julia Gillard MP</td>
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<tr>
<td><strong>Minister for Social Inclusion</strong></td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td><strong>Minister for the Public Service and Integrity</strong></td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td><strong>Minister for Social Inclusion</strong></td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td><strong>Minister for Tertiary Education, Skills, Science and Research</strong></td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td><strong>Cabinet Secretary</strong></td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Wayne Swan MP</td>
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<tr>
<td><strong>Minister for Financial Services and Superannuation</strong></td>
<td>The Hon Bill Shorten MP</td>
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<td><strong>Assistant Treasurer</strong></td>
<td>The Hon David Bradbury MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Treasurer</strong></td>
<td>The Hon Bernie Ripoll MP</td>
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<td><strong>Minister for Tertiary Education, Skills, Science and Research</strong></td>
<td>Senator the Hon Chris Evans</td>
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<tr>
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<td><strong>Minister for Industry and Innovation</strong></td>
<td>The Hon Greg Combet AM MP</td>
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<tr>
<td><strong>Minister for Small Business</strong></td>
<td>The Hon Brendan O’Connor MP</td>
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<tr>
<td><strong>Parliamentary Secretary for Industry and Innovation</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td><strong>Parliamentary Secretary for Higher Education and Skills</strong></td>
<td>The Hon Sharon Bird MP</td>
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<tr>
<td><strong>Minister for Regional Australia, Regional Development and Local Government</strong></td>
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<td>The Hon Stephen Smith MP</td>
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<tr>
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<td>Senator the Hon Bob Carr</td>
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<td>The Hon Dr Craig Emerson MP</td>
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<td>Parliamentary Secretary for Pacific Island Affairs</td>
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<td>Minister for Finance and Deregulation</td>
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<td>The Hon Gary Gray AO MP</td>
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<td>Minister for School Education, Early Childhood and Youth</td>
<td>The Hon Peter Garrett AM MP</td>
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The President (Senator the Hon. John Hogg) took the chair at 09:30, read prayers and made an acknowledgement of country.

Parliamentary Office Holders

Temporary Chairmen of Committees

The President (09:31): Order! Pursuant to standing order 12, I lay on the table a warrant nominating Senator Bernardi as an additional Temporary Chairman of Committees when the Deputy President and Chairman of Committees is absent.

Notices

Presentation

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 the motion relating to designating the Independent State of Papua New Guinea as a regional processing country be called on immediately.

In moving this motion, please let me explain that it is procedural and, if passed, it will mean that the chamber will use government business time to consider the designation of the Independent State of Papua New Guinea as a regional processing country. The government considered that this designation is important and needs to be dealt with this week. To ensure this, additional government time will be provided with the passage of this motion. Until both houses of parliament have passed a resolution approving the designation of Papua New Guinea as a processing country, the government is unable to transfer people to Papua New Guinea. If not passed this week, transfers could not occur for another three weeks, or until 29 October.

Supplementing the existing offshore processing arrangements in Nauru with a processing facility in Papua New Guinea will discourage irregular and dangerous maritime voyages and thereby reduce the risk of loss of life at sea. The designation promotes the maintenance of a fair and orderly refugee and humanitarian program that retains the confidence of the Australian people. Designating Papua New Guinea as a regional processing country also promotes regional cooperation on irregular migration and people-smuggling and their undesirable consequences.

The designation of Papua New Guinea also satisfies recommendation 9 of the expert panel on asylum seekers, which recommended:

… a capacity be established in PNG as soon as possible to process the claims of IMAs—irregular maritime arrivals—transferred from Australia …

Senator Hanson-Young (South Australia) (09:33): I just want to respond to the arguments put forward by the representing minister in relation to this motion. I find it astonishing that the government think they can come in here and say, 'Oh well; because we hadn't got our act together earlier, we now need to rush this through the parliament today, because otherwise we won't have the designation done until 29 October.' We know what happened last time we saw this government rush through the designation for Nauru. It was rushed through and we started sending people to Nauru before the contracts were even signed with the service providers.

This chamber has called on the government to deliver those signed contracts—to lay them on the table. They have only managed to lay two. The main
contracts for the service provider, Transfield Services, who will run these facilities, have not been put on the table.

We were told they could not be put on the table because they were not completed and were not signed, yet here we have the government today saying we must rush this through the parliament, we must tick off on it despite the fact that the details given in the designation do not cover all of the things that the Houston report says must be included in order to allow parliament to make an informed decision around these issues. What we see happening here is another attempt to botch the process. We have done with Nauru and we are about to do it again with Manus Island.

We can debate the merits of the designation itself when we come to that but the fact that the government want to hijack the rest of the parliamentary chamber time to deal with something they do not even have the details on—they have not even bothered to do their homework and get everything together—well, frankly, that is their problem. There is enough evidence out there to suggest that unless we fix the problems that happened in how we ran detention centres on Manus Island last time, the horrors that existed then and the pain and suffering that was inflicted on genuine refugees then these problems will happen all over again. And all we hear from the government this morning is: regardless, putting all that aside; we just want it rushed through. Frankly, it is just not good enough.

The DEPUTY PRESIDENT: The question is that the motion moved by Minister Collins be agreed to.

The Senate divided. [09:40]

(The Deputy President—Senator Parry)

Ayes......................36
Noes.....................10
Majority................26

AYES
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Birmingham, SJ
Boswell, RLD
Bushby, DC
Collins, JMA
Crossin, P
Fawcett, DJ
Fifield, MP
Gallacher, AM
Kroger, H
Lundy, KA
McEwen, A (teller)
McLucas, J
Parry, S
Pratt, LC
Stephens, U
Thistlethwaite, M
Urquhart, AE

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

Question agreed to.

BUSINESS
Rearrangement

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (09:42): I move:

That the motion relating designating the Independent State of Papua New Guinea as a regional processing country be called on immediately.

Question agreed to.

MOTIONS

Manus Island

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural
Affairs and Minister for Sport (09:43): I move:

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

Yesterday, acting under section 198AB of the Migration Act, the Minister for Immigration and Citizenship, the Hon. Chris Bowen, designated by legislative instrument the Independent State of Papua New Guinea as a regional processing country. In accordance with the legislative amendments to permit regional processing, which came into effect on 18 August 2012, the Minister for Immigration and Citizenship presented to the House of Representatives the following documents: a copy of the designation; a statement outlining why it is in the national interest to designate Papua New Guinea as a regional processing country; a copy of the memorandum of understanding with Papua New Guinea signed on 8 September 2012; a statement about the minister's consultations with the United Nations High Commissioner for Refugees in relation to the designation; and a statement about the arrangements that are in place or are about to be put in place in Papua New Guinea for the treatment of persons taken there.

These documents were also tabled in the Senate today for senators' information. I call on my colleagues in the Senate to approve this designation to enable the first transfers of offshore entry persons to Papua New Guinea for processing in accordance with the new regional processing arrangements.

The government have accepted all 22 recommendations of the Report of the expert panel on asylum seekers, which was provided to the government on 13 August 2012. I reiterate that the panel's recommendations must be implemented as an integrated package as the best way to discourage dangerous sea voyages. This includes creating incentives to encourage greater use of regular migration pathways and international protection arrangements, and disincentives to irregular maritime voyages, including the application of a no-advantage principle and regional processing arrangements.

Designation of Papua New Guinea as a regional processing country will reinforce arrangements already underway in Nauru and form a key part of implementing the panel's recommendations. It demonstrates the government's resolve to discourage asylum seekers from risking their lives on dangerous journeys by boat to Australia. The designation of Papua New Guinea along with transfers already underway to Nauru will undermine the people smugglers' product and send a clear message that there is no advantage travelling to Australia by irregular means. We have already seen a number of asylum seekers choose to return home voluntarily after being transferred to Nauru, which is evidence of the false stories that people smugglers are selling about what awaits asylum seekers in Australia. Further, additional and safer regular avenues for migration are being made available through the region, including Australia's increase to the humanitarian program to 20,000 places a year—reinforcing the message that asylum seekers should not risk their lives.

For the Minister for Immigration and Citizenship to designate a country as a regional processing country, he must think it in the national interest to do so. The minister has clearly and publicly stated his view that designating Papua New Guinea as a regional processing country is in the national interest and those reasons are: it will discourage irregular and dangerous maritime voyages, thereby reducing the risk of loss of life at sea; it will promote a fair and orderly refugee and humanitarian program that retains the
confidence of the Australian people; and it will promote regional cooperation in relation to irregular migration and the addressing of people smuggling.

Papua New Guinea has also provided Australia with certain assurances which include the specified assurances required by the legislation. It is important to note that every care is being taken by the government to ensure the welfare of transferees, including oversight arrangements allowing for transparency of the regional processing centres. This will include the involvement of key civil society actors; appropriate service provision, particularly in relation to health and welfare services; and the provision of mental health services, particularly torture and trauma counselling.

The government are dealing with people seeking protection and there is a need for fully considered arrangements to be put in place. By presenting the designation and the accompanying documents in accordance with the legislation, the government are providing senators and the parliament with the opportunity to be satisfied that what is in place or will be put in place is appropriate. Again, I call on my colleagues in the Senate to approve this designation to enable the transfer of offshore entry persons to Papua New Guinea and to bolster arrangements in Nauru to provide the circuit breaker to irregular maritime arrivals called for by the expert panel's report.

Senator CASH (Western Australia) (09:49): I rise to speak on behalf of the coalition on the motion before the Senate in relation to the instrument of designation of the Independent State of Papua New Guinea as a regional processing country under subsection 198AB(1) of the Migration Act 1958 and to indicate that the coalition will be supporting the government's motion. It was almost a month ago that we witnessed a historic day in this parliament. That historic day was because Labor members from both the right and, more particularly, the left stood alongside coalition senators in this chamber and voted to restore offshore processing. They voted alongside coalition senators to establish Nauru as a regional processing country.

At that time, I proposed an amendment on behalf of the coalition to the motion that was before the Senate. The amendment, if it had been accepted, would have required the government to implement the full suite of the former Howard government's border protection policies. Unfortunately, that motion was defeated. In addressing the Senate today in relation to this particular motion, it is timely to take a look at what has occurred since that time when the government again voted with the coalition to designate Nauru as an offshore processing country but, at the same time, failed to implement the full suite of the former Howard government's successful border protection policies.

The government's 2012-13 budget forecast for the immigration and citizenship portfolio is based on 5,645 arrivals for the entire financial year. Three months into this financial year, including the one month in which Nauru has been reopened, Australia has witnessed arrivals at a rate of approximately 2,000 per month. Remember that for the entire financial year the government's budget for this particular portfolio is based 5,645 arrivals. So in the first three months of this financial year Australians have already witnessed 4.5 times the governments' budgeted expectations. In other words, under this government's policies—reminding the Senate that one of these policies is that Nauru has been reopened—the budget in this particular
portfolio area has yet again been comprehensively blown in the first three months of the financial year. I also remind the Senate that, as of yesterday—and this could have changed this morning since I have been in the chamber, and we have only been in this financial year for three months—there have been 101 illegal boats arrive this financial year alone, carrying 6,436 asylum seekers.

Let us compare that to what occurred under the former Howard government, bearing in mind that just four weeks ago this government refused to accept the coalition's amendment that would have seen the government introduce the full suite of the former Howard government's policies. Under the former Howard government's policies, which have been proven to be successful and in part have been adopted by a Labor government, Australia was averaging 45 people coming to this country per year. That was over the final six years of the former Howard government. As I said in question time yesterday, by this rationale Australia has witnessed under this Labor government more than 50 years of Howard government boat arrivals in the month of September alone. Just think about that and the impact that that has on the budget.

In the month of September 2012 alone, under the current Labor government's clearly failed border protection policies, Australia has witnessed 50 years of what boat arrivals were under the former Howard government. Again, this is going to have consequences for the budget in relation to this particular portfolio, bearing in mind—and Australians are well aware of this—that the government has now blown out the budget by in excess of $5 billion. Australians can only throw their hands up in dismay and ask what the government could have done had it not wound back the proven border protection policies of the former Howard government; we would have continued to see a low- to almost zero-rate of boat arrivals.

The $5 billion which the government has blown to date on this particular portfolio could have been spent on building hospitals, building schools and potentially on an NDIS, but that $5 billion has been blown by this government and its failed border protection policies.

I also remind the Senate that 60 boats, carrying 3,830 asylum seekers, have arrived in Australia since the government was dragged, kicking and screaming, to re-establish offshore processing on Nauru and Manus Island. So, if the government claims, as it does on a regular basis in both the other place and this place, that its policy alone of offshore processing without the full complement of the former Howard government's policies actually works, they are in denial, because the statistics do not lie. Since we reopened Nauru, the boats have not stopped coming. In fact they have actually increased, because the people smugglers know this government is not fair dinkum.

This government is not fair dinkum when it comes to border protection in this country. As I said: 60 boats, carrying 3,830 asylum seekers, have arrived. Why do the people smugglers continue to put people on boats and send them to Australia? For this reason—despite the fact that the government did the biggest political backflip of all time—and the Left of the Labor Party, as they will again today. I note the irony of the minister having to give the statement to the House on behalf of the government. There was not a lot of passion in it but I can understand why. This minister has been an ardent advocate for onshore processing, as opposed to offshore processing. I can only imagine the pain that must be felt when you have to stand up and say to the people of Australia, 'We got it wrong and we have to
now agree with the former Howard government policies which we are readopting.'

Under this government, only five per cent of people who have arrived since they reopened Nauru have actually been sent there. When you have five per cent, of almost 4,000 people, being sent to Nauru, you tell me: is that a deterrent to the people smugglers? It is an absolute joke. It is a step in the right direction, don't get me wrong. That is why the coalition supported the reopening of Nauru and is again today supporting the establishment of PNG as a regional processing country.

But as we have said time and time again—and we have been proved right in relation to this point—unless the government adopts the full suite of the Howard government policies, sending five per cent of those people who have arrived in the last four weeks is hardly a deterrent to the people smugglers. In fact, last week almost six times the number of people sent to Nauru by Labor turned up this week on boats. What does that say about the policy that the government is currently implementing? The number of Afghan asylum seekers that Minister Bowen has sent to Nauru could fit in a minibus. In other words, he has sent less than a handful. But, if you look at the number of asylum seekers coming from Afghanistan to this country, they could fill ocean liners time and time again. There is clearly no disincentive to people coming to Australia.

Again, statistics confirm that it is not this government that is calling the shots in relation to border protection; the people smugglers continue to run border protection policy in Australia. Despite these glaring statistics, the government still refuses to be honest with the Australian people. It still refuses to explain to the Australian people why in the first instance, in August 2008, it rolled back the former Howard government's policies. We are now standing here in 2012 as a Senate and we are adopting in part the former Howard government's policies. The government cannot explain the last four years to the Australian people and the extent of the political backflip that they have actually done.

Senators will be aware that this day has been a long time coming. In 2010 the Governor of Manus Island wrote to the Prime Minister of Papua New Guinea and indicated that he was very happy and the state was very happy to have Papua New Guinea, and in particular Manus Island, host the reopening of an offshore facility. That was over two years ago. If you want to look at how many people have arrived since the Governor of Manus Island wrote to the Prime Minister of PNG, more than 20,000 people have arrived in that time. It has taken more than 20,000 people to arrive in Australia by boat for the Prime Minister to accept that offer made by the Governor of Manus Island in 2010 to the Prime Minister of PNG to restore offshore processing on Manus Island.

The coalition's position on offshore processing has been consistent since day one. We have been consistent in what we have told the Australian people, and under offshore processing it is acknowledged by all Australians that the former Howard government policies stopped the boats. We support the reopening or the reestablishment of PNG as a regional processing country because, as we have said all along, Papua New Guinea has signed the refugee convention and there are legally binding protections for the people that Australia will send there. It was the coalition that originally enshrined human rights protections in the Migration Act, under section 198A, for people who are offshore. It was the coalition that opposed Labor's Malaysian five-for-one
people-swap deal. As we said and have continued to say, this deal was an abominable deal that could not provide sufficient protections for those sent to Malaysia.

I remind senators of the report of the Senate Legal and Constitutional Affairs Committee on the inquiry into the Malaysian arrangement, in which it was found:

… if the transfer of asylum seekers to Malaysia proceeds then the Australian Government will have failed dismally in fulfilling any so-called 'moral obligation'.

I said at the time that the Senate was debating the Labor government's Malaysian people-swap deal that the Left of the Labor Party should be ashamed of themselves. I said at the time that, going forward, the Left of the Labor Party would never again be able to stand up in this place and tell the Australian people that they believe in upholding the human rights of asylum seekers. Why? It was because the policy that the Left of the Labor Party sanctioned was not based on offshore processing; it was based on offshore dumping, and not the proper management of asylum seekers through offshore processing.

And, while the Left of the Labor Party screamed at the time that they were opposed to this type of treatment, when push came to shove, when they were actually asked to stand up for their principles and have their names recorded as voting against this abominable deal, they threw principle and all caution out the door and they were still prepared to support the Malaysian people-swap deal. That was absolute hypocrisy at its best. But then again, the Left of the Labor Party now proudly support offshore processing, as indicated by the minister's speech in the Senate today. They proudly support offshore processing, as they rightly should.

It was also the coalition that opposed the Gillard government's attempts to strip all protections from the Migration Act. We recall that the coalition's stance at the time was ridiculed by the Labor Party. However, the stance that we took on the stripping of protections by the Labor Party from the Migration Act was vindicated by both the High Court and the Houston report, which the government claims at this stage to rely on for its new policy and which found that the Malaysia deal did not contain adequate human rights protections for those who were sent there. It was also the coalition that insisted that in the changes to the law that passed the parliament to reopen Nauru this parliament would need to approve any country used for offshore processing to ensure appropriate human rights protections were in place.

Then we come to the present day. Just four weeks ago, in September, the government put before the parliament the special legislative instrument to authorise offshore processing in Nauru. That declaration has passed the House of Representatives and the Senate with the support of the coalition. This new designation that is currently before the Senate of Papua New Guinea as an offshore processing country is in a similar form and content to that previously debated by the Senate. Unfortunately for the Australian people, however, the government has come to the realisation far too late and at a great cost to the Australian people that it was wrong—that it was wrong to wind back the proven border protection policies of the former Howard government.

This is a government that still is not committed to offshore processing. It was dragged kicking and screaming to this place a number of weeks ago when it came to the re-establishment of Nauru as an offshore processing country. Even then, the
government could not bring itself to say, 'This is Labor Party determined policy.' The government blamed the policy on the expert panel that the government put together to give it the answer to the problem. That, as we know, is the Houston report. What did the Houston report recommend? Again, it recommended the government take action to implement offshore processing on Nauru. If you have actually read the Houston report, as many of us in this place have, it is widely acknowledged that this is one of the most damning critiques of a government's policy that has ever been handed down. What did the Houston report actually find? The government accepted the findings of the Houston report, the expert panel which the government hand-picked itself and to which it gave the terms of reference. The minister has again referred to this and confirmed this today. What did the Houston report effectively find? It found that the government was wrong in principle to wind back the proven border protection policies of the former Howard government. The Houston report also substantially endorsed the coalition's approach to stopping the boats. That is why we are in this place today debating a motion that is currently before the Senate to designate Papua New Guinea as a regional processing country.

Whilst the coalition is supportive of the designation of PNG as an offshore processing country, I reaffirm to the Australian people that if and when a coalition government is next elected to govern this country, unlike the Labor government we will implement the full suite of the former Howard government's border protection policies. Too much has been lost over the last four years because of the Prime Minister's stubbornness and her refusal to admit what is so simple and what has been confirmed by the Houston report that the Labor Party in August 2008 just got it wrong. The coalition's policies on border protection have been proven to work. These policies work together and when combined it is irrefutable that they destroyed the people smugglers model. The same stubbornness by this government that rejected Nauru for years is the stubbornness that is still rejecting the other two planks of the coalition's policies—which are, of course, temporary protection visas and turning back the boats when it is safe to do so. Again, this has been recommended by the Houston panel. Ms Gillard has been proven wrong on Nauru and yet again the Australian public know that she is wrong on temporary protection visas and she is wrong on turning back the boats. The coalition understands that the Howard government's solutions worked then and they will work again when they are restored.

Senator HANSON-YOUNG (South Australia) (10:09): I rise to speak against the approval of this designation that has been forwarded in such haste by the government. The concerns that the Australian Greens have are concerns that are shared by many in the Australian community. They are very similar to the concerns that we had last time we saw a designation put forward in this place, and that was of course in relation to Nauru.

It seems that every day that goes by this government, together with the opposition, are colluding, snuggling up, to share their obsession with deterrence. Yet despite Nauru already been open, despite the fact that we have sent people there and had a big fanfare about the poor souls that we have dumped on Nauru, it has not stopped anybody coming here by boat. The deterrence factor has already failed. It has been proven to fail. The Australian Greens said it would never work and we have been proven right. The fact is that the reason a deterrence policy will not save lives is because the only option is to give people a safer alternative and a safer
pathway to seeking protection. We know that out of the 22 recommendations put forward by the Houston report one of the key underlying principles was that of ensuring we gave people safer options. Yet that is the one recommendation that this government continues to drag its feet on.

We have had big fanfare from the minister about the planeloads of people we have sent from Christmas Island and dumped on Nauru, and I am sure we will have fanfare all over again once the coalition and the government tick off on such an inhumane policy to dump refugees, men, women and children, on Manus Island. But when are we getting our first planeload of refugees from Indonesia, from Malaysia, from Pakistan, giving them a safer option than having to come by boat in the first place? Experts have always argued, both in the Houston report and outside, that the best way of avoiding people having to take dangerous boat journeys is to give them a safer option, but that is not what this parliament has been dealing with for the last two months. We have had to suffer the obsession of the Labor government and Tony Abbott's coalition to punishing refugees in order to see if they can claw back some cheap, quick electoral votes. That is the crux of it, Mr Acting Deputy President. This is not about saving lives, this is all about dirty, bottom of the barrel politics.

This designation has been put forward today does not deal with the concerns that the Houston report said needed to be satisfied in order for the parliament to say, 'Yes, we could send people here.' We do not have the details of that. Let me go to one particular point: even in the memorandum of understanding with Papua New Guinea that the Australian government has signed and tabled as part of this designation, a key aspect is left unagreed. That is in relation to how unaccompanied minors are going to be treated. So we have the minister here, Senator Lundy, asking this chamber to tick off on this designation and yet with regard to the most vulnerable refugees that arrive here in Australia needing our protection, those children, whether they are orphaned or whether they had to flee and leave their mums and dads and their older brothers and sisters behind, there is no detail in this designation of how those children are going to be protected, who looks after them, who will be their guardian, what their rights are. They are the most vulnerable refugees, and this agreement is silent. Yet this parliament is expected to sign off on it.

We see in the documents put forward by the government to argue their case for why dumping refugees on Manus Island seems such a good idea to them, 'Oh well, there is not appropriate accommodation yet so we will put people in tents.' Manus Island has one of the world's highest malaria rates, but we are about to dump refugees, people who already have a fragile state of mental health and physical health, in tents in a place which has a massive rate of malaria. There is nothing in these documents to give us any rise to this chamber feeling satisfied that dumping refugees on Manus Island indefinitely is a good idea at all.

We know that the United Nations refused to participate, as they have in Nauru. They have also said that they will not participate for Manus Island and Papua New Guinea.

This government could not even convince the United Nations to participate in this process, despite the fact that if we are to have a proper regional framework that works towards lifting levels of protection the United Nations has to be involved. But this is such a poorly structured policy, based only on the obsession of deterrence, which has proved to fail, and the United Nations says, 'No, we are not participating.' Regarding the
whole policy process by this government, rather than doing what the experts say we need, which is to lift levels of protection around the region so that people do not need to continue to run in order to seek and reach safety, the United Nations has said that this policy pushes down levels of protection and that it undermines the best levels of protection in this region.

Rather than Australia doing what is right, as a wealthy country governed by the rule of law, a country that proudly participated in the drafting of the refugee convention, under Julia Gillard’s leadership, under Minister Bowen’s leadership and under the spruiking by Minister Lundy, this government is trashing our obligations to the refugee convention. It will leave men, women and children locked up for years and years and years on a remote island in Papua New Guinea. That is not a way of lifting levels of protection for people—the most vulnerable in our region.

UNHCR, as I said, has refused to participate in this process, yet the government cannot even be bothered to make that clear in the designation that it gives to parliament to date. I guess it just assumes that we all would forget about it. It is an inconvenient truth that not even the world’s leading refugee organisation will have a bar of this. Not only will the UNHCR not participate but also even the International Organization for Migration will not participate in this policy on Manus Island or Nauru.

The facilities, as outlined in the documents put forward by the government today, show that they are not ready to be housing refugees. We know that they were not ready in Nauru either. We also know that we started sending refugees to Nauru before the Australian government had even signed the contracts with the service providers. This chamber has demanded that the government table the contract with Transfield Services and they are still refusing to do it. Yet the government has the gall to ask the parliament to turn a blind eye to all of these botched mistakes and just allow them to start dumping people in another place, because they need the space and because their promises that offshore dumping was going to stop people coming by boats have not worked.

More people have come on boats in the last month than the month before. Yesterday we had a boat arrive with 100 people. This is not stopping desperate people from seeking safety and protection. The only way you do that is by ensuring people have safer alternatives. That is where the government has put no effort. We have heard nothing from the government about how many people they will resettle from Indonesia—genuine refugees who have been waiting in squalid conditions, hiding in Indonesia because they cannot go to school, cannot go to the doctor and cannot get work. But they have already been assessed as genuine refugees by the UNHCR.
When will the government start resettling some of those people so they do not have to come by boat? We have heard nothing from the government as to that particular recommendation from the Houston panel.

We know that this particular designation goes nowhere near addressing the very serious concerns about the negative impacts of detaining people indefinitely. Refugees will be locked up as prisoners for doing nothing but trying to seek safety and protection, which, despite the language that is used sometimes in this place by the other side, is not illegal. It is perfectly legal to seek asylum in Australia, as it is in any country that has signed the refugee convention. But this government wants to dump refugees—
men, women and children—on a remote island in tents, surrounded by Dengue fever and malaria, indefinitely when all the expert knowledge tells us how damaging, how inhumane, how illegal that approach is. There is nothing that this government and senators on the Labor side have to feel proud of when today they will vote to indefinitely detain and indefinitely imprison refugees who have fled war, torture and persecution—all so that the government can say it is being tough and sending a message of deterrence that we know clearly is not working at the moment.

There is in the MoU with Papua New Guinea the allowance for this government to dump children on Manus Island. The question this government does not want to answer is: who will be going to Manus Island? When will we be sending orphaned refugee children, unaccompanied children and young children to Manus Island? If we do send young children and young families, which this designation allows, how long will those children spend in immigration detention on a remote island, suffering the lack of access to appropriate services?

We know that the health contract that has been signed does not allow for adequate mental health services to be available on Manus Island. In fact, the contract that was tabled for IHMS, the health service provider that will offer this service to both Manus Island and Nauru, says that the regular counselling that will be available to refugees on Manus Island will be via a telephone call to Sydney. A telephone call to Sydney will be the regular counselling services provided—outrageous. All of the evidence we have is that detaining vulnerable refugees—who have suffered the consequences of having to flee war, torture and persecution—indefinitely, remotely, out of sight and out of mind just compounds their suffering and compounds their traumatic experiences. Yet this government just wants to blindly follow in John Howard's footsteps.

The interesting thing about Senator Cash's contribution to this debate is that the senator fully admits that this is John Howard's policy. We have gotten to a point where the Labor Party has adopted the callous, cruel, inhumane policies of John Howard as their own, and there is no getting out of that. It was all in the name of stopping people coming here by boat but it has not worked. It is not working and it has not worked. The only result will be years of suffering and inflicted pain on the very fragile, vulnerable refugees that we detain indefinitely, that this government will lock up on Manus Island and make them suffer for as long as they need to suffer so that the government thinks that will send a message to others.

The experts have consistently told us that if we want to stop people having to take dangerous boat journeys, we need to have an open mind; bring people here safely ourselves. Yes, we have had a commitment to lift the refugee intake. When are we going to start resettling people from Indonesia? Why has the Australian government not brought people from Indonesia who have been assessed as genuine refugees and who have been waiting for years in Indonesia, Malaysia and Pakistan? Why aren't they here? Why haven't we had the first plane load arrive? It is because this government is not genuine about a humanitarian response.

This is all about competing with the heartless, callous policies of Tony Abbott's coalition. It is a race to the bottom. They are scraping the bottom of the barrel and there is no forethought for what impact indefinite detention will have on the children whom we send to Manus Island. All of the experts say indefinite detention is the worst possible thing that we can be doing to vulnerable
refugees. The UN says we should not be doing it. The health experts say we should not be doing it. The government's senators, members of the House and ministers have argued in the past against indefinite detention. Yet here we have a policy that we are being asked to pass in this place to indefinitely dump refugee children on a remote island in Papua New Guinea, wiping our hands of responsibility for them.

This indefinite detention issue is exactly why I have circulated amendments in this chamber to limit the length of detention for any individual on Manus Island to 12 months. If this government cannot be organised enough to assess people's health, security and refugee claims within 12 months, they cannot be trusted to do anything. Twelve months is enough time to do those things. Anything beyond that is unnecessary suffering for these people. If people are found to be genuine refugees, we resettle them. If they are not then we send them home. But you do not need any longer than 12 months to get an answer on somebody's assessment. Most other comparable countries do it in far less than 12 months.

This is the second designation in the last month that we have spoken on in this chamber. Yet, again, it is riddled with gaps, hastily put together and does not have the information that this chamber needs access to in order to make a proper decision. But we will see this voted through today because the government and the coalition are so obsessed with being anti refugee, anti humanitarian and doing everything to make John Howard look good.

Therefore, I move:

At the end of the motion, add the following words:

"And calls on the Government to put in place a 12 month time limit on detention of an individual in Papua New Guinea."

Senator HUMPHRIES (Australian Capital Territory) (10:29): I rise to speak about the thrust of the motion and what the government has moved today, but I will start by making reference to the remarks of Senator Hanson-Young a moment ago.

Senator Hanson-Young has described the processing of refugees and asylum seekers in places like Nauru and Manus Island as being callous, cruel and anti-refugee. I accept that her position and that of the Greens, unlike that of the government, has been consistent throughout this debate. They have always argued for onshore processing and they have always argued against offshore processing in places like Manus Island, Malaysia and Nauru.

But I remind the Senate in considering this issue today that, unlike the situation we are often in of debating an abstract Greens solution to a problem, we have actually seen the Greens' solution to the boat issue implemented over much of the last five years. We have had the Greens' policy working, and the consequence of that policy has been 26,347 people arriving since 2007 on 446 boats and, most conspicuously, most spectacularly and most horrendously, the deaths of over 700 people in that process. I, for one, am not prepared to be lectured about how cruel the implementation of an offshore solution might be when the alternative we have seen in place for the last four years has led directly to the deaths of 700 people.

In the last six years of the Howard government, when the Pacific Solution was fully in train and fully implemented, we cannot be sure, but there were probably no deaths at sea because there were almost no boats coming to Australia's shores. That, by itself, is sufficient reason to reject a continuation of the failed policies of the last
four years based on onshore processing of asylum seekers.

I listened to Senator Lundy's speech with considerable interest. In fact, everything that Senator Lundy said in the course of her remarks, with the exception of the reference to the 20,000-people humanitarian intake increase, could have been said by an immigration minister in the Howard government. It was a complete articulation of the Howard government policy, although she failed to mention that there were other elements of the Howard government's policy which have not been implemented as part of this government's policy.

It is probably not of great value to rake over the fact that, in the course of moving from an effective offshore processing solution which operated throughout the last six years of the Howard government to today's partial re-instatement of the Howard government's Pacific Solution, we have been through at least four iterations of the government's policy. After being told that offshore processing did not work we were then told, after hundreds and thousands of arrivals, that maybe it did work and we could have offshore processing happening in East Timor. Then it would happen on a regional processing centre which has never transpired. Then it would happen in Malaysia. In fact, at one stage in the course of that iteration of options Manus Island was also talked about as an option for the government to pursue, and this was openly entertained. The government's pride was too much at risk to reopen the Howard government's detention centre on Nauru, but it was prepared to entertain the option of Manus Island. For some reason it did not pursue that particular option.

We have seen change after change in the government's policy, and to be frank it is very poorly placed today to lecture us in this chamber about what we should do to fix the problem of unauthorised boat arrivals. It has demonstrated that it has absolutely no idea, and today has only the option of returning to the successful solutions of the former government in order to be able to fix this problem—or so the government thinks.

The point about this motion is that while it picks up another piece of the solution that was employed by the Howard government prior to the 2007 election it does not fully pick up the policies which were effective in deterring the business of people smugglers, the flow of boats and the deaths at sea. It does not do those things because it leaves out key elements of that policy. It refuses to acknowledge that turning back boats in certain circumstances was an effective policy that was absolutely devastating to the effectiveness of the product that the people smugglers were selling.

People climbed on to those boats that they had paid US$10,000 or whatever the cost was to get a place on those boats and they headed a couple of hundred kilometres off the coast of Indonesia only to be intercepted and turned back by an Australian naval vessel. Quite possibly the boat would return to the same port from which it had departed and then other asylum seekers in that place or in contact with people in that place would realise they had done their dough, wasted their $10,000 as they had not got very far. The damage to the business case of the people smugglers by such actions was enormous. That is why in certain circumstances the tactic was employed successfully and legally under the Howard government. The absence of that particular policy tool today is another reason that this government's policies are under great doubt.

In my opinion it is quite likely that these policies will not succeed in replicating the success of the former government's policies.
The government also refuses to reinstate temporary protection visas to underscore the fact that arrival in Australia in this fashion does not give one a permanent capacity to stay in the country or to bring other family members here. Removing that particular capacity does an enormous amount to undermine the attractiveness of arrival by boat. My party has always argued that we should do our utmost to deter those kinds of arrivals, and the deaths at sea of over 700 people in the last four years has reminded us all of how sensible and appropriate such a policy is.

I note with interest that the government is now touting proudly—and Senator Lundy did this in her remarks—the fact that a number of people who were either transferred or going to be transferred to Nauru have elected to return to their country of origin, specifically to Sri Lanka. I understand that some 46 adult men have left Christmas Island to avoid being transferred to Nauru and have returned to Sri Lanka, as well as a couple of others who got to Nauru and returned to Sri Lanka through other means. The fact the government is making much of those instances is significant. If we wind the clock back a little we would recall that when the government was still in the mode of denying that offshore processing was going to work it kept telling us that Nauru did not work. Why didn't Nauru work? It did not work because most of the people who were processed there ended up back in Australia. That is an interesting use of language: most people processed there—that is, those who got to Nauru and went through the process of being processed—ended up back in Australia.

But those figures ignored the fact that under the Pacific solution a large number of asylum seekers never got to Nauru. They either never went to Nauru or went to Nauru and elected to leave and go back to another country or to their current country of origin because they chose not to go through the process of being assessed for a visa to come to Australia. Those people were excluded from Labor's calculation of the success or otherwise of Nauru because it did not suit their case. In fact, if you include those people who arrived by boat in Australia and who were either sent to Nauru or were going to be sent to Nauru but were diverted back to their country of origin, only 43 per cent of those who made boat journeys under the Pacific solution actually ended up with visas to live in Australia. That was the statistic which made the Pacific solution a success but it was the one that the Labor government denied or fiddled with in order to claim that the Pacific solution was in fact a success. They were happy to white out those people who chose voluntarily to return to another country in claiming that the Howard government solution did not work but today they are very happy to claim that those people going back to their countries of origin is in fact an indication of Labor's success in their replication of some kind of boiled-down or pared down version of the Pacific solution.

The policies that are being pursued to date after the dismantling in October 2008 of the Howard government solution have manifestly failed. By boat, 26,347 people have arrived. There have been 446 boat arrivals. The government, for this financial year, has calculated its spending on dealing with this issue based on the arrival of 5,600-odd people but we have seen since the beginning of the financial year averaged arrivals of 2,000 people per month. We have already exceeded the quota for arrivals for this financial year, and it is only three months old.

Clearly this government still has no idea. Clearly this government does not understand how to solve this problem. It is time that they
either fully embrace the policies that were effective in the past or they accept that they cannot do that and let another government take over and deal with this problem effectively—if indeed they have not already so trashed the effective solution to this problem, have not so stimulated the trade of the people smugglers and made those businesses boom in a way which they simply did not between 2001 and 2007. They have not done that to such an egregious extent that it is no longer possible to push that genie back into the bottle.

Let me simply repeat what has been said by many coalition members and senators in the course of debates here and in the other chamber: while the coalition welcomes the fact that the government is dismantling its own previous failed attempts at restricting the unauthorised arrival of people by boat, it has not implemented the Pacific solution that was so effective under the former government. While it has half-heartedly embarked on this process, while it has left so many key pieces of the puzzle out it will not in all likelihood succeed in preventing arrivals of people by boat. I say that with the greatest concern and sadness because, while people continue to make those perilous journeys on boats, they continue to risk their lives. Once again, Australia will need to examine how it can take further steps to prevent that loss of life at sea.

The coalition, as Senator Cash indicated, will support this motion but we acknowledge this is only a very small piece of a solution which the government is very far from having found.

Senator DI NATALE (Victoria) (10:45): In rising to speak today I will say what I have said on several other occasions in that this is once again a very unhappy experience for me in having to speak up against this motion. Many of the arguments in this debate have been thrashed out quite comprehensively but I think it is important to reiterate that this is an incredibly complex problem. None of us here have any simple solutions that will resolve it. There are many factors at play, many of them global, international factors, many of them in our region and some of them here on our doorstep.

Because it is such a complex problem and because it is an issue of such tremendous complexity, it is an issue that requires leadership. For wicked problems like this, it is critical that we have governments and political leaders who are prepared to show some leadership and courage, and to try and take the community with them rather than trying to appeal to people's fears and concerns. But instead of that, rather than having a debate in this country that is measured and that highlights the limitations that the Australian government has in terms of influencing the movement of people across the world, we have seen a debate that has been dominated by simplistic slogans and the notion of quick fixes and simple solutions, rather than leaders having the courage to acknowledge that this is a difficult problem that ultimately requires a much longer term set of measures to ensure that we do get the response that we are after.

We have seen a game of political football. Those on the conservative side of politics say, 'We stopped the boats.' That is a function of how debased the political discourse in this country has become, that a problem like the movement of people across the world that results from so many different factors has become reduced to a four-word slogan like 'We stopped the boats'. It is a function of the fact that we have a political debate in this country that has been diminished by the contributions that many people have made on this issue. The lesson for the Labor Party is: whatever you do on
this issue, it will never be enough for those opposite. Here we have an opposition who essentially voted for the government's policy and are now doing everything they can to distance themselves from it. They need to realise that they own this policy. It is theirs just as much as it is the government's.

I think it is important also to correct some of the things Senator Humphries said earlier in his contribution. He alluded to the claim that we have essentially seen the Greens policy being enacted over the past five years. Again it is a reflection of the fact that this debate often occurs without any genuine reference to the facts as they actually exist. What is the Greens policy? We want to see an increase in the humanitarian intake. We want to see more funding for the UNHCR. We want to see greater focus on regional processing. We want to see an uncoupling of our onshore and offshore quotas. We want to see people's lives at sea being made safer. We want to see all of those things happen, and none of those things have been in place. So to say we have actually seen the Greens policy enacted over the past five years is just plain wrong.

It is a great injustice to this debate when we have those sorts of contributions, to then gloss over the fact that it was a conservative government that saw the death of 350 people during the sinking of the SIEV X: 'We will gloss over that part of history because it is inconvenient'. It is time that the debate on this issue was at least returned to a level where there is some degree of civil discourse, where the facts as they exist are on the table—not as those opposite would try to construct them. It is very important that we do that because we will not make any progress on this issue unless we do so.

My principal objection to the motion before us is that we are violating a very important principle when it comes to those people who seek our protection—that is, we must first do no harm. By sending people to PNG, we are saying that we will inflict harm and suffering on one group in the community, people who are deserving of our protection in both a moral and legal sense. We are saying to them, 'We will inflict harm upon you' and no-one can deny that what is before us is a policy that inflicts tremendous harm on people. We are saying to them, 'We will inflict harm upon you in an effort to try to change the behaviour of another group of people.' That is a principle that we should never support.

I am very concerned, as are many others who have made contributions to this debate. We argue that we are acting in the interests of refugees. I do not see any refugees arguing in support of this policy. I do not see a clamour from refugee groups suggesting that we are doing is in their interests. In fact, what I hear is in large part the direct opposite of that. Of course, we have the same arguments against this policy from human rights groups like Amnesty, from churches, from the ACTU, from a number of academics and from human rights lawyers.

One of the most interesting contributions recently was from some people within PNG. We know there are parliamentarians in Papua New Guinea who are appalled at what has been inflicted on them. We have PNG's former Attorney-General Sir Arnold Ahmet, who says that Australia is being presumptuous by essentially debating the legislation before PNG had the opportunity to even discuss it within their own parliament. He said:

We cannot overnight be expected to rubber-stamp. It's like a patronising attitude towards Papua New Guinea and we cannot simply be expected to do this. And I think that Australia has handled it very poorly.

He goes on to say that:
Struggling Pacific island states cannot be presumptuously treated like Australian territories with the token gestures of development dollar for removing this problem from Australian soil. This is a moral dilemma. We can't simply be forced upon to take these people.

Even worse than that, not simply are we treating PNG with disrespect but we have the Catholic Bishop of Manus Island, who described the Australian government's plans to process asylum seekers as 'immoral'. Bishop Ambrose Kiapseni was a critic of the Howard government's use of Manus and said that he believed what we were doing on Manus Island with this approach was 'far worse' because we were not prepared to outline the limit on how long asylum seekers would stay there. He says:

…keeping the people like that in a place maybe they don't want to stay in, I think that's like forcing them. So[it] is immoral in that way. It's like putting people in jail without a sentence.

Just think about that. He is stating that he believes that this approach is worse than the Howard Pacific solution.

It is worth considering the conditions on Manus as well.

We have essentially a developing country with a range of communicable diseases, including malaria; we have health infrastructure that is inadequate; and we are saying to people who are both legally and morally entitled to our protection that we are going to send them to that environment so we can try and use them as an example for others. The President of the Australian Human Rights Commission, Professor Gillian Triggs, said that she was very concerned about the change in the balance between executive discretion, ministerial discretion and the opportunity for review by the High Court. In her words, she says that we have 'a strengthening of ministerial discretion, the executive role, and a weakening of the capacity for judicial review'. She says that to change that 'is a worry in a modern democracy where people should have ready access to the courts'.

We have a number of important contributions to this debate, including from some of the people directly affected, who say, 'We don't want it.' There are also very sensible pragmatic reasons. I think there is a very sound moral argument for why this should not proceed, but there is also a pragmatic argument. We know that, to date, there has not been a significant impact on the flow of people seeking our protection. We know that, in fact, to date there has not been a significant impact, because it is unlikely that a policy like this could be worse than the conditions that some people are fleeing from.

I find it a little offensive that this argument has been dressed up as an argument for compassion for refugees. There is nothing compassionate about a statement that says, 'We stop the boats. We'll decide who comes to this country and the circumstances in which they come.' That is the construct through which this debate has been had. That has nothing to do with compassion and has everything to do with politics.

Ultimately, this is an issue that requires a much more mature debate. It requires a return to the bipartisanship that we had during the Hawke and Fraser years, where this issue was not used as a political football. Unfortunately, that bipartisanship broke down during the tenure of the Howard government, when he saw opportunity in the lead-up to an election to politicise what should have been a manageable problem, not one that was seen through the prism of politics. Unfortunately, that is not the tenor of the debate; it is a function of the lack of leadership and courage from some of our political leaders at this time.

We know that the numbers are not with us in this parliament. We have a bill before the
parliament to try and make what is essentially a very bad piece of legislation a little better. We have a bill that would at least ensure that the health of refugees is monitored and that we get a clear and accurate assessment of what their health needs are, as well as how we can best meet those needs. The bill has been supported by the AMA and it essentially says that there will be an independent health panel made up of experts, operating at arm's length from the immigration department and reporting to the parliament so that we can ensure that the parliament at least has some role in ensuring that the welfare of refugees is looked after.

Ultimately there is a much better way of dealing with this problem. It requires bipartisanship. It requires us to offer people a safer pathway. It means that we need to increase our humanitarian intake and work on a regional solution. We need to better resource the UNHCR and provide people with other avenues of reaching this country. I am sure that there will always be a time when some people will use whatever options are open to them to arrive here, and it is our responsibility, both legally and more importantly morally, to offer them protection.

In a wealthy country like Australia it is a sign of strength and not weakness to be able to afford people that protection. It is with some sadness that I speak again today. We will not be supporting the motion today and we will be ensuring that we do whatever we can to make what is essentially a very poor piece of legislation a little better for those people involved.

Senator WRIGHT (South Australia) (11:00): I rise to speak today on the designation of the Independent State of Papua New Guinea as a regional processing country. And so our nation's trajectory of shame in relation to our treatment of asylum seekers continues. I have spoken on this too many times before. We once had a proud history when it came to the way in which we responded to some of the world's most desperate and wretched peoples. At that time I think we could have held our heads up high if that had been our national anthem at the time. Those particular lines, 'For those who've come across the seas/We've boundless plains to share,' genuinely reflected the way we saw ourselves as a small but proud nation prepared to sign up to the 1951 Convention relating to the Status of Refugees. In fact, we were one of the first countries willing to sign up to that convention which, as we all know, was a response to the disgrace that was the case of how Jewish refugees fleeing Nazi Germany were treated during the Second World War.

Proudly, we signed up to the convention in 1954, and as a result of that convention we undertook obligations on a world stage to treat people seeking asylum with respect. We took on an obligation to assess persons claiming asylum as to whether they were genuine refugees. What we know now is that of those persons coming to Australia seeking asylum over 90 per cent are ultimately assessed to be genuine refugees. We also undertook obligations of non-refoulement under the 1951 refugee convention—not forcibly returning people seeking asylum to the country from which they were fleeing.

The designation motion that is being debated today is only possible because of the shameful passage of the Migration Legislation Amendment (Regional Processing and Other Measures) Act several months ago. In my view, the passing of this legislation heralded a low point in Australia's willingness to allow human rights violations in order to achieve a pragmatic, political outcome. The Human Rights Law Centre has analysed the human rights violations in that legislation and they have been scathing in
their analysis. They have said that the legislation:

… enables the government of the day to designate any country as a regional processing country—

and, of course, that is what we are doing today—

regardless of the human rights protections afforded in that country either under international or domestic law. This is likely to give rise to violations of non-refoulement obligations under the Refugee Convention, the International Covenant on Civil and Political Rights and the Convention against Torture, all of which have been ratified by Australia.

The Act provides for the removal of unaccompanied children to a regional processing country for a broad range of reasons considered to be in the ‘national interest’, contrary to the general obligation under the Convention on the Rights of the Child to ensure that the best interests of the child are given primary consideration and the specific obligation to ensure that asylum seeker children receive all necessary human rights protections and humanitarian assistance.

This is the pass that we have come to in Australia. The Human Rights Law Centre went on to say:

The Act provides that the rules of natural justice do not apply to a range of Ministerial decisions, including decisions as to which countries should be designated as regional processing countries, whether an asylum seeker should be sent offshore, and which regional processing country an asylum seeker should be sent to. This directly breaches Australia’s obligations under the ICCPR to ensure that, in the determination of rights and obligations, a person must have access to the courts and is entitled to a full and fair hearing.

The litany of human rights violations continues.

This designation today—what would it involve? What does it represent? Essentially, if this motion is passed today and the Independent State of Papua New Guinea is designated as a regional processing country, it will be one of the wealthiest nations in the world outsourcing our moral responsibilities to one of our poor neighbours, one of the poorest countries in the world. Our neighbours like Nauru and Papua New Guinea are far more economically challenged than what we are.

On one hand, we posture on the world stage and in our own neighbourhood about the need to work together but our actions—and they are actions promoted by the Australian Labor Party, and Tony Abbott and the coalition—convey a lack of respect for our regional partners and an unwillingness to take genuine responsibility for those asylum seekers who seek refuge with us.

Let us compare the situation that we face with those of our regional partners—partners like Indonesia, who have 10,000 asylum seekers; Malaysia, who have 90,000 asylum seekers; and Thailand, who have more than 140,000 asylum seekers. About 6,000 asylum seekers come to Australia each year by boat, and it is a small fraction of our immigration intake of 110,000. We welcome the fact that the refugee intake has been increased to 20,000 but this is still extremely low in comparison to our peers, other wealthy nations, in the world. So in 2010 Canada received 23,160 asylum seekers and in France it was 47,790.

In Australia we expect our regional partners Malaysia, Indonesia and Thailand to agree to new responsibilities for thousands of asylum seekers but we are not prepared to shoulder the burden equally. We use our economic power and influence to pressure more vulnerable states like Nauru and Papua New Guinea to take on our moral responsibilities for us.

What will it mean to designate the Independent State of Papua New Guinea as a regional processing country and, more specifically, asylum seekers to Manus Island? I would like to refer to the words of a
man called Paul Lonot Sireh, a Manus Islander, a Manusian. He was born and bred there. He did his primary and secondary schooling there and then went to a seminary to study for the priesthood. He left Papua New Guinea for Australia about 12 years ago and he has recently written some heartfelt words about the prospect of having Manus Island designated as a regional processing centre to take Australia's responsibility for refugees. He said:

Being a Manusian, I am feeling sad for my island and my people.

… … …

The move to spend millions of dollars to reopen the Manus detention centre is very much like building a palace in the middle of a slum. Manus Island is a forgotten province in PNG to say the least as regards development. People's lifestyle is undisturbed and peaceful. However like most developing peoples we are now feeling marginalized and our needs ignored by both governments. Because I reside in Australia, I am privileged to have access to a modern and western lifestyle, with three meals a day, better clothing, and many other benefits from living in this country. Manus Islanders don't have these privileges.

Can both the Australian and PNG governments help improve the living conditions of the islanders before thinking of spending millions on an exercise that will not be beneficial to all? If foreigners are to be sent to Manus, how will the needs of all Manus Islanders be met?

What would be the ideal way to boost the local economy on Manus? Here are a few suggestions for much needed improvements to infrastructure. Our deserted Lorengau town needs to be developed with good roads, housing and good sanitation. The Manus highway is very much like a logging track. The wharf has been there since World War II. People are dying every day because there are insufficient drugs and no hospital facilities to attend to the sick. The airport terminal needs to be renovated or completely rebuilt. These are just some of the vital needs of Manus Island if Australia and PNG governments are serious about boosting the local economy.

I will interpolate here with my own comments: through Australia exerting economic influence to displace our moral responsibility to process those people coming to our shores seeking asylum by placing them in a less privileged country like Papua New Guinea and a less privileged area in a less privileged country like Manus Island, the divisions that can be set up, the jealousies, the misunderstandings that can occur, we must take some responsibility for. By displacing our moral responsibilities we are spreading the wretchedness of those people who are coming to Australia seeking asylum from us.

I will continue with Mr Sireh's words:

But my main concern is that Australia is a prosperous First World nation that is economically capable of accepting a much large number of refugees who reach our shores seeking asylum from war, violence and persecution. By offering Manus PNG, with a much weaker developing economy, substantial aid to process many of these asylum seekers, Australia is lapsing back into the habits of its colonial past by exploiting the resources of another nation, in this case the willingness and economic needs of the remote Manus Islanders.

The government is asking Manus-PNG to do what they themselves are not willing to do. The fact that the government's motive is to deny asylum seekers the protection of Australian Law makes moving their problems to PNG all the more reprehensible.

… … …

Despite the many differences, are there not also many parallels with the early history of Australia, when England decided to solve her convict problems by sending them around the world to Botany Bay—out of sight, out of mind?

Mr Sireh reminds us of the experiences of the Palestinian asylum seeker Aladdin Siselim, who remained the sole detainee on Manus Island for 10 months in 2004. Mr
Siselm told ABC Radio's Saturday *AM* program that it would be wrong to reopen the facility, that it is a bad decision and he gave testimony to the effect on his own mental health of being detained on Manus Island. He went on to say he continues to experience a mental disability from the post-traumatic stress he experienced after that detention and suffering, and that it has been difficult for him to rebuild his life. I will come back to what we know are the ongoing consequences for people's mental health of indefinite detention.

Mr Sireh says:

I strongly urge that such experiences should not happen again. To re-open the Manus detention centre would be inhumane and destructive for the health and wellbeing of all involved.

Please leave Manus Island alone if the local people can't benefit from it, and the very name of Manus Island becomes linked around the world with injustice and persecution.

As I have already indicated, we are denying asylum seekers their basic human rights—rights that every human being is entitled to. The legislation that enables this designation to occur explicitly denies the rights of natural justice. It provides explicitly that protections within the legislation are not binding on the government and it removes the role of the minister as a guardian for unaccompanied minors, children, and begs the question: who ultimately will be responsible for these people? They are vulnerable because they are minors and particularly vulnerable because they are asylum seekers.

One of the worst aspects of this policy is the fact that it subjects people to a term of detention which is indefinite on the basis of this idea of no advantage being given to those people who seek asylum by coming to Australia by boat. As Julian Burnside, the eminent jurist, has pointed out: this is nonsensical. What are the dynamics? How can the length of detention be determined when there are so many flaws in applying the formula?

How does one determine when a person seeking asylum in Australia and arriving by boat would otherwise have been resettled?

How do we determine what the average term of waiting for resettlement would have been?

Do we take the average standard of an African refugee camp? Do we look at waiting times in Malaysia or Indonesia? Depending on what formula we apply, the difference could be between five and 40 years. Either of those possibilities would be totally unacceptable.

Effectively, this policy has people being sentenced to exile in a place that is out of sight, out of mind for Australians, for an unknown period in conditions that are unacceptable. Their 'crime' is seeking asylum under a convention which Australia proudly signed up to in 1954. We know that there will be devastating consequences for these people. These people will, by and large, be the future citizens of Australia, and we as a nation will continue to pick up the tab for the economic costs; the ongoing assistance and rehabilitation for the mental effects of the detention; the cost of the opportunity lost by having these people's potential squandered for the period they are detained; their concept for what it is to be an Australian and the way that will fundamentally be affected by what they have experienced; and also our concept of ourselves as a people.

The effects of this will be generational, and I am sure that history will judge what we are doing extremely harshly. We know, particularly in relation to the mental health consequences of indefinite detention, how serious those consequences are because we have now been doing this experiment for a decade. We know that indefinite detention creates factors for producing mental illness
and mental disorder. It seems to me that if we had set about to design a cruel process to achieve a devastating outcome we could not have been more effective.

These are people who flee trauma, persecution and threats to their lives and their families, who have often experienced or witnessed things unthinkable for those of us who sit in this chamber. They take perilous journeys to reach our shores and they come with hope, seeking solace and refuge—and we dash that hope, we dehumanise them, we demonise them and we lock them up indefinitely. And now we ship them away from our shores to places like Nauru and Manus Island, where there is one of the highest rates of malaria in the Pacific. It is not surprising that indefinite detention leads to self-harm, severe depression and suicide. We saw that time and time again at Nauru, where children swallowed shampoo in an effort to kill themselves. This is the responsibility that we all have to be prepared to take if we are going to implement this kind of policy.

This is a complex problem, but the Greens have been willing to genuinely grapple with this. There are no easy solutions, and so we have a Greens policy that is aimed at ensuring that people do not feel that they need to take desperate measures in order to get the opportunity to seek a better life. That is the way to stop the boats.

It is only through leadership—the kind of leadership that this country deserves and that we are all elected to take on as a sign of the trust placed in us by the Australian people—that we will see genuine progress in dealing with this difficult issue. There is much at stake. It is not just the immediate welfare of those people coming to us for refuge right now but also our international reputation. Most importantly, in the end it is about our own concept of who we are as a people and what we stand for. I genuinely believe that we are better than this policy would suggest, and urge the Senate not to support the motion.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (11:19): I reiterate to the Senate the integral nature of supporting this motion, which is to designate the Independent State of Papua New Guinea as a regional processing country. I would like to address the amendment put forward by the Greens and the reasons the government will not be supporting this amendment.

The government is taking action recommended by a panel of experts. We have agreed in principle to implement all 22 recommendations of the expert panel’s report on asylum seekers, and this is how responsible governments develop policy: we listen to the advice of experts. Those recommendations include regional processing in Nauru and Papua New Guinea as soon as is practicable. The government believes that the measures it is putting in place as recommended by the panel will be effective. The combination of an increased refugee intake from offshore and no advantage for those who arrive by boat removes the attractiveness of attempting the expensive and dangerous boat journey to Australia. It is important to note, and in the context of this debate I remind my colleagues, that the expert panel report does not recommend temporary protection visas, a measure that in the past, contrary to what we have heard today, saw some 95 per cent of refugees permanently remain in Australia, and makes clear that tow-backs create risks to the lives of Australian Defence Force personnel and would only ever work with an agreement with other countries, something
that Indonesia has made amply clear will not happen.

Through the course of much of this debate we are faced with opposition for opposition's sake and we as a government are doing our level best to take the politics out of this issue. As we have said consistently, there is still some way to go before we see the real effects of these policies but we are starting to see positives such as the recent voluntary returns of Sri Lankans. We know people smugglers will continue to test our resolve, but no-one should doubt the government's commitment to implementing the 22 recommendations of the expert panel. We believe that it is only through doing this, through responding to that expert advice diligently, that we will be able to end the appalling trade of people smuggling and help stop people dying at sea. People arriving by boat without a visa after 13 August 2012 run the risk of transfer to a regional processing country. That is clear.

Senator Hanson-Young interjecting—

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! I remind senators that the minister has the right to be heard in silence.

Senator Lundy: The government has already transferred a significant number of people to Nauru and such transfers will continue to take place over the coming weeks and months. Indeed, the principle behind this policy is that saving lives is paramount. Contrary to the Greens' accusations levelled through the course of this debate, transferees will not be left on Nauru and Papua New Guinea indefinitely.

Senator Hanson-Young: How long, then?

The ACTING DEPUTY PRESIDENT: Senator Hanson-Young, I remind you that under standing order 197 you may only interrupt another senator on a point of order or a matter of privilege.

Senator Lundy: As I was saying, to have an effective policy it is necessary, as we know by the panel's advice and recommendations, to have a no-advantage principle for people seeking asylum—that is, for those seeking asylum they are not given any preferential treatment in processing their claims as a result of travelling irregularly by boat to Australia. This means that people who arrive in Australia by boat should not be resettled any faster than refugees waiting in refugee camps around the world. If the government is going to invest in a regional process, it is fundamental that asylum seekers should be required to access that process and not seek an advantage by travelling to Australia irregularly by boat. It is important to remember that irregular maritime arrivals would have been waiting long periods in the region for processing and provision of a durable outcome to this very difficult problem. We are not adding to that time, only reinforcing the principle that there will be no advantage gained in paying a people smuggler to bring them to Australia and, most importantly, risking their lives and perhaps the lives of their loved ones in that process.

These measures are in conjunction with the unprecedented rise in the humanitarian intake to 20,000 people. This will include refugees who have been waiting for a number of years in the hope of resettlement in Australia. It is also important to note that the panel has also recommended circumstances in which people spend time waiting in Nauru and Papua New Guinea be different than when asylum seekers were processed there in the past. The intention is that the facilities will be open, there will be appropriate mental health arrangements and transferees will have access to education and vocational opportunities. So I refute many of
the propositions put forward by the Greens in the debate today about the treatment of asylum seekers on Nauru and in Papua New Guinea.

This motion seeks to implement a key and urgent recommendation of the expert panel report. As I stated a number of times in my opening comments and at the beginning of my closing remarks, this motion is about the designation of the Independent State of Papua New Guinea as a regional processing country. The government’s policy will be a clear demonstration that people can pursue regular options and be safely referred to resettlement countries like Australia as part of an orderly humanitarian program while at the same time providing no advantage to those who arrive by boat. Together, these things will undermine the people-smuggling trade. For these reasons the government will be opposing the amendment put forward by the Greens. I commend the substantive motion to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): The question is that the amendment moved by Senator Hanson-Young be agreed to.

The Senate divided. [11:30]

(The Acting Deputy President—Senator Fawcett)

Ayes ................. 8
Noes .................. 33
Majority .............. 25

AYES

Di Natale, R          Hanson-Young, SC
Ludlam, S            Rhiannon, L
Siewert, R (teller)   Waters, LJ
Whish-Wilson, PS      Wright, PL

NOES

Back, CJ              Bernardi, C
Bilyk, CL             Bishop, TM
Brown, CL             Bushby, DC
Cameron, DN           Cash, MC

The ACTING DEPUTY PRESIDENT (Senator Fawcett) (11:33): The question now is that the government motion moved by Senator Collins to approve the designation of the Independent State of Papua New Guinea as a regional processing country be agreed to.

The Senate divided. [11:34]

(The Acting Deputy President—Senator Fawcett)

Ayes .................. 30
Noes .................. 8
Majority .............. 22

AYES

Back, CJ              Bilyk, CL
Bishop, TM           Brown, CL (teller)
Cameron, DN          Cash, MC
Colbeck, R           Cormann, M
Crossin, P           Fawcett, DJ
Feeney, D            Furner, ML
Gallacher, AM        Humphries, G
Johnston, D          Lundy, KA
Madigan, JJ          Marshall, GM
McEwen, A            McKenzie, B
McLucas, J           Moore, CM
Parry, S             Pratt, LC
Ruston, A            Smith, D
Stephens, U          Sterle, G
Thistlethwaite, M    Xenophon, N
Xenophon, N

Question negatived.

The ACTING DEPUTY PRESIDENT (Senator Fawcett) (11:33): The question now is that the government motion moved by Senator Collins to approve the designation of the Independent State of Papua New Guinea as a regional processing country be agreed to.

The Senate divided. [11:34]

(The Acting Deputy President—Senator Fawcett)

Ayes .................. 30
Noes .................. 8
Majority .............. 22

AYES

Back, CJ              Bilyk, CL
Bishop, TM           Brown, CL (teller)
Cameron, DN          Cash, MC
Colbeck, R           Cormann, M
Crossin, P           Fawcett, DJ
Feeney, D            Furner, ML
Gallacher, AM        Humphries, G
Johnston, D          Lundy, KA
Madigan, JJ          Marshall, GM
McEwen, A            McKenzie, B
McLucas, J           Moore, CM
Parry, S             Pratt, LC
Ruston, A            Smith, D
Stephens, U          Sterle, G
Thistlethwaite, M    Xenophon, N
Xenophon, N

CHAMBER
Wednesday, 10 October 2012

SENATE

7795

CHAMBER

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

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

Ruston, A
Stephens, U
Thistlethwaite, M

Smith, D
Sterle, G
Thorpe, LE

AYES

Question agreed to.

BILLS

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

Consideration of House of Representatives Message

Debate resumed.

The TEMPORARY CHAIRMAN (Senator Fawcett) (11:37): The question is that the motion moved by Senator Conroy that the committee does not insist on its amendments to which the House of Representatives has disagreed, and agrees to the amendments made by the House in the place of those amendments, be agreed to.

The committee divided. [11:42]

(The Temporary Chairman—Senator Fawcett)

Ayes........................30
Noes........................10
Majority.................20

AYES

Back, CJ
Birmingham, SJ
Brown, CL (teller)
Cash, MC
Conroy, SM
Farrell, D
Feeney, D
Gallacher, AM
Johnston, D
Marshall, GM
McKenzie, B
Moore, CM

Bilyk, CL
Bishop, TM
Cameron, DN
Collins, JMA
Crossin, P
Fawcett, DJ
Furner, ML
Hogg, JJ
Lundy, KA
McEwen, A
McLucas, J
Pratt, LC

Ruston, A
Stephens, U
Thistlethwaite, M

Smith, D
Sterle, G
Thorpe, LE

NOES

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

Hanson-Young, SC
Rhiannon-Young, SC
Ludlam, S
Siewert, R (teller)
Whish-Wilson, PS

Xenophon, N

Question negatived.

Resolution reported; report adopted.

Customs Amendment (Anti-dumping Improvements) Bill (No. 2) 2011

Customs Amendment (Anti-dumping Improvements) Bill (No. 2) 2012

Customs Tariff (Anti-Dumping) Amendment Bill (No. 1) 2012

Customs Amendment (Anti-dumping Improvements) Bill (No. 3) 2012

Second Reading

Debate resumed on the motion:

That these bills be now read a second time.

Senator COLBECK (Tasmania) (11:45): I rise to make a contribution on behalf of the opposition in relation to the Customs Amendment (Anti-dumping Improvements) Bill (No. 1) 2011, the Customs Amendment (Anti-dumping Improvements) Bill (No. 2) 2012, the Customs Tariff (Anti-Dumping) Amendment Bill (No. 1) 2012 and the Customs Amendment (Anti-dumping Improvements) Bill (No. 3) 2012. Right at the outset we note that this is the fourth time that we have been here to look at amendments to this legislation. The government's approach to this, I have to say, has been somewhat tardy and symptomatic of their approach to the management and governance of this country over the last five
years. That having been said, the opposition will be supporting this legislation. We note that it does fall within the framework of policy that we already have on the table and in that context, in my view, if the opposition can get this work done with the limited resources of opposition it is a bit difficult to understand why it has taken the government so long to get through this whole process.

These bills will actually do a number of things. The legislation will lead to: the creation of additional forms of duties that the minister can apply to goods that are considered to have been dumped in Australia; the amendment of subsidy provisions in the Customs Act to align them more closely with relevant definitions and provisions of the World Trade Organization Agreement on Subsidies and Countervailing Measures; extension of the minister's powers in seeking to continue to impose antidumping duties beyond their originally nominated termination date; and the removal of certain limitations upon the calculation of the so-called 'normal value' of the relevant goods, essentially the prices at which they are assessed to be typically sold in their home market that time at which they were exported to Australia.

The coalition has a number of concerns in relation to the government's approach to antidumping. As I have already indicated, this is the fourth time the government have brought legislation to the chamber to deal with their commitments in relation to antidumping. We do have a particular concern in relation to their commitment to implementing the measures and resourcing the application of the legislation. It is pertinent to note that the government announced they would be increasing the staffing in the relevant branch of Customs to deal with antidumping from 31 to 45, giving the impression that they were actually increasing the resources. But it has subsequently become apparent that these changes are not based on extra financial investment, as was indicated by the ministers at the time, but are just a reworking of resources within the department. So we are robbing Peter to pay Paul as part of the process of trying to meet our obligations to industry here in Australia. We are taking resources from one area of Customs, weakening that area, to strengthen another. I am sure that those who are concerned about antidumping would be happy that resources are being added in respect of their particular area of interest, but it is of significant concern more broadly that Customs is not being adequately resourced in that respect to manage the broader customs task.

The coalition has made some commitments in respect of its policy in relation to that matter and we look forward to the opportunity to implement those commitments. In our view, a genuine increase in the branches' resources would pave the way for the use of stronger interpretations there in prosecuting dumping cases and it would also provide the opportunity for us to better align our system with those in force in other countries such as the United States and a number of EU member states. We think that there is some real work to continue to do in relation to antidumping in Australia.

We already have a strong policy that was put into place after the work of a committee put together by the leader, a dedicated task force of frontbenchers led by our shadow minister, Sophie Mirabella, John Cobb, Michael Keenan and me. We worked through the process of developing that policy that has been out in the public arena for a while, and we note that the government are starting to pick up some of the particular issues that we raised. But unfortunately they are not resourcing Customs as well as they could; they are actually robbing Peter to pay
Paul, but at the same time trying to give the impression to the broader community that they are actually putting more resources in. This is deceptive marketing of the way that they are governing when in fact they are starving other areas of Customs of resources at the same time.

The coalition task force consulted broadly with industry and also looked extensively at other models, particularly those of the United States and the European Union, to ensure that what we are proposing is as closely aligned as possible to those jurisdictions and to put our industries in Australia in a situation where they believe that they have some genuine protection against dumping. I have to say that I think Australia was seen as a pretty soft touch, as a country where the rules were applied lightly. It is pleasing that more resources are being applied into that particular area of Customs, but we need to have a process that is affordable for industry in Australia to access and in which industry also has some confidence that it will provide genuine protection in relation to their concerns about product being dumped into Australia. We have done a lot of work to ensure that our policy provides those alignments with our major trading partners and some of the major trading economies around the world. That is now on the public record. Even though it has been a slow and piecemeal process from the government, we are pleased that they are starting to come on board with the legislation. As I said, it must be a system that works, is effective, ensures we have adequate investigation and enforces our decisions.

One of the real issues that industry have brought before the coalition—I am sure they have discussed it with government as well—is that it is sometimes very difficult to access information in other jurisdictions, and that can be used as a way to delay the processes to the disadvantage of Australian industry. I think it is reasonable that we have in place provisions that enforce the need to provide information that is being sought by Australian companies and, more importantly, the Australian government in a timely manner so that decisions can be made that do not disadvantage Australian business. The impact can occur very quickly in some circumstances, and so the negative impact can occur in a short period of time, the investigation may take a long period of time and significant damage could be done in the interim. The additional resources are important, as I said—our system needs to be better resourced. But making sure that the system is effective, is accessible and is cost-effective for industry to access is very important.

Another issue the coalition have talked about, which was pooh-poohed by the government when we raised it, was where the antidumping decisions are actually held within the government. We have talked about taking it out of Customs and giving it to another agency. The Minister for Home Affairs said in November 2007:

Moving responsibility for anti-dumping decisions from Customs to another department is just bureaucratic reshuffling and will take away responsibility for making decisions from staff who actually monitor what is being imported into Australia.

Yet now we find the government are actively considering that themselves. When we released our policy it was a really bad idea, but now it might not be such a bad idea. Again we find the government following the coalition in the development and implementation of policy.

Given that we are supporting the legislation, I do not think I need to say too much. I have highlighted the points that I wanted to highlight about this particular piece of legislation. So again I indicate we are supporting it but reinforce the point that
this is symptomatic of the ad hoc way that this government has managed its broader legislative framework. We have seen a number of pieces of legislation that have been brought before the chamber and have had to be modified over time, perhaps the best example of which is the carbon tax where the government did a deal with the Greens to implement the tax. The crazy ideas of the Greens do not work when put into practical application and we have seen the floor price removed and other changes made that the Greens did not want when they did the deal and negotiated the carbon tax. The government then had come back and fix up the mess they created. They have not done a deal with respect to this legislation but they have been very slow—as I said, this is the fourth piece of legislation they have brought forward to deal with dumping. We do not believe they have got it right yet, but this does come some of the way, so the opposition will support this legislation.

Senator PRATT (Western Australia) (11:57): I am delighted today to rise to support the bills before us, which represent the second, third and fourth tranches of what have been significant reforms to Australia's antidumping regime. They are in fact the most comprehensive reforms to Australia's antidumping regime in over 10 years. They are the result of a comprehensive inquiry by the Productivity Commission and they take account of the views of state and territory governments and Senate committee reports. The consultation was quite lengthy and I am pleased to know that a broad range of views were sought and listened to, from key industry players affected by dumping in Australia right through to major unions. So I think we can be confident that the reforms we have before the chamber are based on the needs of all sections of the Australian economy.

As we know, the Australian economy is in a strong position under the stewardship of the Labor government, and I congratulate the Treasurer and the finance minister on this. Indeed, they have announced that the Australian economy is now the 12th largest in the world. We have leapt three places, surpassing economies as large and diverse as South Korea, Spain and Mexico. It is a testament to good financial and economic management. But, as these bills highlight, there are challenges facing our economy. As I have said before in this place, the health of our manufacturing sector is perhaps the greatest of those challenges. That is why I am pleased to be here in this chamber taking action to ensure that dumping pressures are relieved on the Australian manufacturing sector as one of the planks that help ensure we have a healthy manufacturing sector into the future.

Today we are looking at the Customs Amendment (Anti-dumping Improvements) Bill (No. 2), the Customs Tariff (Anti-Dumping) Amendment Bill (No. 1) 2012 and related bills.

I would like to begin by dismissing the idea that antidumping laws are merely a reflection of protectionist sentiments in this country. It is simply not the case. Antidumping laws are not about protectionism; they are very much about recognising the fact that overseas companies can and do engage in anticompetitive practices by dumping their products here in Australia at prices well below their actual value or cost of production.

Dumping has had serious consequences for the Australian economy and, because Australian companies cannot compete with these artificially low prices, we see the results in the cutting back of jobs and training or sometimes even the closure of shops entirely. Losing manufacturing jobs
reduces the diversity and resilience of our economy and we must do everything reasonable to combat these anticompetitive practices. It is notable that the prices of the dumped goods are often artificially lower due to foreign government subsidies and ownership—precisely the type of government economic intervention that opponents of antidumping abhor. In that context, I note the significant challenges to Australian industries, such as the steel industry, while countries that we compete with—China, for example—are building massive reserves of manufactured steel. We need to be mindful that such products are not dumped here in Australia and artificially and falsely compete with Australian steel.

Senator Williams: They don't have a carbon tax.

Senator PRATT: It does not have anything to do with the carbon price. It has to do with the artificial interference with state-owned enterprises where they will not cease production based on market forces, but for their own reasons will continue to create production. For example, they might want just to retain local employment. It does artificially impact on the price of products.

The problem with arguments advanced by opponents of antidumping provisions is that they want to have it both ways. Often we have heard them say that they oppose antidumping laws as unnecessary government intervention, without recognising the fact that such laws are necessitated by overseas government intervention and the serious consequences for Australian industries and jobs. Opponents will often tell us that the benefits to consumers of cheap, dumped products outweigh the benefit of antidumping laws. With all respect to those commentators, I disagree. It has no regard for the long-term health of Australia's manufacturing sector and, by proxy, the Australian economy. It has no regard for the damage that dumping can do to jobs and livelihoods. It does not matter how cheap products are at the supermarket when you are unemployed. It does not matter how cheap products are if we lose our manufacturing industry and its strong multiplier effect on the economy. And it does not matter how cheap those products are now; they will get more expensive once domestic competition has been driven out.

Antidumping laws make sure that the prices people pay for goods both now and in the future are fair and competitive. When we get policy settings right, antidumping laws play an important part in ensuring that we can live in an economy that is fair as well as free. The importance of antidumping laws is understood by stakeholders throughout the economy but it is particularly understood by those who are in the front line of protecting workers from job losses. As Dave Oliver, the former National Secretary of the Australian Manufacturing Workers Union, notes, the practice of illegal dumping has the potential to destroy manufacturing jobs around the country. Importantly, this is a view held not only by unions. It is understood by those businesses who work in the manufacturing sector. Manufacturing Australia, a business coalition of Australian manufacturing companies, state in their March 2012 communiqué, 'Australia's manufacturers cannot continue to withstand the unfair trade that leads directly to the loss of jobs, loss of Australian capability and vulnerability to price increases.'

This is why I am pleased to speak in support of these bills today. It is fundamentally about protecting the health of our economy and the jobs of Australian manufacturing workers. It is not, however, a matter of ideology. It is a matter of doing what is needed to support both workers and
businesses in this country. I am very pleased to see opposition support for these reforms.

The bills make several major reforms to our existing antidumping laws, and I will comment on just a few of those. Firstly, the bills clarify the powers of the CEO of the Australian Customs and Border Protection Service and of the minister when determining whether a countervailable subsidy has been received or when determining the amount of a countervailable subsidy when the parties under investigation fail to provide information to Customs or when they significantly impede Customs' investigation. In these circumstances, the bills make it clear that the CEO of Customs and Border Protection and the minister have express power to take all facts available into account. I think it is important that the minister has these powers and retains them into the future. Given that it is in the interests of companies who engage in dumping practices to cover up the existence or extent of their unfair trading, it is sensible to make it easier for our authorities to decide whether or not dumping has occurred.

Secondly, the bills remove the need for a separate review of antidumping measures and continuation inquiries when those inquiries occur in close proximity to each other. This is an important distinction from the way the legislation has previously operated. For those unfamiliar with the Customs Act, a review of measures under division 5 of the act allows the CEO to recommend to the minister a range of options for changing antidumping measures. These include recalculating the levels of duty where there is an application that relevant factors have changed or the measures are no longer warranted. There is a continuation of inquiry under division 6A, which is an inquiry into whether or not antidumping measures should continue beyond their expiry date. So you can see this is an important improvement on how the act has operated to date.

Currently, antidumping measures cannot be changed as part of a decision to continue those measures. Instead, a separate review has had to be conducted, and it has been quite inefficient. In considering whether to continue antidumping measures, the minister should have the flexibility to continue and change those measures. That is precisely what the bills before us provide for. With the passage of these bills, Customs will be able to recalculate the level of duties of an antidumping measure during a continuation inquiry rather than going through two separate processes. This is clearly going to streamline the process, which means quicker outcomes for all interested parties.

Third, the bills implement the recommendation of the International Trade Remedies Forum to remove the current limitation to the inclusion of profit when calculating the normal value of a good in its country of origin in certain circumstances. This, I think, is going to improve the effectiveness of the particular market situation provisions in the Customs Act by providing greater flexibility for Customs to more accurately determine the normal value of goods. Fourth, these bills allow different forms of interim duty to be applied from those currently used. Fifth, these bills insert a new division into the Customs Act that will allow Australian industry to apply for an anti-circumvention inquiry. I think the circumvention issue is important because these kinds of behaviours take a number of forms but they are always strategies used by exporters and importers to avoid paying the full payment of dumping duties. Again, strategies like this are anticompetitive and unfair. This is essentially where companies are exploiting loopholes in the existing laws to avoid having to import goods at what
should be the proper market value for those goods. This new division will close loopholes, which means that Australian industry can be more confident that imported goods are subject to the same level playing field that they are. These bills make other worthwhile changes to our antidumping regime, including a new appeals process and strengthening the provisions that address noncooperation.

What I have done today is lay out just a few of the changes and how those changes are responding to particular problems within our existing antidumping regime. Indeed, they are responding to the specific concerns of the manufacturing industry. They will, I think, create a better and more effective Customs Act. What they are also about, though, is providing certainty for business. These changes have been broadly welcomed by business and unions alike. They provide certainty and better service for businesses by streamlining our antidumping processes and providing antidumping decisions more quickly, such as by allowing a variation to antidumping measures and continuation inquiries, as I have previously highlighted. They do this by providing better access to the antidumping system and by improving the quality of decision making. They also do this by making our system more consistent with those of other countries and by encouraging stronger compliance. They are sensible reforms that will modernise our antidumping laws and help to level the playing field for Australia's manufacturers.

With this in mind, I would like to briefly mention, as I have done many times in this place, the need to do more to promote the health of the manufacturing sector in our country. We have a high Australian dollar and a resources boom that has drained many of the skills out of the manufacturing sector. We must ensure that there will be an industry after the peak of the mining industry has passed. In WA, our manufacturing sector is grappling much more with a lack of supply than with dumping practices. I will continue to advocate for stronger commitments to local content in large projects because it is one of the best ways that we can ensure that the benefits of this once-in-a-lifetime mining boom continue into the future. In tandem with the plan for local content, we must have laws that ensure that local content can compete fairly with overseas content. This is what these bills do.

Finally, I want to return to my original point about antidumping laws being a necessary response to unfair international business practices. The Australian government takes open international trade very seriously. We want trade in this country to be rigorous, and we want our trading partners to trust our antidumping measures. This is why these bills have been carefully constructed. They have been carefully constructed to satisfy our obligations under the World Trade Organization obligations. Indeed, section 1 of article VI of the General Agreement on Tariffs and Trade says:

… dumping, by which products of one country are introduced into the commerce of another country at less than the normal value of the products, is to be condemned if it causes or threatens material injury to an established industry in the territory of a contracting party or materially retards the establishment of a domestic industry.

Section 2 of article VI specifically endorses the levying of an antidumping duty as a remedy for this unfair trading practice.

It is clear that antidumping systems are regarded as not only acceptable but necessary by the international community. Why is this so? It is so because countries around the world recognise that dumping does occur and that it has serious consequences for economies and serious consequences for free and fair trade. The
government estimates in its report entitled *Streamlining Australia's anti-dumping system* that more than 90 countries have antidumping systems. The Productivity Commission further notes that the majority of World Trade Organization members now have a system in place. By passing these bills, we are not doing anything unusual in the global economy, except building an antidumping system that is world's best practice.

Australia is a nation of trade. For our entire history, we have relied on our exports, from high value manufacturing products through to our primary resources in agriculture and mining. It is not in our interest to encourage countries to throw up unnecessary barriers to trade, but we do want an international trade system that is fair. It is a core Labor value that distinguishes us, I think, from those on the other side of the chamber. We believe that economies should create opportunities for our citizens and for our nation's businesses, but we believe that those opportunities should be available under fair conditions. Unfortunately though, some of our competitors have come to look on Australia as an easy dumping ground and they are not playing under fair conditions.

As my briefing with the steel industry this morning highlighted, we are considered a dumping ground because we pay our bills on time. It is a desirable place to dump your goods because you know you are going to get paid for them. We have got good ports and good access to infrastructure and it is fairly easy to import things, so when you need to get rid of goods quickly and dispose of them on a market, Australia has been seen as a desirable place to do that.

In the face of unfair trading practices like these, governments, like this one, must act—and act we have done. We are acting to level the playing field for Australia's manufacturers. That is why we need robust anti-dumping laws. If the result of these laws is the protection of Australian jobs then we need make no apology for that.

I cannot see a reason other than fringe ideology as to why anyone would oppose such measures, but we do find commentators that occasionally do. Labor's reforms will make our laws some of the best in the world. They are based on broad consultations with industry and unions alike. These reforms will make our anti-dumping system more sensible, efficient and better resourced, and they will satisfy our international obligations. Labor fights for jobs. It fights for fairness. It fights for a stronger economy. I am very proud to stand with a government that is delivering on those values yet again. I commend the bills to the Senate.

**Senator XENOPHON** (South Australia) (12:17): This is a very important issue. This is an issue that affects literally hundreds of thousands of Australians whose jobs are at risk because of dumping of goods from other countries at below cost. Dumping is defined as a form of predatory pricing in international trade. It occurs when goods are exported and sold in another country at a cost below what they would sell for in their domestic market. Under WTO rules—the World Trade Organisation—dumping is not prohibited, but countries have the option of taking action where material harm has occurred to their domestic industries because of dumped imports. This action is usually in the form of antidumping duties or tariffs placed on particular goods that have been found to be dumped.

There is another aspect to this, which may be of interest to Senator Williams given the motion that he put up a number of months ago—a very good motion—in relation to EU subsidies. This relates to countervailing duties. Under WTO rules, countervailing

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**CHAMBER**

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**SENATE**

Wednesday, 10 October 2012
duties can be applied to imported goods where those goods have received subsidies in their country of origin. This helps to offset the fact that these goods can therefore be produced at a lower cost to the manufacturer than would be the case in the country where the goods are exported to. A number of months ago Senator Williams moved what I thought was a very perceptive motion in relation to the whole issue of subsidies in the EU. I am not sure whether Senator Williams will be contributing to this debate in the committee stage, but that related to this very issue—to what extent are Australian manufacturers competing against subsidised farmers in other countries?

This is an issue that Senator Colbeck has expressed concerns about also, through his chairing of the very valuable food processing inquiry report. For instance, I was not aware until recently that Woolworths, in one of their private-label brands, was importing ice cream from Spain. It is a long way for that ice cream to travel and stay frozen in a container—who knows what the carbon miles would be. The issue is this: to what extent was that Spanish ice cream the subject of direct or indirect subsidies in Spain, in Europe, and to what extent did that impact on Australian dairy producers that had to compete with that product?

Under the WTO rules, article IV of the General Agreement on Tariffs and Trade relates to dumping and dumping procedures. It relates to investigations and the government's basis for objecting to the reverse onus of proof, which is a key issue in relation to this. My concern is that unless and until we have a reverse onus of proof provision in relation to our dumping laws, it will be very difficult for these particular measures to be as effective as they should be.

I do acknowledge the work that the government has done. I engaged quite comprehensively with the Hon. Brendan O'Connor, the former Minister for Home Affairs. I have not had that opportunity to engage directly with the new minister, but I am grateful to the adviser in his office who provided very useful information. I do acknowledge that. I have also engaged with Sophie Mirabella, the shadow minister for industry, in relation to this issue.

But let us put this whole issue of dumping in perspective. A very telling remark was made by Michael O'Connor, the Secretary of the CFMEU, who told me that at an international forum dealing with matters of trade—and that presumably was to do primarily with issues in respect of timber and wood products in Scandinavia—that some of the delegates there from Scandinavia laughed about Australia. He said that they said to him that Australia is regarded as the 'free trade Taliban' when it comes to their approach to WTO rules, that we take such a purist, fundamentalist view with respect to free trade and that our interpretation of the rules is so literal, so purist. He said that no other country does that, and that is to our detriment in terms of our national interest. Those remarks by Michael O'Connor have been seared into my memory and we need to bear that in mind in terms of the difficulties that Australian manufacturers are having.

I acknowledge Senator John Madigan and the work that he has done in terms of his program, the Australian Manufacturing and Farming Program, because I think that is an excellent initiative that highlights the vulnerability of Australian manufacturing but also the enormous benefit it gives us as a nation and the jobs that it creates.

So my concern is that Australia's free-for-all approach to free trade is putting our manufacturers under ever-increasing pressure as they struggle to compete with cheap imports. Some would say that this is a
good deal for Australian consumers, that imports mean cheaper prices, but I also wonder what will happen when one day we turn around and discover that Australia has virtually no manufacturing ability, with no skilled workers in manufacturing and no innovation or experimentation. We will be at the mercy of our trading partners, and that concerns me.

I am not against trade. I think other speakers have made the point that we are a small, open economy and that trade is absolutely fundamental. But let us make sure that the rules are fair and that we are not competing on an unlevel playing field. We need to balance our free trade principles with the understanding that we must always be able to support ourselves and that we need to find that balance within the rules. It appears to me that the WTO rules can and should be interpreted somewhat differently, in a way that does not fall foul of the WTO but is true to our national interests.

I will be moving a number of amendments to these bills. I thank the opposition and the government for the time they have given me in discussing these amendments, as well as the Australian Greens and Senator Madigan from the DLP. These amendments are based on my private senator's bill, the Customs Amendment (Anti-Dumping) Bill 2011. The reason I got involved in this issue is that, back in 2010, I was approached by Darren O'Halloran, who was a worker at Kimberly-Clark in the south-east of South Australia. He drove about 120 kilometres to a function on the River Murray, at the mouth of the Murray, to speak to me about the struggle that Kimberly-Clark was having as a company. He wanted to tell me about the company's struggle against dumping. It started in 2008. After a long battle, the government imposed dumping duties on Chinese and Indonesian paper products. At the time, the Chinese products were retailing in Australia at between two per cent to 25 per cent below the cost in their domestic market. Indonesian toilet paper was retailing at 33 per cent to 45 per cent below value. But, in 2009, that decision was overruled by the Trade Measures Branch because no link could be made between the dumped products and so-called material injury to Kimberly-Clark. Kimberly-Clark is a significant employer in South Australia. It is a global company and Scott Wicker, the general manager of their plant, is a first-class manager who is passionate about the product, about his workforce and how highly skilled they are and about occupational health and safety. He is an exemplary employer. I think his contribution to this ought to be acknowledged.

I think it is important that the definition of 'material injury' according to WTO rules is put on the record. With regard to the antidumping regime, material injury is defined as: (1) material injury to a domestic industry; (2) a threat of material injury to a domestic industry; and, (3), material retardation of the establishment of a domestic industry. Minister Clare issued a ministerial direction earlier this year in relation to this. According to this direction, the factors to be considered in Australia include: facts and not assertions unsupported by facts; injury must not be immaterial, insubstantial or insignificant; there is no threshold amount that is capable of general application—each case must be judged on its merits; dumping or subsidisation need not be the sole cause of injury, but must be material; a range of relevant economic factors can be considered, including the kinds of goods in question, level of profits, the number of people employed, terms and conditions of employment and investment in the industry; lack of growth can also be considered as injury where the industry would otherwise be expected to grow; and
whether the injury is confined to a specific region or area of Australia.

The WTO rules require that a link between dumping and material injury must be proven, and that is something that must also be looked at. What needs to be considered is that, in the way that these rules actually work, real jobs have been lost. In February 2011, Kimberly-Clark was forced to announce it was closing two of its four tissue machines and was selling its pulp mill in Millicent, in my home state of South Australia—in your home state, Mr Acting Deputy President Bernardi. Over 230 jobs were lost, not counting the flow-on effects to that community. Darren O'Halloran was one of the people who lost his job. I consider that dumping was not the only factor in this case but it was one that the authorities could have taken steps to mitigate if we had had an effective antidumping regime. It was a case of pushing that industry over the edge, to the point where it could not be economic. They produce a world-class product, have a world-class workforce and world's best practice in occupational health and safety. We will never know whether dumping duties would have saved those 200-plus jobs, but I think it would have made a real difference and would have given them a fighting chance of keeping the jobs there.

In my view, when I introduced my private senators bill in an attempt to address some of these serious concerns with respect to Australia's antidumping policy, and in the view of Australian manufacturers, the approach to antidumping has been weighted too much towards the idea of free trade at the expense of Australian industry. The bill was an attempt to improve the balance of the equation and to find a way to address our free trade responsibilities with enough flexibility to allow us to protect Australian manufacturers from dumped products.

Let us put this into perspective. Since 2008, over 200,000 jobs have been lost in manufacturing, and that is a conservative estimate. That is something that Paul Howes from the AWU, who has been outspoken on this issue, has pointed out. And if Mr Howes's views are not accepted, and I think they should be, the government's own manufacturing task force report found that 106,775 jobs have been lost since the start of the global financial crisis in 2007, with a further 85,600 jobs expected to be lost in the next five years.

Our manufacturing industries currently employ approximately 950,000 Australians. They have a huge, huge impact on our economy. That is 950,000 Australians supporting their families, paying their mortgages and being part of their communities, and that is something that cannot and must not be underestimated. Paul Howes's most recent comments relate to the BlueScope Steel case, and he criticised carmakers, saying that the antidumping rules were also there for their protection. I will speak about that if not in the context of the second reading contribution then in the context of the committee stage of the bill.

Central to the bill that I introduced and central to the amendments that I will be pushing for in the committee stage, is a principle of a reverse onus of proof. Essentially this would mean that instead of an Australian manufacturer having to provide evidence to show that an importer is dumping products, it would be assumed that dumping is occurring and the importer would then have to show that this is not the case, if certain criteria are fulfilled.

The bill also included measures in relation to greater consultation requirements, provisions relating directly to small businesses, and the introduction of an assumed link between dumping and material
harm. Many of these items are included in my current list of amendments, and I will discuss them in detail at the appropriate time in the committee stage. However, it is important to note that the intention of the WTO rules is to provide a framework to facilitate antidumping measures. They are not meant to unfairly restrict or prevent such measures or to penalise countries that undertake them. The problem I have is that we have not done what we ought to do to protect Australian industry. Not in the old-fashioned, tariff protectionist era that we saw up until the 1970s, but in a way that ensures that there is a fair and level playing field, that the true intent of the WTO rules is adhered to, that the antidumping regime and the countervailing measures regime in the WTO rules are actually interpreted in a way that is fair and balanced, because I do not think it has to date. We need to change that perception. Instead of saying, 'These are the rules we will follow, no matter what the outcome', we should be deciding on the outcomes we want in a sense within the scope of those rules and how we can work within the rules to achieve those.

A few weeks ago I visited a small South Australian company that makes solar panels. It started in 2011. Tindo is run by three dedicated South Australians and employs 10 people. The panels it produces are high quality, with a 25-year guarantee compared to just five years, for instance, with some other companies. Tindo is Australia's only 60 megawatt PV module manufacturer. While Australia used to make 20 per cent of Australian demand for solar panels, it now only produces about one per cent. That is how the shrinkage has occurred, according to the people at Tindo. Tindo is still in the ramp-up stage and at its full capacity could be employing 100 South Australians—in fact it could expand even more in other states—but it is struggling against cheap imported panels from China and it believes that those panels have been dumped from the information that it has received. So what does it do? It goes and speaks to a law firm to see how it can fight this case. It is quoted—and I am not criticising the law firm for this—$1 million to fight that case. How on earth is a small business, a business that employs just 10 people, but 10 valuable jobs, going to take that on?

I have spoken to Scott Wicker from Kimberly-Clark, part of a global company, part of a successful multinational company, which had enormous costs in fighting that dumping case against Indonesian and Chinese paper products. They did not find it easy, so how on earth will Tindo Solar, with just 10 employees, be able to fund a $1 million case. That is a key flaw in the system. It is all very well and good to say that you have rules in place to protect manufacturers against dumping, but if access to justice—and that is what it is—if access to a fair go is completely out of reach then what is the point? I think the government is moving to rectify that to an extent. That is something that ought to be explored in the committee stage and it is something that I have raised with former Premier of Victoria John Brumby, who I was fortunate enough to meet recently as part of the Brumby review. That goes to the issue of where dumping should be dealt with—whether it should be a separate agency, as I think it should be—but it does not deal with the issue of interpretation, which is outside the purview of the Brumby review.

One million dollars is money that Tindo certainly does not have. It is producing a safe, high-quality product to meet a specific and growing need in Australia. Instead of being supported and encouraged, it is under pressure from all sides. Imported panels are cheaper but they are not necessarily a better or even an equal product. Some of them use
DC current, which is less effective and more dangerous. I understand that metropolitan fire services are working on a nationwide strategy to raise awareness about DC solar panel fires. But even the solar rebates and other incentives from state and federal governments to support people in installing panels do not encourage them to use Australian products. There is little or no support to be found anywhere. I find it adds insult to injury that they do not have the resources in any reasonable way to fight a $1 million case against dumping.

The situation is not much better for larger companies. Last week the *Australian Financial Review* and other media ran a story about the proposed tariffs for steel imports in response to BlueScope’s dumping application. Customs had released preliminary advice that a tariff of up to 15.45 per cent be placed on imported steel. Since then, Ford, Holden and Toyota have all objected on the grounds that it will make cars more expensive to produce in Australia. Holden is a great employer in my home state and they produce a great product, as do Ford and Toyota, at their Australian manufacturing plants. But it is interesting to note that General Motors Holden Managing Director, Michael Devereux, even criticised the lack of legislative exemption for certain industries, and said his company would be approaching the government to change the law. But my appeal to Mr Devereux, who I have not had the pleasure of meeting but I think is a very competent CEO of Holden, is: how would you feel if an overseas manufacture started dumping cheap cars into Australia below cost? The dumping rules should be there to act fairly. I think Paul Howes was right when he made that criticism of car makers, saying that the antidumping rules were also there for their protection. I think it is fair to say that, whatever the views may be on either side of the chamber about Mr Howes and his outspoken views, he certainly does want to keep Australian manufacturing jobs here in Australia and he wants Australian manufacturing to grow. We need to find a balance between imports and protecting Australian industry within the context of these antidumping rules.

In the committee stage I will be talking about ROH Wheels. They manufacture aftermarket alloy wheels and are a very significant South Australian firm. They are firm that has shrunk over the years and I have spent a lot of time with Bill Davidson, their managing director. I think we need to show the farce of our current antidumping regime in the context of what is occurring with respect to what they have faced recently.

I will have a lot more to say about this, but I think it is important that we get it right. Of course I will support this bill because it has a number of useful measures. But unless and until we deal with the issue of the reverse onus of proof, unless and until we provide some real support to small businesses that are struggling against dumped imports so that they can have a fair go, a chance to fight this through the system, then this group of measures will not have the desired effect in giving Australian manufacturers a fair go against dumped products. I look forward very much to the committee stages of this bill, to the amendments, and I hope at the very least, if they are not supported by the government or the opposition, they will be given due consideration. And if they are not going to support them, I ask the government and the opposition to at least tell me why and what other alternatives they have in place to support Australian manufacturing. *(Time expired)*
The ACTING DEPUTY PRESIDENT (Senator Bernardi): Minister, it is up to you to close the debate.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (12:37): I suppose I could take this opportunity to address the proposed amendments but if there is a committee stage I will wait until then.

Question agreed to.

Bills read a second time.

In Committee

Bills—by leave—taken as a whole.

Senator XENOPHON (South Australia) (12:38): There are a number of preliminary matters before I get to the amendments that are standing in my name. If I may, I will ask the minister some preliminary questions. I am not sure whether the opposition has a number of questions in relation to how the main bill will operate. One of the issues that I have just raised in my second reading contribution relates to what support small businesses will get under this bill and what support there is under the current antidumping regime in terms of taking on cases. Tindo Solar is to me a typical example of the sorts of difficulties that small manufacturers have. Tindo Solar, with just 10 employees and which is manufacturing in a high-tech manufacturing facility at Mawson Lakes in South Australia, was quoted $1 million for a dumping case. I have spoken to lawyers who deal with WTO matters and they say that it is a highly specialised and very expensive field of law to deal with and that these cases can be exhausting in terms of the exhaustive matters that need to be dealt with. So what mechanisms are there in place? What comfort can the government give to small Australian manufacturers that have difficulty in accessing a fair go if they want to contest a dumping case? Otherwise $1 million is completely out of the question for even some fairly large manufacturers to take on a dumping case.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (12:39): Thank you, Senator Xenophon. I am advised that the small business support will be comprehensive in that there is an international trade remedies adviser currently placed in Ai Group and their role will be to advise small business on the operation of the scheme. In fact, I would certainly like to extend to you the invitation to meet with the trade remedies adviser, so you can be assured firsthand of the role that they will play in supporting small business to access and operate within the scheme.

Senator XENOPHON (South Australia) (12:40): I am grateful to the minister for that answer but if she could elaborate as to this in terms of the international trade remedies adviser through the Ai Group, and I know the Australian Industry Group has done a lot of good work in relation to this. As I understand it, the international trade remedies adviser can give general advice but they do not have the resources to actually take on a case. It is an advisory service rather than an advocacy service, and what businesses such as Tindo Solar require is advocacy to ensure that they have a fighting chance of taking on a case. So to what extent can the advisory service provide advocacy services and does the government concede that there is a real issue there for small and medium businesses and even larger businesses in this country when dealing with dumping issues?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry
and Innovation, Minister for Multicultural Affairs and Minister for Sport) (12:41): Thanks, Senator Xenophon. To bring on a case I understand that there needs to be 25 per cent of the market, so it is not going to be a single SME in the way that you describe. There will be a group and by having 25 per cent of the market and working in the same direction of course there will be resources additional to what you are describing in the case of a single SME trying to bring an action.

Senator XENOPHON (South Australia) (12:42): If I could rephrase the question in another way: under this legislation can the government elaborate whether with the 25 per cent whether there can be a grouping together in terms of what is being proposed and under the current antidumping regime? In other words, is it a question of those small and medium businesses being able to get together to be considered as an application? Secondly, let us assume you do get a group with 25 per cent of the market. Does that mean that they will get assistance in terms of advocacy? Also, the other issue relates to Tindo Solar, which probably has one per cent or less than one per cent of the Australian market or even well under one per cent given the way that there has been a shrinkage in the Australian manufacturing market share of solar panels. If the market has shrunk below 25 per cent as a result of dumping in the first place, where does that leave Australian manufacturers? Is it a bit of a catch 22 in terms of being able to access antidumping measures?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (12:43): Senator, the answer to your substantive question is, yes, companies can get together to form that 25 per cent of the market but I reiterate, as you have made the point about the trade remedies adviser, the role of the trade remedies adviser is not to be an advocate per se but rather to provide advice on the operation of the scheme to those businesses. Mr Temporary Chairman, it might be useful for me to generally reflect on the range of amendments proposed by Senator Xenophon at this time. The senator's amendments essentially mirror proposals included in the private member's bill he introduced to the Senate last year and the primary reason the government is not able to support these amendments is that they are not in line with our international obligations, particularly as to the WTO. The key proposal to reverse the onus of proof in antidumping investigations would, as worded, clearly breach WTO rules and would represent a departure from accepted international investigation practices. The government is confident that the four tranches of legislation that we have put before the parliament strike the right balance between the various competing interests whilst also complying with Australia's international obligations under the World Trade Organization rules. As I have described, through the small business support, through the international trade remedies adviser, we are firmly of the view that adequate support will be there for small businesses and will alleviate the concerns that Senator Xenophon is expressing.

Progress reported.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Bernardi) (12:45): Order! It being 12.45 pm, I call on matters of public interest.

Breast Cancer

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (12:45): October is Breast Cancer Awareness Month. When the late Mrs Evelyn H Lauder, co-creator of the pink ribbon, launched the
Estee Lauder company's breast cancer awareness campaign in 1992, she dreamt of a world without breast cancer. At this time breast cancer was a disease that was rarely talked about. Women who were diagnosed were terrified and, in some cultures, even ashamed or outcasts. Twenty years later information about breast cancer and breast health, and the knowledge that early detection saves lives, is far more prevalent and discussed regularly thanks to Evelyn. She was relentless in her determination to spread breast cancer awareness to as many people as possible in as many places as possible. She impacted on countless women and men with her bold vision for a breast cancer free world. This vision lives on in the hearts of many, including my own.

If we look to India, while the world debates whether women should be regularly checked for breast cancer from 40 to 50 years, the union health ministry in a landmark step has decided to start screening from 30. Is this a page we should be taking from their book? I leave you with that question to ponder. The incidence of breast cancer in Japan, Singapore, South Korea and India is three times what it was 40 years ago. It is known that in those countries, if detected early, breast cancer is curable and survivor rates are around 90 per cent.

Breast cancer cases are surging across the globe. A global analysis over the past three decades shows the number of new breast cancer cases diagnosed worldwide has increased dramatically from about 6.4 in 100,000 in 1980 to 16 in 100,000 in 2010. The rise in deaths from breast cancer globally has been much slower, increasing from about 2.5 in 100,000 in 1980 to 4.25 in 100,000 in 2010, reflecting the effectiveness of early detection and advancements in treatment, particularly in developed countries.

A report from the Australian Institute of Health and Welfare and Cancer Australia shows that more than 13,000 women were diagnosed with the disease in 2008. That was about 37 women each day and the report says the number of women diagnosed with breast cancer in Australia each year is expected to rise to more than 17,000 by 2020. Let us look at this in more detail. One in nine will be diagnosed with breast cancer before the age of 85. Currently in Australia 36 more women are diagnosed with breast cancer every day. Breast cancer is the most common cancer among Australian women, accounting for 28 per cent of all cancers diagnosed in 2006. By 2015, the number of new breast cancer cases among women is projected to be 22 per cent higher than in 2006, with an estimated 15,409 women expected to be diagnosed with breast cancer. This is in line with the estimate of the Australian Institute of Health and Welfare and Cancer Australia. Breast cancer is the most common cancer experienced by Aboriginal and Torres Strait Islander women. Indigenous women were significantly less likely to be diagnosed with breast cancer than non-Indigenous women between 2002 and 2006. That was 69 and 103 new cases per 100,000 women respectively.

The risk of breast cancer increases with age. About 24 per cent of new breast cancer cases diagnosed in 2006 were in women younger than 50 years; 51 per cent were in women aged 50 to 69 and 25 per cent were in women aged 70 and above. The age standardisation incident rate has increased from 80.7 in 1982 to 112.4 in 2006. The highest age standardised incidence rate occurred in the ACT with 129.6 cases per 100,00, followed by Western Australia with 114.9, Tasmania with 114.8, Queensland with 114.6, South Australia with 113.5, New
South Wales with 113.1, Victoria with 111.4 and the Northern Territory with 83.3.

What do we know about changes in mortality rates? Breast cancer and lung cancer are the two leading causes of cancer related death in Australian women. Lung cancer claimed 65 more lives than breast cancer in 2006. There were 2,618 female deaths from breast cancer in 2006. A woman's risk of dying from breast cancer before the age of 85 declined from a one in 30 risk in 1982 to a one in 38 risk in 2006. The age standardised rate of death due to breast cancer amongst women fell from 30.2 deaths per 100,000 females in 1994 to 22.1 deaths per 100,000 females in 2006, a decrease of 27 per cent. Mortality rates for Indigenous women in Queensland, Western Australia, South Australia and the Northern Territory were not significantly different from those of their non-Indigenous counterparts—25 and 23 deaths respectively per 100,000 women. Australia's death rate from breast cancer was significantly lower than the rates for New Zealand, northern Europe, western Europe and western Africa.

On the positive side of survival for women, there was an increase in relative survival from diagnosis of breast cancer between 1982 to 1987 and 2000 to 2006. The five-year relative survival increased from 72.6 per cent to 88.3 per cent respectively. In 2006, the five-year relative survival rate was 98.2 per cent for women, with zero to 10-millimetre tumours. It was 94.7 per cent for women with 11- to 15-millimetre tumours, 93 per cent for women with 16- to 19-millimetre tumours, 87.9 per cent for women with 20- to 29-millimetre tumours and 73.1 per cent for women with tumours 30 millimetres or greater.

I would now like to briefly talk further about cancer. It is important to reiterate that, as Evelyn Lauder suggested and Maureen Case noted:

Every woman goes into her mammography with the fear of finding a lump, but the mammograms of 10 years ago aren't the mammograms of today … I hope to help women breathe a bit easier when they find out about these things. I also hope to give a voice to the critical, life-saving awareness message that early detection can indeed save lives; I believe that especially during this 20th Anniversary of The Breast Cancer Awareness Campaign, Evelyn Lauder would want not just me, but all of us to serve as this voice.

All women need to be aware of the risk factors. A risk factor is anything that increases the possibility of getting the disease. Different cancers have different risk factors. For example, we know that exposing skin to strong sunlight is a risk factor for developing skin cancer and that smoking is a risk factor for cancers of the lungs, mouth, larynx, bladder, kidney, and several other organs. Having one or more risk factors does not mean that a woman will definitely develop breast cancer but it might increase her chance of developing breast cancer. Some women with one or more risk factors might never develop breast cancer. Some risk factors like gender, age or race cannot be changed. Some of the risk factors influence the likelihood of developing breast cancer more than other risk factors. The risk of developing breast cancer can change over time.

The main risk factors for developing breast cancer appear to be being female—men can get breast cancer but it is rare and accounts for less than one per cent of all breast cancers; having a strong family history of breast cancer—however, the majority of people who are diagnosed have no known family history; inheriting a faulty gene that increases the risk of breast cancer; and having previously been diagnosed with breast cancer. There are other factors that we should also consider. These other factors that
seem to slightly increase a woman's risk of developing breast cancer include starting menstruation at a relatively early age—before the age of 12; starting menopause at a relatively late age—after 55 years; not having children or having a first child after the age of 30; not breastfeeding—the more months spent breastfeeding, the lower the risk of developing breast cancer; taking combined hormone replacement therapy after menopause, especially for five years or longer; gaining a lot of weight in adulthood, especially after menopause; and drinking alcohol, if you drink more than two standard drinks a day.

There are many levels of breast cancer. I do not intend to discuss all these in detail other than to emphasise that early diagnosis cannot be overstressed. For those women who have a mammogram, having been in the position myself of having something come back that is abnormal, I understand that feeling you get in your gut that this could be it—that the time bomb could be going off. The necessity of having follow-up examinations and scans is critical. Having been through that, when I had to wait 10 days for a scan, I had everything planned out. I was not very optimistic. I had planned my funeral and updated my will. But that is not necessary because early detection can give you a far greater chance of beating the disease.

We know early breast cancer can be contained in the breast but it may also spread to the lymph nodes in the breast and the armpits. Locally advanced breast cancer is where the cancer has spread to one or more of the lymph nodes or other areas near the breast or to tissues around the breast such as the skin, muscle or ribs but there is no sign that it has spread to other parts of the body. Secondary breast cancer is the term used to describe cancer that has spread from the original site in the breast to other organs or tissues in the body. Once again I cannot stress enough the need to have regular mammograms and self-examination.

The Breast Cancer Network Australia, or BCNA, has produced the My Journey Kit—a comprehensive resource kit for women who have been recently diagnosed with breast cancer. The kit consists of three main elements: the My Journey Information Guide which is fantastic—and I encourage those listening, particularly those in the chamber, to promote this on your websites; the My Journey Personal Record for recording contact details, personal information, notes and important dates and a place to store test results; and a range of brochures including the Beacon, a free quarterly publication of the BCNA. Another excellent resource produced by the Breast Cancer Network Australia is a resource for women with secondary breast cancer called the Hope & Hurdles pack. The pack contains a number of individual items: booklets, brochures, magazines and CDs that offer information, support and hope to women and their families. Breast Cancer Network Australia also distributes the Inside Story, a supplement to the Beacon targeted specifically at people experiencing secondary cancer. It includes personal stories, support, information and resources.

The breast cancer awareness campaign is devoted to defeating breast cancer through education and medical research. Another notable organisation helping the fight against breast cancer since 2008 is the McGrath Foundation. Their support helped more than 16,000 Australian families experiencing breast cancer with 77 McGrath Breast Care Nurses working in communities right across Australia. Their goal is to reach 150 McGrath Breast Care Nurses to ensure that every Australian family experiencing breast cancer has access to the support they need—and I emphasise: this disease, like every
form of cancer, affects not just individuals but their families as well.

While many women regularly maintain their breast screening there are also many women who are less careful. I commend the work of all those organisations and individuals out there in our community raising awareness and advocating for women to be vigilant in their self-care. I congratulate again those two organisations I have spoken about because they have certainly raised the profile of breast cancer in this country.

But there is something that we should look at: should we, indeed, be starting to screen women at 30? That is a question we should be pondering and I look forward with anticipation to see what our researchers and medical professionals have to say on this.

I would also like to take the opportunity to thank Mrs Evelyn Lauder for her initiative in moving forward with this campaign. As I said, it is something that we should celebrate, because it has been a very successful campaign. We have not beaten the disease but I think that in terms of public awareness we are well on our way to ensuring that women do take better care of themselves.

This message is for all women. They are our mums, they are our sisters, they are our aunts, they are our cousins and they are our friends. As I said, men can also get breast cancer and, though it accounts for less than one per cent of all breast cancers, men should also be keenly aware of this disease.

I would also like to place on record my thanks and respect for our researchers and our medical professionals for their tireless work.

**Water**

Senator HEFFERNAN (New South Wales) (13:00): I will begin by commending Senator Polley on an excellent speech and saying that it crosses over to men and prostate cancer as well—so congratulations.

I rise today with great melancholy to deal with what I think could be a possible fraud of the public purse. I rise on behalf of the taxpayers of Australia. They say it is never a secret that gets people into trouble; it is keeping the secret that gets you into trouble. I would like to delve into the keeping of a secret relating to the water buyback in the Nimmie-Caira, the lower Murrumbidgee. I am chairing an inquiry in which Mr Harris, from the New South Wales department, came to the inquiry and said, 'We're not prepared to reveal any of the commercial details around this deal.' I would like to take this chamber and Australia's taxpayers on a little journey and ask some questions to try to open up the secret and get the details.

As part of signing up to the Murray-Darling Basin Plan, there is a requirement to buy back water from each state. New South Wales have discovered a unique proposition that could allow them to book 380 gigs—173 gigs net—by buying water off the flood plain in the Lowbidgee from farmers who for many years have diverted water, some of it flood and some of it supplementary, through the weir system of Redbank and Maude. I have to confess that I have had cattle on agistment and I know the country well. Dear old Barry Hodgson started it off years ago. This water has been unlicensed, unmetered, unregulated and free—except for an area cost which has been about $1 an acre. A lot of the country that is levied for that dollar an acre in a lot of years does not get the water. So these guys are about to win lotto—and good luck to them if they get away with it!

The original offer was placed in October 2011. This is about the New South Wales government trying to find a way to fill the water buyback book without affecting irrigators—and good luck to them, but I
think this is a fraud. The states are almost putting the federal government in a situation of political blackmail by saying, 'If you don't agree to these sorts of deals, we're not going to sign the Murray-Darling Basin Plan.' As I say, this is all secret squirrel stuff. Mr Harris, in evidence to the committee, said that the proposed price that has been to the Commonwealth is commercial in confidence but has already been decided. That was on 10 September this year. They refused to say what the price is, even though they have said that they are prepared to pay 2¼ times the market value for the water, having issued the licence for the water. My question to Mr Harris is: how could they be negotiating without a conflict of interest the price of water for licences that were yet to be created? By 10 September they had decided the value of the water that was to be created in future licences.

Last Thursday they actually put an instrument through, signed by Mr Andrew Stoner—and I will table the commencement proclamation of the amendments to the Water Management Act 2000 No. 92—to enable the creation of 747 gigs of new water licences outside the normal regime. That is for what would be supplementary water—and the government could not explain to me the changeover between supplementary and flood. When you get an excess flow or an off-allocation flow and then get another rain and it becomes a flood over the bank, it is the same water.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Senator Heffernan, are you seeking leave to table that document?

Senator HEFFERNAN: There will be several documents. I will seek leave at the end of my speech. A lot of this water is being bought off a flood plain which has been engineered to flood-plain-farm and now they are proposing to buy the water back off that flood plain—and they have not been able to explain either in my committee or in the New South Wales parliament what they are going to do with the land after they take the water off it. They were going to turn it into a national park—but I think they have changed their mind about that.

The clerks of the New South Wales parliament have never seen such a proposition in the way that it has been put. It is a unique game. It has been done by an instrument which has no disallowance. Mind you, no-one—not this parliament and not the other parliament—knows the financial commercial-in-confidence details of this deal. It can only be reversed by killing off the entire Water Act. So it is pretty unique. Minister Hodgkinson, in evidence at the estimates in New South Wales, said that she had not read the business plan surrounding this deal, even though she has perused a summary—as reminded by Mr Harris.

To the best of my knowledge, the New South Wales offer in October 2011 to these landholders to buy back the water—which is buying back the water when you are not buying back the water because a lot of it is just floodwater that is going to go back down to the flood plain when it floods—was $100 million. We kicked up a bit of a fuss here in various committees—and I understand that I get a bit of a mention in the various paperwork in New South Wales as a troublemaker. In June 2012, that package, which, as I understand it, includes the land—I have never known where you buy water but you have to buy the windmills, the troughs, the fences and everything—grew to $183 million plus 10 per cent for a contingency, which is $205 million.

In estimates just the other day, Mr Stoner was asked what he knew about the Nimmie-Caira buyback. I have the transcript here. He said: 'I'm not aware of the Nimmie-Caira
water buybacks.' Yet on 4 October he was actually a signatory to the enactment of the amendments to the Water Management Act that made into an instrument the water buybacks.

So then you hear that the minister has not read the financial plan surrounding it. Why the rush? They have rushed it through in a way that the clerks have never seen anything like before, the minister has not read the document and to the best of my knowledge there have been no valuations done. And how can Mr Harris, the bureaucrat involved, negotiate the sale of water licences and the creation of those water licences—negotiate the sale of the water licences before the water licences are created—and also come to a determination as to what they are worth?

The New South Wales government has said—and they are almost bludgeoning the Commonwealth government into this—that they are prepared to pay 2¼ times the market value of the water for these licences under a new water licence that was created last Thursday. Yet the price for those water licences was determined a month or two before. How can you then not see that there is something dodgy going on here, given that they do not know, and that there is no environmental plan to confirm, what you do with a flood plain once you take the water off it? And how do you prevent the floodwater going back down the flood plain in a flood? This is water bought back for the environment that allegedly is going to be sent to some other environment, but at the same time Mother Nature is going to say when it goes over the bank in the Lowbidgee at the Redbank and Maude weirs, 'It will go down the same flood plain'.

They were going to turn it into a national park. Now they are saying, 'Oh, we might give consideration to somehow engineering it so that the farmers can still use some of it'.

These farmers are about to win Lotto, and good luck to them, because a lot of the land that the water was allocated to does not actually get there in the lower flows. So they are getting something for nothing and the government is getting 380 gigs. To get to 173 net gigs they are actually buying 380 gigs—that is somehow the magical average of the water, but we have to pay the top price. They will not tell us the value of the water, which they have determined is a special class of supplementary water, and yet Australia's taxpayers are supposed to cop this.

In evidence to the estimates in New South Wales the government has said—and Mr Harris has said—that the only way they will reveal the valuations is if the Commonwealth agrees for them to be released. So today I am here in the parliament, in the Senate, saying to the Commonwealth—pleading on behalf of Australia's taxpayers—to make this absolutely a transparent process. Why the secrecy? Why not tell us what they think the commercial value of supplementary water—this special class of supplementary water—is?

Bear in mind that they bought water off Tandou, and as the chief executive of Tandou said when I rang him a year or two ago: 'Bill, we've won the lottery! We've sold 230 gigalitres of supplementary water to the Commonwealth. We've won the lottery!' That was 11 gigs net at the conjunction of the Murray and the Darling, and they had to buy 230 gigs of supplementary water. As he said, 'We will buy this water back on the spot market,' because when supplementary water is available there is plenty of water in the system! How brain dead do you have to be not to see that this is cooking the water buyback book?

There is some urgency by New South Wales. The minister has not read the
business plan. The person who signed off was the deputy governor—they had to get someone because the Governor was away; last Thursday I think it was. He did not even know what the Nimmie-Caira was, even though he signed off the government instrument on it. What are we to think on behalf of Australia's taxpayers? Mr Harris said he will not reveal the values because they are commercial in confidence. Will the Commonwealth release the details and make this a transparent process? It was gazetted in New South Wales last Thursday, but the price for the water in anticipation of getting the licences—put the cart before the horse!—was made some months ago. And the person who put the whole deal together and hardly kept the minister or the government informed, because there was an urgency about how they were going to cook the books, did the whole deal. How can you have an independent valuation if the one person is working out how to allocate the licences, then what the licences are worth and then the deal to buy back the licences? I just think that these sorts of things ought to have full transparency. Will the Commonwealth release the commencement proclamation and the actual amended act. Leave granted.

Refugees

Senator HANSON-YOUNG (South Australia) (13:15): Today I want to talk about an important situation concerning many vulnerable refugees, people who have been found to need Australia's protection. They are in genuine need of Australia's protection and we have said that we owe them that protection, and yet they remain in indefinite detention. They are, of course, the 60 men, women and children who have been
caught up because they have adverse security assessments.

On Friday last week there was the case before the High Court where the High Court ruled that indeed the indefinite detention, the keeping of these people in detention and not giving them their protection visas, was unlawful. Once again we see the Australian government acting outside Australian law. These people are refugees. Many of them have fled the war in Sri Lanka, some have fled the war in Afghanistan, and some are persecuted Burmese living here in Australia.

Australia is meant to be the land of opportunity. There are many things that make our country great and chief among them is the fact that no matter where you come from, what you look like or who you are, you have the right to a fair trial and a right to a fair go. You have the right to build a life for yourself and to work as hard as you can to build a life for your family, and you have the right in doing all these things to become part of the Australian community and a proud Australian. At the core we are a compassionately minded people here in Australia. This fairness is evident throughout the community. It stretches all the way from our judicial system to the conversations we have around the dinner table in our home. One of the many reasons that I love this country is that the notion of a fair go is so entrenched in our psyche.

An essential part of this fairness is the belief that people must also be accountable for their actions and that if you break the law you have the right to have your day in court. You may be found guilty or you may not be found guilty, but you have the right to have that day in court and to have a trial before being sentenced if found guilty. You are not necessarily guaranteed a favourable outcome, but you are guaranteed the ability to see the evidence before you and the right to plead your case. This is the basic rule of law.

Yet this very essence of the Australian fair go that underpins our legal system and stretches throughout the various parts of our community is being denied to 60 refugees who have arrived here in Australia. They have been given the right to seek protection and they have been found to be owed protection, and yet because ASIO has given them an adverse assessment they have to remain in immigration detention indefinitely and they will not be given visas.

The unfortunate thing about this is that these people have no idea of the case against them. They have not been allowed to see the evidence. They have not been given a statement of reasons why ASIO has made this decision against them. They are not even able to argue whether that information is correct, or to explain it. As a result, the Australian government under the immigration minister keeps these people locked up, imprisoned, despite their already being found to be people who genuinely need our help after fleeing war, torture and persecution, and some of the most brutal experiences in our region.

It is this exact case that the High Court ruled on last Friday, stating that the government could not continue to deny these people their freedom simply because of this ASIO assessment. The government now have an opportunity and there is a choice that they have to make. We can fix this problem. We can put in a fair process and bring Australia back in line with other comparable countries to ensure that, regardless of who you are, what you may look like or what torturous situations you may have fled, you too have a right to a fair go.

If an Australian citizen were found to have an adverse security assessment, they would have a right to a merits review of the
case against them. They would be able to understand why ASIO believes they may be a risk. They would be able to argue their case. They would have their day in court, effectively. Currently, under this government and these laws, we are not allowing the same access to justice to a small handful of very vulnerable refugees. The government now has a choice. The High Court has said that the current situation is unlawful. The government needs to amend the ASIO Act to ensure that people do have the right to have their assessments reviewed. People must be able to have the right to know what the findings are against them to understand the reasons why these assessments are being made. They must be offered the same rights of a fair go as everybody else to argue their case.

All of this can be done within the need—I absolutely agree: the important and essential need—to uphold the security of our nation. In other countries this is done through tribunals, with special advocates who can look at the evidence on behalf of the refugee and have the case out with the security agency. This is precisely what Australia should be doing. It is done in the United Kingdom, Canada and various European countries and, indeed, by one of our closest neighbours, New Zealand. This afternoon I will be tabling a bill in this place to address exactly these issues. I urge the government to consider the bill and to consider working with the Greens to ensure we can fix this mess and bring Australia back in line with comparable countries. The High Court has said that the rules have to change because the rules are wrong. The government have a choice: they can either work with the coalition in circumventing the High Court's decision and entrenching what the High Court has said is a bad practice into a bad law, or they can work with the Greens to put in place a fair, just and common-sense system.

As it stands, these people remain in a legal black hole, in indefinite detention with no access to the reasons and no access to information. It has taken the ruling of the highest court in the land to make the government realise that perhaps something is not quite right. That is despite the numbers of these people who have been traumatised further by indefinite detention after they have been found to be genuine refugees. As people who have suffered persecution, brutality and torture and fled war, they are refugees—there is no argument about that—but we have kept them locked up as prisoners, including their children. Amongst the 60 refugees who are caught in this legal black hole there are eight children, one as young as two who was born in the Villawood detention centre. Only last month that child celebrated—if you can use that word; I am not sure what kind of celebration you can have in an immigration detention centre when you have never seen the outside world—turning two.

There are other children who are caught up in this circumstance who, despite being able to go to school, are accompanied there by security officers. There is an eight-year-old girl in Villawood detention centre who has to go to school with a security guard by her side, day in and day out. Her mother said to me that when she gets home from school she asks why can't she have her friends over to stay. Well, of course, you cannot have friends stay with you in an immigration detention centre when you are kept prisoner by the Commonwealth government. She asks her mother why her mother and father are not allowed to work and have jobs. Well, you cannot have a job if the government has decided that, despite your being a refugee who had to flee for your life, you must remain locked up in an immigration prison.
The indefinite nature of these people's circumstance is driving many of them to deep levels of depression, anxiety, self-harm and attempted suicide. The man whose case was before the High Court has attempted suicide several times because he cannot stomach the indefinite nature of his circumstance. There must be a solution to this cruel and damaging circumstance. The government must amend the practices to allow these security assessments to be reviewed and to give people the ability to apply for other means of residence, even if they do end up still being found to pose a level of risk. Australian citizens who have adverse security assessments are not all locked up in prison. In fact, many of them are put on control orders. We do not do even that for these people. The bill that I will introduce into parliament this afternoon will give the ability to have the ASIO assessments reviewed, to have a special advocate, to have a statement of reasons, to have each case tested before a tribunal and to force the immigration minister not to leave these people rotting in indefinite detention. There has to be a mechanism to ensure these people can continue to live their lives.

A young mother, Ranjini, was ripped out of the Melbourne community with her two primary-school-aged children when ASIO decided she was now a risk, despite her having lived in the community as a refugee for five months. Her two boys are terrified. They now live in an immigration prison in Sydney and have no understanding of why that is the case. This poor young mother, who lost her husband in the war in Sri Lanka, came to Australia and was found to be a refugee. She had just started to put her life back together again when the immigration department cut short her hopes. She now remains with her sons in immigration detention indefinitely—until the government does something to fix this.

The High Court has said that this is illegal. The government has acted outside the law. Rather than circumventing the High Court's decision, the government should do the right thing to fix this problem for the long term. It should bring Australia back in line with comparable countries, reinstate the rule of law and insist on a fair process and an end to indefinite detention. This is an opportunity for the government to bring us back in line with the Australian fair go. It should not matter whether you are Australian or not; the fair go extends to all.

**Child Protection**

Senator THORP (Tasmania) (13:30): Nothing is more important than protecting vulnerable children from abuse and neglect. If we do not, as a community we deny those children the opportunity to reach their full potential and to live full and rich lives. Each child and young person in our community has the right to grow up in a safe and supportive environment. However, it is a sad reality that some children and young people in our society are subject to harm and abuse.

Child abuse is commonly defined as an act of a parent, caregiver, other adult or older adolescent that has the capacity to endanger the physical or emotional health or development of a child or young person. Child abuse may be used to describe a single act or a number of incidents that take place over time towards a child, including physical abuse, emotional maltreatment, neglect, sexual abuse or the witnessing of family violence. We know that child abuse and neglect is connected to poverty, long-term unemployment, mental illness, lack of affordable housing, drug and alcohol abuse and social isolation. The outcomes are lower educational attainment, increased likelihood of drug abuse and criminal activity, poor health, a greater likelihood of teen pregnancy...
and a lesser probability of finding meaningful employment.

There can be no area of social policy that deserves a higher priority than protecting children. Child protection services ensure that children and young people are cared for, protected from harm and nurtured in a way which allows each individual child to realise and achieve their full potential. Child protection is primarily a state responsibility and the system varies from jurisdiction to jurisdiction. Variations arise due to factors such as funding, outsourcing, payments allocated to those providing care and the overall emphasis each state places on the importance of such service delivery.

In Tasmania, just as in all other states, the state parliament has legislated services and programs which continue to be underpinned by state-based judicial systems. Until 2009, when the National Framework for Protecting Australia’s Children 2009-2020 was agreed upon, this ensured that child protection took a predominantly legalistic focus and approach. The national framework was agreed upon by COAG and has ensured that child protection, regardless of state jurisdiction, is viewed as an element within the public health sphere. The national framework also recognised the increasing role played by non-government organisations and agencies in delivering crucial services to families experiencing difficult circumstances. National priorities have been developed which place emphasis on building capacity and expertise, increasing the support available for young people who are leaving care, developing national standards for out-of-home care and increasing the ability to share information and research amongst state governments and organisations.

It is well established that young people who reach the age of 18 and are leaving care to transition into independent living are amongst the most vulnerable and disadvantaged within our community. We must ensure that these young adults have support networks in place as they make their transition into adulthood, giving them every possibility to lead vibrant, independent and productive lives.

The development of national standards for out-of-home care models must also take into account cultural considerations of children and young people in our society. In the 2007 report commissioned by the Australian Institute of Health and Welfare, it was reported that, within the out of home care population, Aboriginal and Torres Strait Islander children continue to be overrepresented. Any out-of-home care policy model which is developed must ensure that the family, community and cultural identities of these children and young people are sustained.

The National Framework for Protecting Australia’s Children includes universal preventative initiatives to support all families and children, early intervention services targeted to vulnerable families and children, and targeted services and programs for at risk families. Minister Julie Collins, a fellow Tasmanian, must be congratulated for her wonderful work in this area.

In Australia, there have been sustained increases in the demand for child protection services and, unfortunately, the demand continues to grow. There is also as an emerging trend which highlights a preference towards foster and kinship care over residential care. The need for increased resourcing and consistent and effective policy direction is a challenge that we need to acknowledge. Accompanied by the reality of this increasing demand for child protection services is an academically informed and increasingly dominant
perspective which recognises the importance of early intervention. Early intervention has the ability to make such a difference when provided in the right way and at the right time. It is well established that preventative techniques and early intervention are cost effective over the long term for our community.

We must ensure that any future policy focus places an emphasis on preventing abuse and family breakdowns. If we have the capacity to work with families who are experiencing difficulties in overcoming problems at an early stage, we can not only better protect at risk children but also build stronger communities.

In Tasmania, the delivery of child protection services primarily falls within the scope of the Department of Health and Human Services. A recent report suggests that when a system is overwhelmed, undesirable responses are taken to relieve pressure. These undesirable responses include possibilities such as the act of prematurely closing cases, removing children from homes as a first response, or providing inadequate support resource constraints. We must not allow such practices to arise.

We must ensure that we have a system which consistently and without doubt places a priority on the best interests of the child, particularly their wellbeing, growth and development. We have granted child protection workers the greatest responsibility, and that is to protect our children. We must not allow these men and women to be overworked, overwhelmed or underpaid. We must strive to do all we can, within our ability, to ensure that we do not let these men and women down.

Today, there are many challenges faced by our child protection workers. In their words, from the recent report prepared for the Community and Public Sector Union, the issues are: inadequate resources; unallocated cases; insufficient intervention services to prevent children entering care; staff recruitment and retention; case load sizes leading to insufficient support for children in care and carers; and quality of services, such as generic care plans. These issues demand urgent attention. While some states such as Western Australia place a cap on case loads at 15, it is common practice in my home state of Tasmania for child protection workers to be operating with case loads of between 20 to 30 cases at a time. This means that child protection workers in my state may become subject to overseeing between 20 and 30 investigations at any one time, placing these working men and women in incredibly difficult circumstances, particularly when individual cases are complex and intense. An underfunded system in Tasmania constrains options for children and young people. Children are often limited to being placed in either foster care or therapeutic residential care placements.

At present, I do not believe our state or federal governments have an adequate grasp of the importance of this issue. State and federal governments must understand that the protection of our children from neglect and abuse calls upon a large resource commitment, and this is a call we, as elected representatives, must respond to. If we do not act now, child protection systems in Australia will continue to encounter problems. We must be very cautious as workloads are contracted out to non-government organisations, as this will decrease the ability of the public to scrutinise and hold to account the practices and outcomes for children who enter the system.

Protecting our children may be a whole-of-community responsibility, but it is our child protection workers who are at the coalface. They know what is needed. They
know that if they are overloaded, if their colleagues are not replaced when they are on leave, it is the children who will suffer. They are dedicated professionals who deserve to have the resources and tools to do their job as they see fit. They see the awful outcomes when that care is not given. They see the wasted lives. Ironically, they are also the ones who bear the brunt if anything goes wrong. This unfairness must be addressed, or we will lose good people. They will become risk averse if they have not become so already. I call on all our states and territories to give child protection the priority and importance it needs.

Food Allergies

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (13:40): I too rise today to talk about children in our community but in a different way from the preceding speaker, Senator Thorp. Nonetheless, I have a very important message to deliver about the safety of children. It never ceases to amaze and inspire me when I move around regional communities and meet people who are doing such a tremendous job in raising awareness of important issues. These people make sure that things which do have an impact and which are of importance in their communities are raised so that other people do know these issues are out there. One such person whom I have been talking to recently is Grace Farrah from New South Wales.

Grace is a journalist and a mother of a six-year-old daughter who suffers from severe food allergies. This is an issue which I do not think gets a lot of air time. It is very much a below-the-radar issue. Yet, for those parents who have young children who are at risk because of their food allergies, it is probably a constant nightmare—‘nightmare' might be too strong a word but I am sure it is not for them—to try and keep their children safe. So I want to take the opportunity to raise this issue with the chamber to ensure that we are all aware of the difficulty of this issue and how important it is that we are aware of it and act upon it.

Grace has produced and directed *Trigger*, which is a short documentary film. She has also created an additional shorter four-minute version of this film. The film seeks to raise awareness of the real dangers of food allergies and the increase in the incidence of food allergy related bullying. It is probably something which not many of us in this place have given a lot of consideration to. The film features interviews with experts, children who suffer from allergies and their parents. It clearly explains the need for awareness and vigilance by the whole community to avoid the serious consequences of allergies.

Interestingly, the two films are not-for-profit projects. Grace very much just wanted to do something that would contribute to raising the awareness across our communities of how important this issue is. It is at www.triggerallergy.com. I say that intentionally for the record so that people know where they can access this documentary, to see what Grace has produced and to make sure that we appreciate and understand this issue right across the community.

At age two, Grace's daughter, who suffers from an allergy to peanuts, was accidentally given chocolate with nuts in it. She went into anaphylactic shock and was rushed to hospital. By the time she arrived at the hospital, her toes had turned blue. Luckily, the outcome was good and Grace's little girl is now six years of age. As a mother of two boys who are now grown up, I can only imagine how horrific it would be for any parent to have to deal with that situation.

A conversation with the daughter's kindergarten teacher was the catalyst for 
creation of the *Trigger* documentary and website. The teacher expressed a wish that she could have access to something to show other parents in order to help them understand what is required to keep children with food allergies safe.

Certainly the film created by Grace could be used by schools to educate teachers and students, and to pass this on to other parents through newsletters and via school websites. Grace is currently seeking government support to assist in the distribution of the film and the overall increase in awareness. I must pass on my thanks to the federal Minister for School Education, Early Childhood and Youth, Peter Garrett, and particularly the New South Wales Minister for Health, Jillian Skinner, who have really made an effort to provide some information to Grace that she can use in promoting this very important issue.

In talking to Grace, it becomes apparent she truly understands the stress that parents and teachers of children with allergies are under. She had told me:

Apart from the stress parents feel, teachers also have the same stress levels with trying to keep the food allergy children safe, as well as having to deal with the increasing issue of bullying. It is truly a never-ending cycle of vigilance and stress and it will help greatly to have as many principals, teachers, parents and children watch it so that they can see the very real effect that these allergies have on so many people and especially, how hard it is for the food allergy sufferers.

The natural desire for a parent to protect their child is further enhanced when that child suffers a potentially deadly food allergy. This creates a great amount of stress for parents and teachers, who are also trying to keep children with allergies safe and at the same time dealing with the increasing issue of bullying.

According to the NSW Food Authority website, Australia has one of the highest allergy prevalence rates in the world. I think that is probably something not many of us have considered. There is no cure for food allergies and the only successful method to manage a food allergy or intolerance is to avoid the foods containing the allergen or food component. In this day and age, the struggle for parents trying to keep their young children safe in that environment is increasingly difficult. While we cannot expect everybody across the nation to be aware and constantly keep their guard to deal with these issues when they are impacting other children and other children's parents, this is just a way today of raising that awareness, as I keep saying, so that people know that this is an issue and that there are things they can do to help prevent what must be a dreadful outcome for those parents having to deal with this.

The difference between allergy and intolerance is that an allergy is an immune system reaction whereas intolerance is an inability to digest a food. Symptoms of food allergy include dizziness, faintness, swelling of lips and throat, wheezing and shortness of breath, itchy skin or a rash, and, in the case of a severe food allergy, a life-threatening reaction called anaphylaxis, which causes difficulty breathing, vomiting and loss of consciousness. The eight most common food allergens are crustaceans, eggs, fish, peanuts, soybeans, tree nuts, sesame seeds and their products. These are responsible for 90 per cent of allergies to food. I am not sure that in this chamber they are statistics that we are aware of. I am not sure that in this chamber we have paid enough attention to this issue. I would certainly say that I had not before Grace Farah raised this with me. As a parent of two young children, I realised how important it is that we get this message out into the community.
Current estimates show that one in 10 Australian children suffer from a food allergy. In children, the most common allergies are milk, egg and peanuts. Interestingly, the specific cause of food allergy is yet to be determined. One theory is the cleanliness theory, which supposes that children, particularly those in more developed countries, are growing up in an environment that is so clean or free from germs their bodies do not properly develop their immune system. The cause, however, remains unclear, but it has continuously increased since the 1990s. Allergies can be triggered by what is eaten, but also by touch.

Despite the increase in food allergy cases and the high rate of emergency room incidents, there appears to remain a lack of public awareness of the real dangers of food allergies. A recent study conducted by the American Academy of Pediatrics found increased awareness and education of parents and other carers remains a significant issue in preventing severe food allergy reactions. The study, which observed 512 infants, found a high frequency of reactions caused by accidental and non-accidental exposure. It concluded that undertreatment of severe reactions is a problem and further education and awareness are key to preventing the most serious allergic reactions—exactly what Grace Farah is trying to do with this video and the material that she has produced which is so usefully available on the website that she has created.

Some people, and not just children, do not have an adequate understanding of the serious nature of food allergies. One mother who viewed the Trigger allergy documentary contacted Grace and conceded she had long felt:

...food allergies weren't real and often sent peanut butter sandwiches to school. After viewing the film, I just want to thank you for educating me. I see those children in it and began to realize the selfishness of my views and my acts.

I think it is interesting that this has inspired that sort of response from people out there in the community and again it just comes back to that lack of awareness.

Simple pleasures children should be able to enjoy can become a nightmare and a source of stress and anxiety for parents. I cannot even imagine what it would be like to have to watch over a child when you knew they had to face this every day that as a parent you may have to deal with. Sleepovers with friends, school excursions, eating at restaurants and travel can present many difficulties for parents of children with allergies. A parent may have done all they can to provide a food allergy safety zone at home for their child. However, another parent or parents, teacher or carer simply may not have the understanding of the importance of allergen avoidance or the knowledge to act appropriately in an emergency. Some parents apparently even avoid sending their children to playgroup, day care or preschool. Parents such as Grace tread a fine line between caring responsibly for their children and being overprotective. I think as parents we are often all in that situation, but to be in the situation where you know that every day there is a life-threatening situation just around the corner for your child, trying to balance that line between that responsible care and being overprotective must be incredibly difficult. In her blog, Grace states:

When our six year old went on her first field trip to the zoo. My first reaction was to ask if I could chaperone. I knew her teachers were well trained but despite this I couldn’t escape the knot that was in my stomach… There is that fine balance of wanting to protect them and also wanting them to lead an ordinary life.

There are also flow-on effects, and one of those is bullying in the playground by other
children. As parents I think we all know that we do see bullying and that children can be quite cruel—a result of children making fun of something they do not understand, I suspect, when it comes to children with food allergies. There is often taunting of the children with the food that they are actually allergic to. Children's human nature is something that we still do need to work on when it comes to those things. We need to make sure that our young children are aware of the situation of other young children who do suffer from the effects of allergies.

A report by the American journal *Annals of Allergy, Asthma & Immunology* found that about a quarter of children surveyed were bullied because of their food allergies, with most of the bullying occurring at school. Reasons for the bullying were found to be the allergy itself, as well as related issues such as having to carry medication, being set apart at meal times and getting special treatment. Sadly, and perhaps most disturbingly, participants listed the main bullies as classmates, but some of the 350 participants in the study listed teachers or other school staff members as the person who had done the teasing. So this is obviously not only an issue for children. We have to make sure that those grown-ups in the room, so to speak, are aware of the impact of this and that they behave appropriately when it comes to dealing with children with food allergies. The report concluded that 'these actions pose a risk of psychological harm in all people, but unique to this population is that bullying, teasing, or harassment can also pose a direct physical threat when the allergen is involved'.

This issue I have raised today is not something that is above the radar or something that we talk about in this place very often, which is precisely the reason I wanted to raise it. It is a big issue for many parents and carers out there in the community who are trying to look after children who have a food allergy and trying to keep them safe day after day after day. Those of us with children who do not have this difficulty to deal with can only imagine what it must be like to be consciously vigilant day after day and indeed, as I said earlier, to deal with an emergency when it does occur.

Hopefully, we can reduce the prevalence of these incidents by raising awareness of food allergies right around the country and how important it is for all of us to understand and know that we need to be aware and that there are things we can do. Grace would very much like to see schools informed of the availability of the film and perhaps encouraged to disseminate the information to parents and to consider whether this is something they would like to place on their website. We need to look at every avenue we possibly can to make sure that we do raise awareness of this issue. Not only is it very important to Grace as a mother and to her family; she is reflective of all those families across the community that have to deal with this very difficult issue. It is a responsibility that falls to us in this place to raise that awareness and to make sure that people know about this very difficult issue. (Time expired)

**Proceedings suspended from 13:55 to 14:00**

**DISTINGUISHED VISITORS**

The PRESIDENT (14:00): I draw to the attention of honourable senators the presence in the gallery of the Australian Political Exchange Council ninth delegation from New Zealand led by Ms Louise Upston MP. On behalf of all senators I wish you a warm welcome to Australia and, in particular, to the Senate.

Honourable senators: Hear, hear!
QUESTIONS WITHOUT NOTICE
Mental Health

Senator FIERRAVANTI-WELLS (New South Wales) (14:00): My question is to Senator Ludwig, representing the Minister for Mental Health and Ageing. I remind the minister that today is World Mental Health Day. It is now 10 months since the government released its draft Ten-year roadmap for national mental health reform over the Christmas holiday period. How does the government respond to comments by eminent mental health experts such as Professor Alan Rosen, who said, 'You don't put out a roadmap if you don't have a destination'? Or Professor John Mendoza, who says, 'The roadmap is yet another pollyanna document from our federal health bureaucracy that commits no one to anything'? Who is wrong, Minister: your government or the mental health experts?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:01): I thank Senator Fierravanti-Wells. It is an area where for some time we have had bipartisan support across the chamber to improve mental health. I think on a day like today, which is about mental health, we ought to reflect upon how we address it. The government is delivering on its commitments to make mental health a priority, with investment totalling $2.2 billion over five years from 2011-12. Reforms are focused on the lives of thousands of Australians experiencing mental illness through better detection, better targeting and better coordination. The point I go to is that if you go back to the record there has been significant bipartisan support as to how we address mental health and improve mental health. I do detect from those opposite now that we are skating away from a bipartisan approach, which is disappointing to see.

Senator Brandis interjecting—

Senator LUDWIG: I do not think it is an appropriate time to interject in a negative way on a very important day on which we are looking at how we improve mental health across the board. So far as the government's achievements, they include developing 15 new headspace locations. This government is committed not only to the work that we did in The Way Forward but also the budget, Delivering better hospitals, mental health and health services. If you look at the commitments that this government has made, one of the most significant commitments is to improve mental health by this government across the board. That is what this government has sought to do. If you look at the work that has been done— (Time expired)

Senator FIERRAVANTI-WELLS (New South Wales) (14:03): Mr President, I ask a supplementary question. In March this year Professor Ian Hickie wrote: As a result of the mess left at the end of the Rudd era, key structural issues in mental health services remain unresolved. There is no commonly agreed service model, particularly for out of hospital and ongoing community care.

So, again, I ask: Minister, how does the government respond to this scathing criticism by such a respected stakeholder from the mental health sector?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:03): I thank Senator Fierravanti-Wells for her continuing interest in what this government describes as a roadmap for national mental health reforms from 2012 to 2022. That is how this government is responding to those comments from some quarters. The
Commonwealth is continuing to work with states and territories to develop the roadmap. First ministers’ departments from all jurisdictions have recently taken on a greater role in finalising the roadmap to ensure the whole-of-government focus. So in answer to the criticism, we are doing a whole-of-government approach across states and territories to improve mental health. The public consultation process in January and February this year saw over 1,700 survey responses and more detailed submissions. Jurisdiction senior office officials have recently undertaken targeted consultation to inform the latest draft of the roadmap. The period of consultation was agreed by officials. 

Senator FIERRAVANTI-WELLS (New South Wales) (14:04): Mr President, I ask a further supplementary question. In the year of so-called decision and delivery, how can the government, which promised that mental health would be a second term priority, explain the mounting chorus of criticism emanating from the mental health sector that so-called mental health reform is, in the words of Dr Sebastian Rosenberg of the Brain and Mind Research Institute, ‘A roadmap to nowhere’?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:05): Can I remind the Senate that it is important to take the view that we are committing a significant amount of funding to mental health, more than any other government has done, and we are doing it in a way that is about improving mental health. If you look at the work, the roadmap is not a funding plan like the COAG national action plan; the Commonwealth position is that the roadmap should provide governments, the community sector, consumers and the community with a measurable long-term national reform plan for mental health. In doing that it will guide where we focus our attention and funding over the ensuing 10 years. This is work that is ongoing and will continue to address the longstanding needs within the mental health area. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT (14:06): I draw to the attention of honourable senators the presence in the chamber of a parliamentary delegation from Myanmar, led by the Speaker, the Hon. U Khin Aung Myint MP. On behalf all senators I wish you a warm welcome to Australia and, in particular, to the Senate. With the concurrence of honourable senators I would ask the Speaker to take a seat on the floor of the Senate.

Honourable senators: Hear, hear!

Speaker U Khin Aung Myint MP was seated accordingly.

QUESTIONS WITHOUT NOTICE

National Broadband Network

Senator THISTLETHWAITE (New South Wales) (14:06): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister provide advice on initiatives the government is taking to ensure the Australian business community is addressing the opportunities and challenges arising from the digital age?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:07): I thank the good senator for his question and for his interest in the impact of the digital age on Australian society and our economy. The digital revolution is transforming every part of the economy—24,000 users and growing every single day. No sector is immune from these
changes. Deloittes have estimated the impacts of these changes in their recent report *Digital disruption: short fuse, big bang?* and they noted that the digital economy is 'changing the very nature of consumption, competition and how markets work'. They went on to say:

More profoundly, it is also driving a significant shift in the balance of power between organisations and individuals.

Last Friday the Prime Minister convened a forum with over 40 business leaders from across the economy, together with Minister Shorten and myself. We heard from successful new digital enterprises like bikeexchange and Shoes of Prey. We heard how large existing businesses like Australia Post, the Commonwealth Bank and Woolworths are changing their businesses. The Prime Minister has committed to a number of initiatives as a consequence of the reform and in particular I have been asked to develop a national cloud computing strategy.

The Prime Minister also announced the development of a digital white paper. This will broaden the work undertaken from the cyber white paper and bring this together with the National Digital Economy Strategy.

*Opposition senators interjecting—*

Senator CONROY: I note some of the interjections from those opposite. When we talk about a cloud strategy and those opposite try to look outside to see if it is raining, because they do not have a clue. At the forum we heard about the positive impact of the digital age on regional Australia. Take Birdsnest, a retail fashion business started by Jane Cay, a former IT worker who in her words married a farmer and, starting from a traditional store, she now has 93 per cent of her sales online and she employs 70 people in the town of Cooma. Medibank Private told the forum of their experience in offering virtual services. They have discovered a new regional health workforce that can be accessed online. And these are just two examples of how the digital age is transforming— *(Time expired)*

Senator THISTLETHWAITE (New South Wales) (14:09): Mr President, I ask a further supplementary question. Can the minister provide any details of economic activity in regional Australia that will benefit from the National Broadband Network?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:10): On Monday I had the great pleasure to visit Armidale in New South Wales.

*Opposition senators interjecting—*

Senator CONROY: Yes, that is where I was. I met with local businesses preparing to use the NBN to expand their businesses into new markets and offer better service to their customers. I also visited the University of New England's smart farm in using NBN fixed wireless to boost productivity for farmers.

*Senator Brandis interjecting—*

Senator CONROY: Farmers can interact with experts via videoconference, share with them rich data on climate—
Senator Brandis interjecting—

Senator CONROY: You are a moron.

The PRESIDENT: Order! Senator Conroy, withdraw that, please.

Senator CONROY: I withdraw, Mr President; I apologise. I launched construction of the Tablelands Clinical School. This $12.5 million facility will enable students to use the NBN to learn from the world's leading medical experts at the University of California, Irvine, and other facilities around the— (Time expired)

Defence Budget

Senator FAWCETT (South Australia) (14:12): My question is to the Minister representing the Minister for Defence, Senator Bob Carr. I refer the minister to the recently released 2012-17 defence corporate plan which states, on page 11, that in the 2012-13 budget Defence contributed $5.545 billion to the government fiscal strategy across the forward estimates and that this will necessarily reduce the capabilities that Defence can maintain and the scope of operations that Defence can participate in. Does the minister stand by his earlier statements that these cuts will not hollow out the Defence Force and will not affect Australia's defence capabilities?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:12): I do indeed stand by the comments I made yesterday. Indeed, I can amplify them and they absolutely confirm the position I communicated to the Senate. To be specific, reserve commando special forces training days have not been cut. Due to the different training requirements across the ranks and trades in the Army Reserve, training days are not allocated per se. The minimum number of days each Army Reserve member needs to complete each year is 20. Two commando jungle warfare exercises in PNG were cancelled due to the focus of the PNG DF and ADF on election security issues and logistics in PNG, and when I and colleagues reported on the involvement of ADF on a big scale in election monitoring in Papua New Guinea it was greeted with warm public approbation. People supported it as precisely what Australia should be doing in helping monitor what turned out to be, by PNG standards, a successful exercise in electing their parliament. ADF was involved in it and I am advised that, in response to that involvement, two commando jungle warfare exercises in PNG were cancelled due to the focus of the PNG DF and ADF on that big logistical task of election security and logistics. This had nothing to do with budget—nothing to do with it.

Senator Fawcett: Mr President, on a point of order: my question was not about the Papua New Guinea elections. It was about Defence capability and the hollowing out of the force that this government's budget cuts have created.

The PRESIDENT: Order, there is no point of order. Your question was broader than that. The answer has finished.

Senator FAWCETT (South Australia) (14:15): Mr President, I ask my first supplementary question. Given that the CDF and Secretary have now stated in writing that these budget cuts announced in May will reduce Australia's defence capability at a time when they highlight that regional militaries are increasing their capability, will the minister guarantee to the Australian people that the government will not further degrade Australia's national security by cutting the Defence budget in MYEFO?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:15): None of the savings will impede our nation's defences. We will maintain an Australian Defence Force able to protect our interests and help maintain the peace and
stability of our region. As the government has previously said, most savings come from deferring some Defence acquisitions and adjusting the Defence capital equipment program but also from delivering further operating efficiencies. There is also a planned reduction of 1,000 civilian positions in the Department of Defence to be achieved primarily through natural attrition and tightening of recruitment practices. Notably, (1) there will be no adverse impact on operations; all operations continue to be fully funded.

Senator Fawcett: Mr President, on a point of order: the minister should know that current operations are funded by supplementary funding and the question was going to capability from the budget cuts.

The President: Order. There is no point of order. The minister is answering the question. The minister has 14 seconds remaining.

Senator BOB CARR: Also (2) there will be no adverse impact on military numbers; (3) there will be no adverse implication for kit for forces about to be deployed or on deployment; and (4) there will be no reductions in conditions or entitlements for service personnel. (Time expired)

Senator FAWCETT (South Australia) (14:17): Mr President, I have a second supplementary question. Given that the Australian Strategic Policy Institute has stated that the deferral of Defence funds to beyond 2012-13 has created a five-year period where spending will need to grow in real terms by six per cent a year to regain the promised three per cent real growth over the decade, does the government have plans to bring Defence funding back on track and in what year will that funding come into effect?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:17): Defence funding is not off track. The appropriation for 2012-13 is $24.2 billion. In the 2009-10 budget, the government for the first time budgeted over $100 billion for Defence across the forward estimates. In this budget, the government has again budgeted over $100 billion for Defence across the forward estimates. This includes over $21 billion in total capital investment. This level of funding is expected to maintain Australia’s status as No. 13 in world defence expenditure. As a percentage of GDP, it is comparable to Canada, Italy and Germany. In a G7 context—that is the US, UK, France, Canada, Italy, Germany—(Time expired)

Newstart Allowance

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:18): Mr President, my question is to the Minister representing the Minister for Families, Community Services and, Indigenous Affairs, Senator Evans. Yesterday this Senate passed the Social Security Legislation (Fair Incentives to Work) Amendment Bill which will result in nearly 150,000 single parents being moved onto Newstart, hence reducing their income from 1 January next year. Given that January is a very stressful and expensive time for families with additional pressures from Christmas debts, back-to-school costs and businesses shutting down for the holiday period, has the government considered what impact the payment reductions will have on already stretched crisis and emergency services during this period? What steps is the government taking to address these impacts?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:19): I thank the senator for her question. I appreciate her ongoing interest in this issue and her concern for single parents. But I just
make this point: the government has been very clear about this change. We are actually trying to do something about the cycle of disadvantage that children of single parents on welfare dependency experience. The evidence is that those children have fewer opportunities in life if their parent continues on welfare payment and does not get an opportunity to connect to work.

This is a serious attempt by Minister Macklin to try and improve the outcomes for both the women and children involved. It is the case, as the senator well knows, that there is a large cohort of people already on these conditions. To pretend that this has not happened before and that there are not people already on these conditions is, of course, not right. What this does is take one group who were grandfathered from the new arrangements and say, 'That grandfathering is coming to an end and you will move onto the same conditions as the tens of thousands of other people already on those conditions.' So some of the drama about this, I think, is a little overstated. There is no doubt that this will impact on those people, but it is also the case that we have invested heavily in additional child care and in additional training and other opportunities to try and ensure these people reconnect with the workforce. What we were saying under the old conditions was that someone could stay on welfare until their child turned 16 without attempting to reconnect them with the workforce. Our experience and evidence is that is not a good thing for those people and it is not a good thing for their children. It will give results for both the parent and the child. (Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:21): Mr President, I have a supplementary question. Given that a significant proportion of the clients of these emergency services are already single parents, I ask: is the government going to give additional funding to emergency services to cope with the additional burden that single families may place on these emergency services, as their income is going to drop between $60 and $100 a week from 1 January next year?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:22): The changes that come in for this cohort of parents will put them on the same conditions as a larger cohort already on those conditions. They basically say that, when your child turns eight, you will have to be transferred onto Newstart and you will have to engage more in both seeking employment and undertaking training. Associated with these measures is an extra investment in child care of more than $200 million to assist those persons—single parents—to either get training or connect to the workforce. We have also put in place another $100 million to support the states to provide extra training opportunities. This is a package of measures designed to try and get better outcomes for the parent and the children than we were seeing in a system where they were just left on welfare. (Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:23): I take it that is a no to additional money for emergency services. Mr President, I ask a second supplementary question. Will the government be monitoring the impact of its decision to move this additional cohort of single parents onto Newstart? Will they be monitoring any impact on the demand for services from emergency and relief organisations and will they be helping these organisations monitor the impact on their services?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education,
Skills, Science and Research and Leader of the Government in the Senate) (14:23): I am happy to take on board, and on notice, the question of impact on emergency and relief services and ask the minister for any further advice. But I would make the point that these single parents will continue to receive Newstart. They will continue to receive the family benefits that are available. They will continue to receive the rent assistance that is available. They will continue to receive the other measures of a social support system—but they will also receive active engagement in seeking work or training. We will actually try and support them as we do the other parents, the larger cohort, already under these conditions. I have not had reports that those conditions have seen massively greater numbers of people seeking emergency help. I do not expect that to be the case here, but I am happy to take on notice any impact that might occur or any measures that might be in place and seek advice from the minister. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT (14:24): Before calling the next questioner, I acknowledge the presence in the gallery of former senator Lyn Allison. Welcome back. I hope you are enjoying question time as much as the rest of us are.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Setka, Mr John

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:25): I trust Ms Allison will enjoy this question. My question is to the Minister representing the Minister for Employment and Workplace Relations, and former CFMEU industrial officer, Senator Wong. Will the minister advise the Senate whether Mr John Setka of the CFMEU—a person with a long history of illegal behaviour, at least 60 criminal convictions, and a man that Mick Gatto, the well-known 'industrial mediator', claims to be a close mate—is in the government's view a fit and proper person to be a union leader, especially under the Fair Work Act?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:25): I am flattered that Senator Abetz is so interested in my work history of a couple of decades ago.

Senator Chris Evans: You were very young at the time—very, very young!

Senator WONG: I was much younger. I did not have grey hair—that is how long ago it was, Senator.

Senator Bob Carr: That's before you worked for the Carr government!

Senator WONG: That was before I worked for the Carr government—that is true. But enough of my biography, Mr President; it is not that interesting. I also want to acknowledge that this is, I think, the second question this year from the good senator on industrial relations. It is clearly an issue he wants to talk so much about! Who could have forgotten his stellar performance in the last federal election campaign, where he came out and made clear that the opposition would actually go back to WorkChoices in the first few days and then was sin-binned for the rest of the election? I discern in the question that this relates to the Grocon dispute.

Honourable senators interjecting—

The PRESIDENT: Order! Just address the question, Senator Wong. Ignore the interjections.

Senator WONG: I think this relates to the Grocon dispute. I am not quite sure if that is the case, from all the rhetoric in the question, but I think that is right. I am going to be clear, as Mr Shorten has been, that the
government has condemned any violence or intimidation anywhere and at Grocon sites and has called for all parties to obey orders of the police and Supreme Court. The government is, as Mr Shorten has made clear, pleased there was a return to work. We note that Supreme Court proceedings initiated by Grocon are ongoing and we await judgement. I am advised it is not appropriate at this stage to comment on those proceedings. I am also advised that civil proceedings commenced in the Federal Court of Australia on 5 October 2012 against the CFMEU and 10 individuals. I am also—

(Time expired)

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:28): Mr President, I ask a supplementary question. We are still to find out whether he is a fit and proper person in the minister's view, but will the minister confirm that the Fair Work Building Industry Inspectorate has recently lodged proceedings against the CFMEU and Mr Setka for unlawful industrial action. Will the minister also confirm that, as a result of recent Greens-inspired amendments, the Fair Work Building Industry Inspectorate will be required to discontinue those proceedings regardless of the gravity of the unlawful actions if the dispute is privately settled?

(Time expired)

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:30): Mr President, I ask a further supplementary question. Does the minister acknowledge that the recent surge in militancy by her former union, the CFMEU, is directly linked to the Green-Labor alliance decision to abolish the Australian Building and Construction Commission? Was the motivation to abolish the commission based on the CFMEU's $1.7 million donation to the Australian Labor Party and the $30,000 donation to the Australian Greens?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:30): I think this is just yet another rant from Senator Abetz about the building industry.

Senator Abetz interjecting—

Senator WONG: I am responding to the question, Senator. I have been in this chamber long enough, including on the Work Choices debate—

Senator Abetz interjecting—

Senator WONG: That is just petty. I have been in this chamber long enough, including on the Work Choices debate, which Senator Abetz was so proud to lead on behalf of the Howard government. Oh, I remember the hours in here!

I am advised that Fair Work Building and Construction has extensive investigation and

Honourable senators interjecting—

The PRESIDENT: Order! Order on both sides. Silence.

Senator WONG: I will get some more advice for the senator if I can. I understand that the question is whether or not amendments to the Fair Work (Building Industry) legislation could stop the FWBC from prosecuting the CFMEU. The advice I have is no. The government amendments to the Fair Work (Building Industry) legislation were designed to ensure FWBC resources were not spent on matters where there was litigation on foot and that litigation had been discontinued by the parties. I am advised that Grocon had not commenced any proceedings within the jurisdiction of the FWBC. (Time expired)
prosecution powers regarding breaches of industrial law, the capacity to use coercive powers and the capacity to seek imposition of significant penalties and the recovery of economic loss. In that context, I do not agree with the proposition in the question that Senator Abetz put to me about the abolition of the ABCC.

**Parliamentary Budget Office**

Senator CAMERON (New South Wales) (14:31): My question is to the Minister for Finance and Deregulation, Senator Wong. Can the minister outline to the Senate the effect of the Australian government protocols governing the engagement between Commonwealth bodies and the Parliamentary Budget Officer released last month? Particularly, could the minister explain how the protocols will ensure that requests outside the caretaker period are treated confidentially?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:32): The protocols to which Senator Cameron refers are government policy and what they are about is ensuring that the Parliamentary Budget Office can operate well and as the committee that the coalition was a member of anticipated that the Parliamentary Budget Office would operate. These protocols ensure that the officials cannot tell ministers or their officers about requests for information from parliamentarians or the responses provided if the request is requested to be treated confidentially. These protocols also prohibit ministers or their staff from asking officials to provide them with any information which would disclose the nature of a confidential request.

In other words, these protocols protect confidentiality in the period of confidentiality for the Charter of Budget Honesty. What that means is that Mr Hockey and Mr Robb have absolutely no excuse anymore to not be transparent with the Australian people about the true costs of their policies. Let us remember that out of their own mouths they have acknowledged that they have to find $70 billion worth of cuts over the forward estimates. That is like stopping the family tax benefit for three years and the age pension for two years. The reason that they do not want to use the Parliamentary Budget Office and they do not want to comply with Peter Costello's Charter of Budget Honesty is they do not want to tell people what they really want to do in government. They do not want to tell people what they are going to cut.

We saw it again today with questions about the defence budget. Mr Abbott, as we know, has previously beaten his chest about this and has said, yet again, that he is going to bring back all the funding for defence. What are you going to cut to fund it? Is it the pension? Is it the family tax benefit? Is it health funding? Is it schools funding? Is it child care? You will not front up to the Australian people. That is why you are avoiding the use of the Parliamentary Budget Office.

Senator CAMERON (New South Wales) (14:34): Mr President, I ask a supplementary question. Can the minister explain to the Senate whether the establishment of the Parliamentary Budget Office has changed the existing Charter of Budget Honesty rules around disclosure of election policy costings? Have the rules on disclosure of election policy costings that applied at previous elections changed?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:34): I thank Senator Cameron for that question. No, the rules of disclosure of election policy costings as laid down by Peter Costello have not changed. We agree
with Peter Costello when he said, as he introduced the Charter of Budget Honesty:
By requiring the costings to be made publicly available, there is limited scope for the results of the costings to be misrepresented.
He might have been anticipating Mr Robb and Mr Hockey, mightn't he, in the last federal election when they misled the Australian people about the true cost of their policies, only to be found out after the election?

What is extraordinary about it is that they are spoiling to do the same thing. They want to tell people nothing before the election about what they will cut should they get into government, what they would cut to fund their $70 billion black hole.

Senator Scullion: What about the carbon tax? You hypocrite!

The PRESIDENT: Order! You need to withdraw that, Senator Scullion. That is not in order.

Senator Scullion: I withdraw.

The PRESIDENT: Senator Wong, you have four seconds remaining.

Senator WONG: Thank you, Mr President. Those opposite want to use catering companies rather than use the Parliamentary Budget Office, because they want to hide the cost— (Time expired)

Superannuation

Senator CORMANN (Western Australia) (14:37): My question is to the Minister representing the Treasurer, Senator Wong. Can the minister confirm reports in the Australian Financial Review today, said to be based on advice from government sources, that the Gillard government has delayed but not shelved $30 billion a year in new taxes on Australian's superannuation savings? Given that such a super tax grab on superannuation savings would come on top of $7.8 billion in super taxes already, and would raise at least $120 billion in revenue over the forward estimates period, is that how the government plans to fill its $120 billion budget black hole?
Senator WONG (South Australia—Minister for Finance and Deregulation) (14:38): One thing I will give to Senator Cormann is that he is predictable. Yesterday he had to ask a question about his op ed that was in the paper. Today he asks a question about the front page of the Australian Financial Review, which he also tweeted about—so thank you very much for that.

In terms of the taxation of superannuation and superannuation policy, what I would say is this: those of us on this side are part of the movement which built superannuation in this country. We did that over the vehement opposition of those on the other side, who did not want superannuation to be anything other than the preserve of the wealthy. They did not want superannuation extended to working Australians—

Opposition senators interjecting—

Senator WONG: Go back and look at the debates! You were wrong in the nineties and you are wrong now! And the same values continue to be demonstrated today when you look at Senator Cormann and the coalition's opposition to one of the government's measures, which is a tax break for low-income workers—the low-income super contribution, one of the policies openly opposed by the opposition. Do you know who would get that, Mr President? 3.6 million low-income Australians, 2.1 million of which are women because women are overrepresented in the low-income statistics. So when you want to come in here and talk about equity, Senator, why don't you stand up and explain to people why wealthy mining companies cannot pay a tax but people on low incomes in this country should not get a tax break on their superannuation? Why don't you come into this chamber and explain to Australians why you protect wealthy mining companies but you will not stand up for low-income working Australians—3.6 million of them?

Senator CORMANN (Western Australia) (14:40): Mr President, I ask a supplementary question. Given that the minister has not been able to deny the reports in the Australian Financial Review, when will the government come clean with hardworking Australians saving to achieve a self-funded retirement as to who exactly will be expected to pay Labor's latest $30 billion tax grab on Australia's super savers?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:41): The senator wants to come in here and talk about hardworking Australians. Well, 3.6 million low-income earners: I reckon they are hardworking Australians and I think they deserve the tax break that the government is putting in place. But the senator wants to wind that back, should he get into government. What the senator says is: 'No, we don't think low-income Australians deserve equivalent tax treatment on their super. We don't think 3.6 million Australians should get this tax break on their super. We don't think the 2.1 million women who will get this tax break deserve it. We want to wind it back. But, Senator Wong, you should tell us about fairness.' Well, really, Senator Cormann: if you want to talk about fairness, I am very happy to talk about fairness. If you want to talk about superannuation, I am happy to talk about superannuation and our record in it. But the problem is that all of a sudden the opponents of superannuation for workers have become the great defenders of superannuation, and the hypocrisy is there for all to see.

Senator CORMANN (Western Australia) (14:42): Mr President, I ask a further supplementary question. Why does the Gillard government think it is appropriate that Australians doing the right thing by
saving to achieve a self-funded retirement, taking pressure off the public purse in doing so, have to pay the price for Labor's $173 billion in accumulated budget deficits and its current $120 billion budget black hole?

Honourable senators interjecting—

The PRESIDENT: Order! When there is silence I will call the minister. I remind honourable senators that the time to debate this is after three o’clock.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:43): When it comes to the budget and the position of the budget, I have said before in this place that the Labor government will comply with Peter Costello’s Charter of Budget Honesty. We will do that. I wait for a similar commitment from the other side, and no amount of hand waving—

Senator Cormann: This is budget management by leak!

Senator WONG: Senator Cormann, no amount of hand waving gets around the fact that when you are sitting down and your very—

Honourable senators interjecting—

The PRESIDENT: Order! On both sides!

Senator WONG: As I said, I do not believe that anybody thinks that Senator Cormann has any credibility talking about the budget if he will not come in here and say he will do what Peter Costello said everyone should do, which is to comply with the Charter of Budget Honesty. How embarrassing! The Labor Party will do what Peter Costello said is the right thing; the coalition, full of Costello acolytes, will not. They are leaving him behind. They say: ‘Oh, we love Peter but we don’t want to do what he said. Do you know why? Because it’s a bit too hard; we’d rather use a catering company.’ (Time expired)

Malaysian Elections

Senator XENOPHON (South Australia) (14:44): My question is to the Minister for Foreign Affairs, Senator Bob Carr. Later today before the Joint Standing Committee on Foreign Affairs, Defence and Trade two key representatives from the Malaysian NGO Bersih, the movement for clean and fair elections in Malaysia, will be giving evidence. Bersih co-chairperson Ambiga Sreenevasan and committee member Andrew Khoo have told me of their serious concerns that the Malaysian elections due in the next six months will not be clean, free or fair. Among other things, Bersih has raised strong concerns about the credibility of the electoral rolls, the integrity of the postal voting system, dubious vote-counting, gerrymandering, an absentee voting system and draconian media controls as well as laws prohibiting street demonstrations. Is the minister aware of these concerns and does the Australian government share these concerns?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:45): The Malaysian elections of course will be held in April next year. Malaysia is a constitutional democracy, as we are, and the timing and organisation of the election is a matter for the Malaysian government. I know that since April at least there have been domestic groups—the one the senator mentioned—and international groups that have raised matters of concern connected with the Malaysian electoral system. I recall that in April there was a well-publicised demonstration in Kuala Lumpur in Merdeka Square, and I understand that Senator Xenophon at the time was in Malaysia and had comments to make about the way the police handled that, with allegations of tear gas use. The demonstration, I think, was by any test a large one. I acknowledge the senator's concern. On the bottom line,
however, the question of electoral reform in Malaysia is a matter for Malaysians and for their government.

Senator XENOPHON (South Australia) (14:46): The tear gas was real, Minister Carr. Mr President, I ask a supplementary question. Given Australia’s role in being part of international observer teams in other elections in the region and internationally, what role will the Australian government take within the Commonwealth to ensure that the Malaysian elections are clean and fair? Will, for instance, the government consider giving its support to an international observer mission in the lead-up to the elections given the concerns raised by Bersih and others? For instance, if the opposition leader requested such assistance, what would the government do?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:47): Whether we send observers to a Malaysian election would be a matter for the Malaysian government. We would not have any way of initiating such a proposal; we would respond to a request from them for election observers. I understand that the Malaysian Election Commission itself may be seriously considering inviting international observers to monitor the election. I understand the Malaysian government has argued that the last election must have been fair—it lost its two-thirds majority in the parliament. Again, I have got to say that this is a matter for Malaysia. Our high commission will consider following reporting very carefully and speaking to participants on all sides of Malaysian politics so that the Australian government will have a sense—(Time expired)

Senator XENOPHON (South Australia) (14:48): Mr President, I ask another supplementary question. Is the minister aware that under Malaysia’s Peaceful Assembly Act 2012 street protests have been made illegal and the Malaysian opposition leader, Anwar Ibrahim, is now facing being disqualified from parliament for allegedly participating in a street demonstration? Given the Australian government has raised issues of human rights and peaceful assembly and a fair go in a democratic community, will the Australian government be making representations expressing its concerns about these charges that could see the Malaysian opposition leader disqualified from parliament?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:49): All I can say is that the high commission in Kuala Lumpur will continue to follow these unfolding political events in Malaysia as closely as they would in any other jurisdiction.

Carbon Pricing

Senator IAN MACDONALD (Queensland) (14:49): My question is to Senator Ludwig, representing the climate change minister. Does the minister still stand behind the government’s prediction of $29 per tonne for the carbon price in 2015-16?

Opposition senators interjecting—

The PRESIDENT: Order! Order! When there is silence, I will give the Minister representing the Minister for Climate Change and Energy Efficiency the call.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:50): I thank Senator Ian MacDonald for his question. What I always do is not take what they say as a written rule. What I would prefer to do in many instances is make sure that the question has in fact got the facts correct. That is why, if you look at the best way to seek to have a carbon price, it is to set it through a fixed period and then move to a
emissions trading scheme. There is a clear path in moving that way and we stand by that path we are leading through. If you look at the opportunities that are there, it is the best way to reduce and remove emissions from our system.

Opposition senators interjecting—

Senator LUDWIG: It is very difficult, Mr President.

The PRESIDENT: Order! All right, when there is silence we will proceed.

Senator LUDWIG: Thank you, Mr President. Again, it is an area where I do not accept what the opposition have said. The modelling has assumed $29 in 2015-16 on the basis of a world price consistent with the low end of the 2020 emissions reduction pledges made by 89 countries through the UNFCCC process.

Let us be clear about what this means. Nearly 90 countries have made 2020 pledges to reduce emissions. That was on the basis of our modelling and it is not in a vacuum. What those opposite are claiming is that we should disregard international action and we should not use the most comprehensive modelling available to us.

Senator Brandis: Mr President, I raise a point of order on the issue of direct relevance. We have given the minister all but eight seconds to address a very simple and specific question: does the government stand by the prediction or doesn't it? That is all the question asked. The minister was obviously embarrassed by being unable to respond or he would have done so in the minute and 52 seconds he has taken, but you should direct him to answer the question.

Senator Jacinta Collins: Mr President, on the point of order: this is just such a beat-up. The minister has been answering the question. He was asked about the prediction based on modelling and, as he is explaining, this prediction is not in a vacuum. I am trying to listen to the minister, I must say, and it is near impossible with all the noise coming from the other side.

Opposition senators interjecting—

The PRESIDENT: Order! The minister does have eight seconds remaining. There is no point of order at this stage. The minister has the call.

Senator LUDWIG: Thank you, Mr President. The government does stand by the Treasury modelling.

Senator IAN MACDONALD (Queensland) (14:54): Mr President, I thank Senator Wong for the answer to that question, as Senator Ludwig should too, and I have a supplementary question. If I heard you correctly, Senator Ludwig, you said the government does stand behind the $29 per tonne carbon price for 2015-16, which is the modelling. Minister, if you believe it is going to be $29 per tonne in 2015, why is the government removing the $15 per tonne floor price?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:54): Again, I thank Senator Macdonald for his confused question. What he has done is confuse linking with a set price. They are two separate issues.

Senator Cormann: You are the one who is confused.

Senator Wong: No, Mathias, you are.

Senator LUDWIG: I will take the interjection from Senator Cormann. He does not get it. He has deferred this question to Senator Macdonald because he does not want to be embarrassed asking it. Clearly, what he has missed is that the government stands behind the extensive modelling carried out by Treasury. We are confident of
the work that Treasury has done. It has proven to be accurate since the price came into effect. You only have to look at the issue of electricity prices, where the price impact announced by regulators was consistent with the Treasury modelling.

Unlike those opposite, who then decried—

Senator Ian Macdonald: Mr President, I raise a point of order on direct relevance. All I asked Senator Ludwig, or Senator Wong—whoever wants to answer it—is: if they rely on the modelling, which is $29 a tonne, why are they having a floor price of $15? I am not interested in what he is talking about now. Can he tell me why they are having a $15 floor price if $29 is the modelling and what they are anticipating?

The President: I cannot tell the minister how to answer the question. The minister I believe is answering the question. The minister has 10 seconds remaining.

Senator Ludwig: The government remains—and this is the point that Senator Macdonald seems to miss out on—committed to the Treasury modelling. The carbon price forecast to result—(Time expired)

Senator IAN MACDONALD (Queensland) (14:56): Mr President, I have a further supplementary question. Minister, isn’t it a fact that the government’s future financial forecasts are based on $29 per tonne? I am asking the minister what information he has about when we go to the European price. The current European price is $8 per tonne. What does the government know that anticipates that that will increase from $8 per tonne to the $29 per tonne the government is relying on?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:56): Again, it is a very confused question.

Senator Abetz: No, it’s not.

Senator Brandis: The price! The price!

Senator LUDWIG: Well, one of the difficulties for Senator Macdonald is that it is an attempt to link two different parts together. The carbon price projections in the budget are the result of extensive Treasury modelling. That is a given. The government stands by—and I have continued to say that throughout this confused questioning by Senator Macdonald—the extensive modelling carried out by Treasury. Their work has proven to be accurate since the price came into effect, which those opposite continue to complain of and decry.

Senator Ian Macdonald: Mr President, I raise a point of order on direct relevance. Again, I point out that I have asked Senator Ludwig what information he has that leads the government to believe that the $8 European price today will increase to $29. I am not interested in what he is rattling on about. Can he answer the question, please?

The President: There is no point of order. The minister is answering the question and the minister still has 19 seconds remaining.

Senator Ludwig: Thank you, Mr President. I continue to thank Senator Macdonald for his confused question. He remains confused, I have no doubt, notwithstanding even the question he asked. The point is the Treasury modelling is what the government stands behind. It has been effective. It has worked. It has clearly already predicted the price on electricity. (Time expired)

Mental Health

Senator MOORE (Queensland) (14:58): My question is to the Minister representing the Minister for Mental Health and Ageing—again, Senator Ludwig. Can the minister provide details to the Senate about how our
government is providing support for Australians living with mental illness?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:58): I thank Senator Moore for her continued interest in this area. This week is World Mental Health Week, which seeks to raise awareness of mental health and wellbeing in the wider community. It is about reducing the stigma and supporting those with mental illness and their carers.

Mental illness is the largest single cause of disability in Australia. One in five people and one in four young people will experience a mental health issue in any given year. It is saddening to know that many Australians with mental illness are not seeking or receiving treatment. Mental illness disproportionately affects young people, but only 25 per cent of the 16- to 24-year-olds who experience mental illness will get help. Individuals suffering a mental illness have a life expectancy 20 years lower than that of the general population in Australia.

Supporting a person suffering from mental illness can be difficult for families, friends and communities. That is why the Gillard government recognises mental illness as a national priority. For decades this area has been plagued by bad planning and underinvestment, and our government has undertaken to reform and improve Australia's mental health system and provide adequate health care for all Australians. The Gillard government is providing a $2.2 billion reform package over five years. Labor is delivering reforms over five years through better detection, better targeting and better coordination of mental health services. In the last budget, our mental health package included $571 million for better coordination services for people with severe and persistent mental illness and complex needs.

Opposition senators interjecting—

Senator LUDWIG: It is a shame that those opposite do want to depart from the bipartisan support and do want to interject on what is a very serious issue in the community and treat it—(Time expired)

Senator MOORE (Queensland) (15:00): Mr President, I ask a supplementary question. Can the minister outline for the Senate how the Gillard government's mental health reform package will improve access and support for people in regional and remote areas—particularly young people?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (15:01): I thank Senator Moore for her supplementary question. Rural people with a mental illness face extra challenges such as isolation and difficulty accessing services. We also know that rates of suicide and suicide attempts are higher in rural and remote areas of Australia than in urban areas. The Taking Action to Tackle Suicide package commenced in July 2011. It includes initiatives such as providing free calls from mobile phones to Lifeline. The government provides around $7.1 million each year from national suicide prevention programs for a range of projects in rural and remote areas. The government is also supporting online therapy. Mental Health Connect went live in June this year and there is now online mental health support and therapy. Online therapy can be effective, particularly for people with mild to moderate anxiety and depression. This mode of delivery allows people to seek help from their own home—(Time expired)

Senator MOORE (Queensland) (15:02): Mr President, I ask a further supplementary question. Can the minister outline how the
mental health reform package will improve access, accountability and transparency across the mental health system and support carers, families and our wider community?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (15:02): I thank Senator Moore for her second supplementary question. The Gillard government's mental health package recognises the diverse impact of mental illness through a person's lifetime. The government is committed to building services around the user and to stopping families from being shifted from one service to another. We do not want people falling between the cracks in this area. We have provided nearly $550 million over five years to better coordinate mental health services for something in the order of 24,000 people with severe and persistent mental illness and complex multiagency support needs. The government will fund local organisations and will provide a single point of contact. (Time expired)

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Carbon Pricing

Senator PAYNE (New South Wales) (15:04): I move:

That the Senate take note of the answer given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) to a question without notice asked by Senator Macdonald today relating to carbon pricing.

I listened—at least I tried to listen—to the words of Senator Ludwig, but it seemed to me that the more he used the word 'confused' the more confused he became, because his answer was virtually unintelligible in response to Senator Macdonald's quite clear three questions—both his primary question and his supplementary questions—in relation to the government's prediction of the carbon price being $29 by 2015-16. The mystery as to what Senator Ludwig was actually talking about may remain uncovered for some time, perhaps until Senator Macdonald gets to pursue that further.

What we on this side know about the carbon tax is the devastating effect that it is having on members of the Australian community. In my portfolio of housing, in particular, and—as my colleagues would know—in Western Sydney in particular, residents are looking at a hike of $208-plus in electricity bills, along with a multitude of indirect cost increases that nobody receives any compensation for, and most certainly the small businesses bearing them receive no compensation for them.

We have a hub for new homebuyers in my area of Western Sydney, and we have new home builders who are trying to start their lives and their families, but all the carbon tax is doing is making it that much harder. The Housing Industry Association estimates that the carbon tax will add $5,200 to the cost of building an average new home—even after compensation. If you think about the families that we all work with every single day, right around Australia, that does make a difference to a family's capacity to commit. When they are sitting around the kitchen table discussing whether they can build their new home, it does make a difference to whether they are actually able to sign on the bottom line, and anyone who does not think it does
is not living in the real world. No matter how much this government talk about compensation, no matter how often they try to protest—methinks too much—they are denying the reality of the situation in which so many Australian families find themselves.

It is ironic indeed that the government would find themselves penalising people for building newer and more energy-efficient homes. Surely that is a particularly perverse approach that does nothing for the environment in the end. We already have a housing shortage in this country of over 228,000 homes. But, if the Labor government were actually listening to the concerns of stakeholders, they would see that the carbon tax is only making things much worse. If they do not want to listen to members of the opposition, perhaps they will listen to people who are actually experts in their particular areas, like the CEO of the Master Builders Association, Wilhelm Harnisch, who said:

... work in the pipeline is at very low levels and profit margins are low to non-existent. Builders and contractors have no capacity to absorb any cost increases incurred as a consequence of the carbon tax.

Mr Harnisch also said:

Treasury’s carbon tax modelling indicates that the carbon tax will reduce the gross output in the building and construction industry by 5.6 per cent by 2050. This impact is considerably higher than negative impacts on mining and manufacturing, which are anticipated to go down 4.3 per cent and 2.8 per cent respectively.

That is a very considered, very authoritative view of the impact of this government’s policy on a vital Australian industry.

If the HIA is not enough for you, then what about the small business operator in Western Sydney—in Greenway in fact—who makes home construction products? He is completely reliant on the home-building industry. He tells us that he has recently reduced his factory operation from 24 hours a day, seven days a week, to 24 hours a day, five days a week, and turned off some machines altogether. The flow-on impact from that on jobs in communities which need more jobs in the areas in which they live, not fewer, is a very significant one. But, no, we are simply told to refer to the modelling and that will answer the question, but it does not. It does not answer the question for real Australians, and they are the people whom we are representing here in this chamber.

We find small businesses across Australia but particularly in Western Sydney who are also concerned about the uncertainty that the tax is causing their business. They know that their costs will go up but they have no mechanism to recover those costs through their own prices because they will end up with the ACCC and Labor’s multitude of other regulatory bodies talking to them about how they are doing that and why they are doing that. It is a one-way street that this government has set up to blindly pursue their policy in relation to this, without any real consideration of the impact that it is having on real Australians and the price that they have to pay. (Time expired)

Senator CAMERON (New South Wales) (15:09): For the first time in a long time, we have got Senator Payne on her feet talking about Western Sydney.

Opposition senators interjecting—

The DEPUTY PRESIDENT: Order on my left!

Senator CAMERON: I actually lived in and around Western Sydney during all of my time in Sydney, so I know a bit about Western Sydney. Senator Payne, I think Peter van Onselen will be happy that you have actually made a contribution.

Senator Payne: Come on down to High Street and see my new office any time you like.
Senator CAMERON: I am happy to come down to High Street. Organise it. I will come down to High Street, Penrith, with you and discuss why the coalition is not going to look after the kids of Western Sydney; why the coalition want to put in a direct action policy, which is a load of nonsense and which will cost Western Sydney families far more than anything this government has done; why we are prepared to ensure that families are looked after as the carbon price kicks in; and why we want to look after the future of the kids of Western Sydney. All you do is come in here with your nonsensical rhetoric and scare campaigns.

I did not hear you being worried about the workers of Western Sydney when you put your hand up in support of Work Choices. I did not hear you saying that the workers of Western Sydney will have a problem with Work Choices. You did not do that, Senator Payne. You put your hand up here and you supported Work Choices. You supported the workers of Western Sydney having—

Opposition senators interjecting—

The DEPUTY PRESIDENT: Order on my left!

Senator Ian Macdonald: Mr Deputy President, on a point of order on relevance: I know that we allow a very wide-ranging set of circumstances, but unfortunately the question we are talking about is not about Senator Payne; it is about the government's confusion on the $8 price of carbon suddenly becoming $29. I really want to hear what Senator Cameron has to say about it, because certainly the minister could not answer it.

The DEPUTY PRESIDENT: Thank you, Senator Macdonald. I do draw your attention to the topic before the chair, and you have the call.

Senator CAMERON: Mr Deputy President, I certainly will address my remarks through the chair. But, with the greatest respect, Mr Deputy President, I will certainly draw your attention to the issues raised by Senator Payne in her contribution. You cannot have a situation where Senator Payne is talking about the cost impost on the families in Western Sydney, without dealing with all of the issues of the cost imposts on the families in Western Sydney. Senator Payne's support of Work Choices is an issue.

Senator Payne: Mr Deputy President, I rise on a point of order, and I seek your guidance in relation to this point of order. As I understand it, we are currently in motions to take note of answers. The answer, theoretically, at least, in relation to Senator Macdonald's question about carbon tax was about carbon tax. My remarks were about carbon tax—entirely apposite and to the point. They have nothing to do with the matters that Senator Cameron is raising, which are not apposite or to the point.

The DEPUTY PRESIDENT: Senator Cameron, I do draw your attention again to the topic before the chair, and you have the call.
they call direct action. What is direct action? Direct action is supposedly—

Senator Kroger: Mr Deputy President, I rise on a point of order. I think you have been very generous in the latitude that you have given Senator Cameron, but the fact of the matter is that we are responding and he is meant to be responding to the answers given to the question that Senator Macdonald directed on carbon tax.

They are two words that he has not covered in the 3½ minutes that he has been speaking and I would ask him to draw his attention to the question.

The DEPUTY PRESIDENT: Senator Cameron did return—

Senator Carol Brown: Mr Deputy President, I rise on a point of order. That is what I was going to say; he was talking about direct action and was returning to the issue of carbon price. So Senator Kroger getting up to make a point of order at that time was a little late.

The DEPUTY PRESIDENT: Thank you, Senator Brown. I was going to indicate to Senator Cameron he did return to the topic. I will be listening carefully to the remainder of his answer. He has wandered in the past. Senator Cameron, you are aware of the situation.

Senator CAMERON: I hope I do not wander because of that unfair interjection. I was dealing with direct action. As you are aware, nothing could be more relevant to the issue of the cost of living of workers in Western Sydney than the impost that this nonsense of a policy called direct action would have on working families in Western Sydney. You see, what the coalition seek to do is to use taxpayers' funds to provide so-called incentives to business in this country to reduce carbon pollution. What we are doing is exactly what Peter Shergold indicated in the Shergold report and that was: deal with carbon issues, deal with them through a market mechanism and do not wait till the rest of the world acts, but act now because it is the most important thing to do. I note Senator Sinodinos nodding sagely behind Senator Payne, and that is because Senator Sinodinos was there when this advice was given to the Howard government. Senator Sinodinos supported this position. Senator Sinodinos knows that the cheapest way to deal with carbon pollution is to use a market based mechanism. It was what John Howard said he would use. (Time expired)

Senator MASON (Queensland) (15:16): I suppose some might think it is a time for a celebration. It is 100 days since the introduction of the carbon tax. If I had thought about it, Senator Cameron, I may have baked a cake, but I cannot afford to anymore because it costs too much to bake. On a serious note, Senator Payne is quite right, particularly with respect to small business and the discount rates they get on electricity. It is costing up to 30 per cent more for small business throughout this country. That is a problem—it is affecting not only pensioners and working families but also small business.

I have somewhat of a penchant, some call it a fetish, for old government documents. I went through what I received at my home in Brisbane—a document called 'What a carbon price means for you'—one of my favourite documents. It says this:

A carbon price is not a tax on households—it will be paid by Australia's biggest polluters.

Yes, you will not pay, just the big polluters will pay. Let me tell you, ladies and gentlemen: you will pay. Australia will pay. Business will pay. You will all pay. But, according to this document, it is okay because:

Countries are already taking action on climate change. In addition, 89 countries—representing
80 per cent of global emissions and 90 per cent of the world’s economy—have already pledged—
If you believe politicians' pledges—
to take action on climate change.
What are the comparable countries? What have they done? What has Brazil done? Russia? India? China? The United States? Canada? What have they done?

Senator Thorp: Mr Deputy President, I raise a point of order around occupational health and safety. I am getting a headache.

The DEPUTY PRESIDENT: Senator Mason, I draw your attention to the fact that you are on microphone and ask you to consider the auditory level of your contribution.

Senator MASON: I was in quiet mode! However, I will do my best. Suffice to say that none of the comparable countries—Brazil, Russia, India, China, Canada and the United States—are doing virtually nothing at all. China was mentioned—let me get to that in a minute. I am told, after today's performance from Senator Ludwig, that the government stands behind the $29 per tonne prediction. Today, the price in Europe is $8 a tonne. So it has got to rise 350 per cent in the next three years otherwise the government's budget predictions are out and there is no way they can fulfil their budgetary forecasts or return to surplus. It has got to go up 350 per cent over the next three years so they can balance their budget. Who thinks the European carbon price will go up 3½ times in three years? Who believes that, except Senator Thorp? No-one on earth believes that. If it does not happen—and it will not—this lot opposite will never, ever be able to balance their budgets. That is the problem. That is the farce of this entire scheme. From the word go, this has been an absolute fiasco.

We have got a Prime Minister and a government that believe unilateral action by the Australian government ahead of the world is good public policy. They believe even if the United States, Britain, Russia, India, China and Canada do nothing, it is in our national interest to adopt a carbon price. Why are those countries not adopting a carbon price? Because it will harm their economies. It is already harming ours. The cost of living in this country is going up. The cost for business is going up. If that is not bad enough, it is making no impact at all on the climate—none. Is it having any impact on carbon emissions in Australia? No. They are still going up, even if somewhat more slowly. It is having no impact on the carbon emissions and no impact on the climate. We are stuck with this blasted tax forever.

In the end, Mr Deputy President, never forget—and Senator Macdonald's question highlighted this—when the carbon floor price is not met, and it will not be met at $29 per tonne, their budget will be blasted to hell. They will never be able to balance another budget for another hundred years. We will never, ever let the Australian community forget what they have done to our country.

Senator THORP (Tasmania) (15:22): I hope that members opposite can hear me. The honourable senator was quite right when he referred to the fact that it has been a hundred days since the introduction of the carbon price. Let us remind ourselves of some of the dire predictions that were made leading up to that date. Do we all recall the Whyalla wipe-out? The whole area was going to be gone off the map; I believe it was almost set to music. In fact, just recently, the Mayor of Whyalla was quoted in his local press and more broadly as saying that the whole area is going gangbusters. So, no Whyalla wipe-out. Whole regions were going to be destroyed. You can almost hear the music in the background, and the lightning claps. Whole regions were going to be destroyed, including Gladstone. Yet, just in recent months—
Senator Fifield: Mr Deputy President, I raise a point of order. I am having some difficulty hearing Senator Thorp. You might ask the good senator if she could speak up so that not only senators on the floor but those in the gallery may have the benefit of her contribution.

The DEPUTY PRESIDENT: Thank you, Senator Fifield. There is no point of order. Senator Thorp, you have the call.

Senator THORP: Thank you, Mr Deputy President. You might point out to members opposite that we do have quite up-to-date IT in this area and that there are speakers.

Senator Fifield: Stop mumbling and articulate clearly so that we can hear you.

The DEPUTY PRESIDENT: Order on my left!

Senator THORP: There have been billions and billions of dollars of investment in the Gladstone area, and that was only one of the regions destined to be wiped out. We were also going to see the death of the coal industry, the death of the steel industry and the death of manufacturing, and yet in those hundred days so oft referred to we have seen an additional 9,000 jobs created in the manufacturing industry. Huge price increases were anticipated, enormous price increases, but not according to the Reserve Bank of Australia. The price of electricity was going to go through the roof, but if you peel some of the layers off the onion and look more closely at the issue and take, for example, Western Australia, where electricity prices have gone up considerably—in fact, I have heard some quotes, and I am not sure whether they are correct, that it is by as much as 60 per cent in some areas—only nine per cent of that could ever have been attributed to the carbon price.

So here we are, back again in this place, with the pathetic fear campaign of those opposite now blaming the carbon price for any issues that maybe impacting on housing in Australia. It is very sad. According to the honourable fellow opposite, the loud one, he was saying—

Senator Jacinta Collins: Mason.

Senator THORP: Mason, I am sorry; I had a bit of trouble with the name, Mr Deputy President.

The DEPUTY PRESIDENT: Senator Fifield, did you have a point of order?

Senator Fifield: Just that the good senator has been not only—

Senator Jacinta Collins interjecting—

The DEPUTY PRESIDENT: Order! Senator Fifield, I understand where you are going and I do not believe there is a point of order. I think Senator Mason had a mental blank—sorry, it was Senator Thorp. Senator Mason is the senator you are looking for, Senator Thorp. You have the call, Senator Thorp.

Senator THORP: We are but human. Treasury has just recently stated and anticipated not fear about the complete collapse of the Australian economy, no. In fact, Treasury is predicting strong economic growth will continue, with gross national income projected to grow at 1.1 per cent a year to 2050. Incomes will grow. Real income per person is projected to increase by $9,000 per year, from today's level, by 2020.

Senator Ian Macdonald: Which carbon price are they using?

Senator THORP: These figures are from the Treasury. Employment will grow, with 1.6 million new jobs created by 2020. Pollution will fall—unlike the comments from the senator opposite. By 2050, carbon pricing is expected to reduce Australia's domestic emissions by nearly half what they would be without a carbon price—a reduction of a significant amount. The price
impacts will be modest. A one-off increase of 0.7 per cent to CPI, which compares with the 2.5 per cent increase that was the result of the GST. Gross state product for all states continues to grow strongly.

That is what Treasury says. Those are the facts. This is not emotive fear and rubbish. Whyalla has not gone, Gladstone has not been wiped out, the coal industry has not died, the steel industry has not died, the manufacturing industry has not died—in fact, 9,000 extra jobs were created in the hundred days. There have not been huge price increases. The price of electricity has been impacted by carbon pricing but not by the amounts that are often reflected in state prices. I think it is most inappropriate and most unfair by those opposite to try to blame everything that goes on in the global economy on carbon pricing, feeding the fear of vulnerable Australians. I find it quite despicable, particularly when you see it in the context of the fear people have around their futures, generally speaking. (Time expired)

Senator SINODINOS (New South Wales) (15:28): I rise to take note of the answer given by Senator Ludwig to a question asked by Senator Macdonald today. Well, what a debate it has been. We have gone right round the world, particularly Western Sydney. We have talked about Work Choices and we have talked about Brisbane. We have talked about all sorts of things but, if we come back to where Senator Macdonald began this whole issue, it was around what the carbon price would be in 2015-16, because the Treasury modelling was estimating it would be $29 per tonne, based on assumptions about what many countries around the world allegedly would be doing or had pledged to do.

As we know, there is quite a gap between what governments pledge to do or promise to do and what they actually do. In this particular case, none of the speakers from the other side have addressed this very simple point: is there one serious economist in Australia who is backing up what the Treasury is saying about what the price will be for carbon in 2015-16?

Yes, under direction from the government, the Treasury has used the modelling, because the modelling is a machine—you put assumptions in, you get certain results out. They have pumped out this result of $29 a tonne based on the parameters they have been given by the government, and they have probably been directed to make assumptions about what other countries would do. So they have gone around to find any piece of information that justifies them being able to say that country X or Y is planning or pledged to do this or that, and they used that as a basis to say, 'On that basis we think it will be $29 a tonne as a world price.' But no serious economist in Australia, as far as I am aware—and I am happy to be corrected on this—has said that the Treasury modelling is appropriate in the circumstances, is appropriate in terms of pumping out that $29 a tonne figure.

We are talking about a situation where we are going from, at the moment, a European price of $8 a tonne. Make no mistake, the Europeans will continue to dominate this market over time because of the extent of credits that they have got on issue. They are at $8 a tonne. So are we saying that the biggest carbon market in the world, the one that will dictate prices come 2015-16, will be at $29 a tonne? What are we assuming about what European governments will do to get to $29 a tonne—at a time when the European economy continues to be mired in recession? We are saying, unilaterally, that they will take action that will lift their prices to $29 a tonne by 2015-16. It is possible that there is some miraculous recovery in the European
economy that means that they feel more confident about putting additional burdens on themselves, such as a much higher carbon price, but the fact of the matter is that that is not looking likely at this stage. It is an unreasonable approximation or estimation to be making at this time. If you look at the IMF report that was issued recently, the World economic outlook, all the downside risks in Europe mean that growth is likely to be pretty anaemic across the European zone and not supportive of a strategy of raising carbon prices to $29 a tonne by 2015-16.

Senator Thorp, in particular, raised this issue of dire predictions about the carbon price and its impact on electricity. The fact of the matter is that the electricity price rises that were initiated by the introduction of the carbon price are wending their way through the production system as we speak. Across the economy there have been price rises of varying magnitudes. Some have been around the 10 per cent mark, some have been higher. But what the government consistently misses in this debate is that the carbon tax is being imposed on top of quite large electricity price rises which have been induced by, in some cases, electricity regulators seeking to promote investment in the sector to meet rising electricity demand. Consumers have now been faced with this double or triple whammy of rising electricity prices from a variety of sources: the Renewable Energy Target, the carbon price and also network investment. What the government has missed on the way through, or does not want to acknowledge, is that they are also in part in the gun because they have done something directly to raise electricity prices at a time when people are dissatisfied with the level of electricity prices because of all the other actions that have been undertaken, including by regulators. They seem to be unwilling to acknowledge that that is going to lead to them paying the price for not listening to Australians who are saying, 'We are fed up with the rising cost of living, particularly in utilities. We are fed up with what we are having to pay.' (Time expired)

Question agreed to.

Newstart Allowance

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:33): I move:

That the Senate take note of the answer given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) to a question without notice asked by Senator Siewert today relating to Newstart.

That the Senate take note of the answer given by Minister Evans representing the Minister for Families, Community Services and Indigenous Affairs to a question asked by me today about what the government is doing about the provision of emergency relief for single parents who will be moved from parenting payment single onto Newstart from 1 January.

Although he did not say it, the minister's answer meant: no, they have not put in place any of these provisions. He gave me the usual government spin about what they say this is about, which is about encouraging people into work. We all know this is spin. What this measure is about is saving the government $700 million on the backs of the most vulnerable in our community—that is, single parents and their children. These cuts are coming in on 1 January at the time of year when people are facing their highest bills: the Christmas period, the school holiday period and the back-to-school period.

Minister Evans also tried to say that of course there is already a group of people that are subject to these requirements and this is just bringing the grandfathered cohort into that. Perhaps Minister Evans needs to look at the figures of those already accessing emergency relief. I think he would find that those single parents that are already on Newstart are doing it tough. For example, 36
per cent of those accessing Salvation Army emergency relief services are single parents. The three biggest groups accessing support from Foodbank, as articulated in their recently released report, are 'low-income families, unemployed people and single parents.' That would be the cohort of single parents that are already on Newstart, because Newstart, as I have articulated in this place a number of times, is at least $130 below the poverty line. Parenting payment single is just on the poverty line. So what this government, with the support of the coalition, did yesterday was vote to move single parents and their children to a payment that is significantly below the poverty line. Those cuts of between $60 to $100 to their income per week kicks in on 1 January. Happy Christmas to those families because on 1 January their income is going to drop!

This government has not made any provision for the fact that those families, a couple of weeks into January, are going to need to access some emergency relief or go significantly without. Not only is this the most expensive period of time; a lot of the types of work that single parents—85 per cent of whom are single mothers—can access are seasonal work, temporary work and casual work and, of course, many businesses offering those types of work close down over the holiday period. Also, these parents, mainly mothers, need to be at home to look after their children during this time or they have to pay for expensive child care. That is if they can access that expensive child care because there are a lot of families trying to access school holiday care as well.

So we have a group of parents who are going to be suffering real income cuts and who will have to do without and who will have to access emergency relief. Have the government thought about this? No. Have they looked at statistics as to emergency care? I have to question whether or not they have, but they would know that single parent families make up a large cohort of the client group of those organisations that provide emergency relief. Are those emergency relief and support agencies expected to pick up this new group of clients? As this process kicks in we are talking of between 100,000 and 150,000 families, being single parents and their children. So how are these emergency service organisations supposed to pick up this cohort when we already know that a large number of emergency service providers are having to turn away people because they do not have the resources to support these families? So what are the government going to do when these emergency relief and support service organisations are turning away family after family because they are not going to be able to provide that support because their services are already stretched? The government need to look at this immediately so that come 1 January these families have somewhere to go.

Question agreed to.

NOTICES
Presentation

Senator Kroger: to move:

That the Senate—

(a) notes that 2012 is the 60th anniversary of established diplomatic relations between Thailand and Australia;

(b) acknowledges the close and wide-ranging relationship between Thailand and Australia, which has developed over the past 6 decades;

(c) notes Thailand's contribution to global peacekeeping efforts, particularly during the International Force for East Timor operations in East Timor, where the Royal Thai Armed Forces provided the second largest number of troops after Australia;

(d) recognises the importance of the relationship in forums such as the Cairns Group;
(e) acknowledges that over 400,000 Australians travel to Thailand each year; and

(f) supports efforts to maximise relations and connections between the two nations, particularly through the creation of cultural study centres at key universities.

Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): to move:

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

Australian Charities and Not-for-profits Commission Bill 2012

Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012.

Senators Whish-Wilson and Xenophon: to move:

That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 22 November 2012:

The pricing and revenue allocation practices of the beverage industry in the container deposit schemes operating in South Australia and the Northern Territory, including:

(a) management of the operation of container deposit schemes in South Australia and the Northern Territory;

(b) the cost structure of the beverage industry's involvement in these container deposit schemes;

(c) the use of unredeemed deposits and unused handling and transport fees;

(d) alternative scheme structures which ensure beverage producers cannot pass on unreasonable costs from these recycling schemes if such schemes are implemented in additional states or nationally;

(e) structures to ensure schemes managed under the Product Stewardship Act 2011 do not result in producers passing on unreasonable costs; and

(f) any other related matters.

Senators Madigan and Xenophon: to move:

That the Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012 be referred to the Environment and Communications Legislation Committee for inquiry and report by 29 November 2012.

Senator Ludlam: to move:

That there be laid on the table by the Minister representing the Attorney-General, no later than noon on Monday, 29 October 2012, advice provided to the Attorney-General by the Attorney-General's Department or other government departments on data retention, including, but not limited to:

(a) legal advice regarding data retention in Australia;

(b) legal advice regarding data retention regimes in other jurisdictions;

(c) technical and political advice arising from meetings with experts and industry representatives;

(d) costings and methodology for reaching estimates of costings;

(e) internal departmental correspondence; and

(f) interdepartmental communications — emails and documents pertaining to data retention.

Senator Ludlam: to move:

That there be laid on the table by the Minister representing the Attorney-General, no later than noon on Monday, 29 October 2012, the following:

(a) a list of dates, invitees and attendees of meetings held between the Attorney-General's Department and ISPs, consumer and content industry groups regarding a national data retention scheme;

(b) briefing notes and advice generated by the Attorney-General's Department in advance of the meetings;

(c) interdepartmental communications — emails and documents pertaining to the meetings; and

(d) minutes and reports of these meetings.
Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan): to move:

That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 11 October 2012, from 4 pm, to take evidence for the committee's inquiry into the Foreign Investment Review Board national interest test.

Senator Wright: to move:

That the Senate—
(a) notes that:
   (i) approximately 70 000 Australian Defence Force and Australian Federal Police personnel have been deployed on over 60 peacekeeping operations throughout the world,
   (ii) 48 Australians have died on peacekeeping missions overseas, and
   (iii) Australian peacekeepers have made a significant contribution to international peace and security; and
(b) calls on the Government to recognise the important service and sacrifice of the 48 Australian peacekeepers who have given their lives in the service of their country by including them on the Roll of Honour at the Australian War Memorial.

Leader of the Australian Greens (Senator Milne): to move:

That there be laid on the table by the Minister representing the Special Minister of State and the Minister representing the Minister for the Public Service and Integrity, by 1 November 2012:
(a) all draft copies of the Government's Public Interest Disclosure Bill; and
(b) correspondence from all government departments and agencies that support or raise concerns about the abovementioned draft bills.

Leader of the Australian Greens (Senator Milne): to move:

That the Senate—
(a) notes the recent report by the United Nations (UN) Special Rapporteur on Human Rights in Cambodia which addresses the issue of election organisation and makes a number of recommendations in order for Cambodia’s general election in July 2013 to meet international standards for democratic elections and for urgent and long-term reforms to give Cambodians confidence in the electoral process; and
(b) calls on the Australian Government to make representations to the Cambodian Government to hold free and fair elections in 2013 and to ensure that opposition parties are able to participate fully in Cambodian politics without harassment or intimidation, including opposition leader Sam Rainsy, as recommended by the UN Special Rapporteur.

Senators Siewert and Di Natale: to move:

That the Senate—
(a) notes that:
   (i) Thursday, 11 October is World Sight Day,
   (ii) over half a million Australians aged over 40 are living with some form of vision loss and approximately 75 per cent of blindness and vision loss is preventable or treatable, and
   (iii) World Sight Day is an important date to encourage Australians to think about eye health and the focus of World Sight Day in 2012 is on prevention; and
(b) calls on the Government to encourage Australians to get regular eye tests to enable early detection and diagnosis.

Senator Ludlam: to move:

That the following matter be referred to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 31 October 2012:

Any proposed government amendments in relation to the Defence Trade Controls Bill 2011.

Withdrawal

Senator RHIANNON (New South Wales) (15:39): I withdraw notice of motion No. 932 standing in my name.

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:39): I withdraw notice of motion No. 442 standing in my name.
Postponement

The following items of business were postponed:

General business notice of motion no. 960 standing in the name of Senator Xenophon for 11 October 2012, proposing the introduction of the Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012, postponed till 30 October 2012.

General business notice of motion no. 969 standing in the name of Senator Rhiannon for today, relating to the Parramatta Female Factory Precinct, postponed till 11 October 2012.

BUSINESS

Leave of Absence

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:40): by leave—I move:

That leave of absence be granted to Senator Joyce for 10 October 2012, for personal reasons.

Question agreed to.

BILLS

Migration and Security Legislation Amendment (Review of Security Assessments) Bill 2012

First Reading

Senator HANSON-YOUNG (South Australia) (15:41): I move:

That the following bill be introduced: A Bill for an Act to amend the law relating to the review of security assessments, and for related purposes.

Question agreed to.

Senator HANSON-YOUNG: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator HANSON-YOUNG (South Australia) (15:41): by leave—I table an explanatory memorandum and I move:

That this bill be now read a second time.

I seek leave to have my second reading speech incorporated into Hansard and to continue my remarks.

Leave granted.

The speech read as follows—

I have introduced this bill to the Senate to bring transparency and fairness into how Australian law treats refugees who have received an adverse security assessment. This bill responds to the dire circumstances facing men, women and children who have been found by Australia to be owed protection obligations under the Refugee Convention 1951 (the Refugee Convention) but, due to an adverse security assessment (ASA), are being held indefinitely in Australian immigration detention.

There are currently many refugees in Australian immigration detention who have been there for significant periods of time – some over three and a half years – with no resolution of their cases in sight. There are small children who were born and are growing up in detention.

Of course, the government must always give upmost consideration of our national security or public interest concerns identified by the Australian Security and Intelligence Organisation (ASIO). But while national security is critical, our response needs to be proportionate to the threat that the person poses.

As it stands, a person with an ASA will not be released into the community by the Minister for Immigration and, in practice, they are highly unlikely to be accepted by any third country for safe resettlement. Until a recent decision of the High Court of Australia, the ASA could be relied on as a reason to refuse them their protection visa. The ASA obstructing the grant of protection visa is itself unreviewable and the reasons for the negative assessment are never disclosed to the affected person.
This bill offers a suite of reforms that bring fairness to the law without jeopardizing the safety of the Australian community or national security. It establishes fair and accountable procedures to ensure that security assessments and related residence decisions made by ASIO and Minister for Immigration respectively are based on up-to-date, correct and appropriately tested evidence.

Countries that already have mechanisms for reviewing security decisions for citizens and non-citizens alike, such as the UK, Canada and New Zealand, are no less safe than Australia. As Professor Ben Saul has observed, 'fairness enhances security rather than diminishes it'.

On figures provided to the Senate in May 2012 there were at least 53 people in immigration detention on the basis of an ASA. This figure does not include their children, many of whom were born in Australia but are tragically caught up in indefinite detention along with their parents.

The people caught in this legal black hole cannot be sent to their home county under Australia's non-refoulement obligations under the Refugee Convention. This untenable and unfair situation is not our only option and it is time to bring due process, transparency and humanity into the law.

Background

Responsibility for determining entry or visa grant for non-citizens rests with the Department of Immigration and Citizenship (DIAC). DIAC decides whether and when to refer a person applying for a visa to Australian Security and Intelligence Organisation (ASIO) for security assessment.

Following a security assessment, ASIO provides DIAC with one of the three findings: a non-prejudicial finding, a qualified assessment (which means that ASIO has identified information relevant to security but is not making a recommendation in relation to that prescribed administrative action) or an adverse assessment.

ASIO makes the decision on the basis of an interview with the person who has been found to be a refugee, and their own intelligence and criteria. ASIO keeps the criteria are kept secret on the basis of national security.

Refugees are being stuck in limbo in immigration detention because the following problems exist in law and policy;

(a) Once an ASA is given by ASIO, that adverse finding is very rarely reviewed by ASIO even after the passage of years and the changing of geopolitical knowledge and international facts and circumstances;

(b) The reasons and evidence for the ASA are not disclosed to the affected person or their lawyer (including even a redacted summary);

(c) The affected person has no statutory right to challenge the ASA. Unlike Australian citizens, a non-citizen is not able to seek merits review of the ASA in the Administrative Appeals Tribunal (AAT).

(d) A non-citizen can seek judicial review in in the Federal or High Court but, practically speaking, this is a hollow right. Without being able to see the reasons for the decision, it is too difficult to identify whether there has been an error of law;

(e) The law currently allows national security considerations as deemed by the ASIO Director-General to trump any procedural fairness at common law.

Once an ASA has been given, ASIO recommends that a 'prescribed administrative action' be taken, such as cancellation of a passport, or not taken, such as not issuing access to a prescribed area or not issuing a protection visa.

On receiving advice that an ASA has been given, the Minister for Immigration will not grant the protection visa and the affected refugee is then administratively detained, ostensibly pending removal from Australia as soon as practicable.

This system is excessively restrictive and unfair. It fails to balance the competing interests of national security and human rights and leads to unaccountability and lack of transparency in ASIO decision making.

It also discriminates against a group of people on the basis of their background and citizenship and does not make Australia any safer. Many of the people who are now stuck in indefinite immigration detention had been living safely in
the Australian community for months of years before being assessed negatively and brought back to detention.

**The dire circumstances in our immigration detention system**

Only a very small percentage of refugees who apply for protection in Australia are given an ASA by ASIO. Refugees who receive ASAs are unable to be returned to their home country because for Australia to do so would be to breach our non-refoulement obligations as a signatory to the Refugee Convention. Despite government efforts it is also very rare for a third country (a refugee resettling country) to agree to take the person from Australia.

As the current view of the Minister is that refugee with an ASA cannot live in the community, this leaves no option for them but to remain indefinitely in detention.

This is an unsustainable and unworkable policy. A mental health crisis is looming large for the growing numbers of men, woman and children who are trapped in this legal black hole. Prolonged detention places refugees in a constant state of acute anxiety, distress, uncertainty and trauma.

The Australian parliament cannot in good faith maintain this situation. There are other, less invasive, means of managing and monitoring non-citizens to deal with any security risk they pose while still allowing them to live in the community. Those options should be investigated as a matter of urgency.

**Calls for reform**

Indefinite detention of refugees due to an ASA has been highlighted as a significant problem by many refugee advocates, legal experts and human rights organisations.

Professor Jane McAdam of the Gilbert and Tobin Centre of Public Law unequivocally stated to the Joint Select Committee on Australia's Immigration Detention Network that 'Australia's policy of mandatory detention undeniably violates this country's obligations under international law'. Professor Ben Saul, from the University of Sydney advised the same Committee that failing to provide people with the evidence being used against them is a violation of article 9(4) of the International Covenant on Civil and Political Rights.

The Australian Law Reform Commission has been calling for an inquiry since 2004. The human rights concerns have also been highlighted by the Australian Human Rights Commission, through complaints against Australia to the United Nations, through the UNHCR's Expert Roundtable on National Security Assessments for Refugees, Asylum Seekers and Stateless People, and various legal challenges in Australian courts including the High Court of Australia.

In March 2012 the Joint Select Committee on Australia's Immigration Detention Network handed down its report with clear recommendations that the Australian government address the indefinite detention of refugees and the lack of fair review for non-citizens. The Committee's recommendations had bipartisan support between Labor and the Greens members but, as at October 2012, there has been no sign of action from the government.

**About this Bill**

This bill amends the Australian Security Intelligence Organisation Act 1979, the Migration Act 1951 and the Administrative Appeals Tribunal Act 1975.

It establishes a requirement that ASIO review an ASA every 6 months or on referral from DIAC. This reform will ensure that up to date information is considered on a regular basis. It will ensure that the Commonwealth agencies such as ASIO and DIAC are prompted to regularly revisit the security cases of people who are being detained in long-term detention.

This bill also amends the law to ensure that, unless statutory exceptions apply, refugees who have received an ASA should be able to access the written reasons for their ASA as Australian citizens can.

The bill also allows non-citizens to seek merits review of their ASA in the AAT. Extending the right of merit review to refugees with an ASA is the most straightforward and reasonable way of protecting against indefinite detention and ensuring probity.

As Lord Diplock explained in Mahon v Air New Zealand Ltd, procedural fairness requires
that the person whose interests are affected 'not be left in the dark as to the risk of the finding being made and thus deprived of any opportunity to adduce additional material or probative value'. There is no good policy rationale for continuing to deny non-citizens the same access to procedural fairness that is enjoyed by Australian citizens.

National security concerns around the release of information are addressed by the creation of a new role of Special Advocate. The Special Advocate will be able to appear in ASA review hearings in the AAT if there are national security reasons to exclude the refugee from accessing the written reasons for the ASA. The Special Advocate will be a security-cleared third party appointed by the AAT. The Special Advocate will be selected from a group of lawyers with the requisite experience who have been pre-approved by the Attorney-General.

The Special Advocate will be able to access the reasons for the ASA in order to make submissions on their adequacy; test ASIO's claims that the information may not be safely disclosed to the affected refugee and make submissions on the substance of any evidence which cannot be safely disclosed to the refugee.

The establishment of a Special Advocate to assist in security decision reviews is not an untried suggestion – in fact it brings Australia into line with countries such as New Zealand, Canada and the United Kingdom. The Special Advocate provisions in this Bill have been modeled on New Zealand’s law.

Finally, the bill compels the Minister for Immigration to consider ways in which the security concerns identified by ASIO might be addressed, such as through control orders or reporting conditions, so that the person can live in the Australian community. It also requires the Minister for Immigration to review his or her decision about residence determination and protection visa for a refugee with an ASA whenever ASIO conducts an internal review of the ASA, or a finding is reached in the AAT, that changes the assessment to a non-prejudicial finding.

Conclusion

The Report of the Joint Select Committee into Australia’s Immigration Detention Network observed that 'the impossible situation these people are in is perhaps one of the greatest challenges currently facing the immigration detention system’. This bill provides a fair and safe way to rescue refugees and their families from a legal black hole.

Allowing people to test the allegations against them sharpens security decisions and focuses scarce resources on the truly dangerous. The delicate balancing of interests is a sign of living in a society that values, above all else, upholding the rule of law and human rights.

I commend this bill to the Senate.

Debate adjourned.

COMMITTEES

Economics Legislation Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (15:42): by leave—At the request of the Chair of the Economics Legislation Committee, I move:

That the Economics Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 11 October 2012, from 3.30 pm.

Question agreed to.

Public Accounts and Audit Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (15:42): by leave—At the request of the Chair of the Joint Committee of Public Accounts and Audit, I move:

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

Question agreed to.
National Broadband Network
Committee
Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (15:42): by leave—At the request of the Chair of the Joint Standing Committee on the National Broadband Network, I move:

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

Question agreed to.

MOTIONS

Anti-Poverty Week

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:42): I move:

That the Senate—
(a) notes that:
   (i) 14 October to 20 October 2012 is Anti-Poverty Week,
   (ii) poverty and severe financial hardship affect more than a million Australians and people living in poverty miss out on opportunities and resources such as adequate health and dental care, housing, education, employment opportunities, food and recreation, and
   (iii) growing up in poverty represents a risk to children’s health and well-being and their prospects for the future; and
(b) calls on the Government to:
   (i) take further action to reduce the number of people living in poverty in Australia, particularly the number of children living in poverty, and
   (ii) develop a national anti-poverty plan to facilitate coordinated action across all levels of government to meet targets which reduce poverty and its causes.

Question agreed to.

World Mental Health Day

Senator McEWEN (South Australia—Government Whip in the Senate) (15:43): by leave—At the request of Senators Moore and Wright, I move this motion, as amended:

That the Senate—
(a) notes that:
   (i) 10 October 2012 is World Mental Health Day, which aims to raise public awareness about mental health issues both here in Australia and worldwide,
   (ii) one in five Australians will experience a mental illness in any given year, and that mental illness accounts for 13 per cent of the total burden of disease in Australia, and
   (iii) Australia and Australians have an opportunity and a responsibility to reduce stigma and remove the discrimination faced by people affected by mental illness;
(b) recognises that:
   (i) mental illness is experienced across the lifespan, with many illnesses emerging before the age of 25,
   (ii) people affected by mental illness can recover to live a happy and rewarding life with adequate and high quality services, and broad community understanding and support,
   (iii) there is a need for a holistic and broad range of services and supports for those with mental illness, including community-based services and services delivered by both the Commonwealth and the states and territories,
   (iv) policies and services must recognise and respond to the impact of mental illness on families and carers, and
   (v) the recent national mental health reforms have focused on early intervention and prevention, improving acute and community services, and providing better supports for families and carers, and have received support from across the Parliament; and
(c) calls on:
   (i) the Australian Government and the states and territories to continue these important reforms, including by working collaboratively to roll out programs that will improve health, community, housing, employment and education services for those with mental illness and their families and carers, and
(ii) the Australian community to continue to build a national understanding of the value of good mental health and reduce the stigma attached to mental illness.

Senator FIERRAVANTI-WELLS (New South Wales) (15:43): by leave—Mr Deputy President, I seek leave to make a one-minute statement.

The DEPUTY PRESIDENT: Leave is granted for one minute, Senator Fierravanti-Wells.

Senator FIERRAVANTI-WELLS: Thank you, Mr Deputy President. The coalition supports World Mental Health Day. We tried hard to make this motion a cross-party affirmation of the key principles behind the day, including pointing out that Labor had got the wrong theme, however the motion before us is a cynical, self-promoting exercise by the ALP and their Green alliance partners. Our objection is the paragraph asserting that the so-called mental health reform package has received support from across the parliament. This is simply not the case. There is widespread criticism by mental health experts of the lack of real action by the government and, most especially, of its draft 10-year road map. This is nothing more than a wish list with very little detail and all the hallmarks of the never-never so typical of everything Labor promises.

It is not surprising that this road map has been heavily criticised by mental health experts who have gone on the public record to register their serious concerns. The reality is that one in five Australians need help now, not a 10-year timetable which has aptly been labelled as a road map to nowhere.

Question, as amended, agreed to.

DOCUMENTS

Productivity Commission Report

Order for the Production of Documents

Senator CORMANN (Western Australia) (15:45): I move:

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

The DEPUTY PRESIDENT: The question is that the motion moved by Senator Cormann be agreed to.

The Senate divided. [15:50]

The President—Senator Hogg

Ayes .......................... 32
Noes .......................... 37
Majority ..................... 5

AYES

Back, CJ
Birmingham, SJ
Boyce, SK
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Kroger, H (teller)
McKenzie, B
Parry, S
Ronaldson, M
Scullion, NG
Smith, D

Bernardi, C
Boswell, RLD
Brandis, GH
Cash, MC
Cormann, M
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ruston, A
Sinodinos, A
Williams, JR

NOES

Bilyk, CL
Brown, CL
Carr, KJ
Collins, JMA
Crossin, P
Farrell, D
Feeney, D

Bishop, TM
Cameron, DN
Carr, RJ
Conroy, SM
Di Natale, R
Faulkner, J
Furner, ML
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Gallacher, AM  Hanson-Young, SC
Hogg, JJ  Ludlam, S
Ludwig, JW  McEwen, A (teller)
Marshall, GM  Milne, C
McLaras, J  Polley, H
Moore, CM  Rhiannon, L
Pratt, LC  Stephens, U
Siewert, R  Thistlethwaite, M
Sterle, G  Urquhart, AE
Thorp, LE  Whish-Wilson, PS
Waters, LJ
Wright, PL

NOES

Senator CORMANN (Western Australia) (15:52): Mr Deputy President, I seek leave to make a brief statement.

The PRESIDENT: Leave is granted for one minute.

Senator CORMANN: Labor and Greens senators have just voted to protect the Minister for Financial Services and Superannuation, Mr Shorten, from the appropriate and necessary scrutiny of his actions in bullying the Productivity Commission into changing its recommendations on how the selection for default fund arrangements under modern awards could be made more open, transparent and competitive. This is an issue that has been going for a very long time. In the lead-up to the last election, the government promised to fix the anticompetitive closed-shop arrangements that are currently in place when it comes to the selection of default funds under modern awards. This current minister has done everything he could to avoid making progress in relation to this. He is protecting the interests of his friends in the union movement for as long as possible. By voting down this motion today, Labor and the Greens have prevented the minister from being subjected to appropriate scrutiny on that.

North West Slope Trawl Fishery

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:54): I move:

(a) notes that:
(i) trawling in the northeast area of the North West Slope Trawl Fishery, in depths of less than 200 metres off the Western Australian Kimberley coast was accidentally made possible due to an administrative error when the Western Australian and Federal Governments amended the Offshore Constitutional Settlement Agreement in 1998,
(ii) this error accidentally allows bottom trawling in areas shallower than 200 metres despite the fact that this is a critical habitat for goldband snapper and other demersal fish species which have been off-limits to North West Slope Trawl Fishery trawlers as they are a deep water crustacean prawn fishery,
(iii) the ecological sensitivity of this area has been acknowledged in the Australian Fisheries Management Authority’s correspondence with permit holders,
(iv) legislative instruments have been introduced prohibiting trawl fishing in this northeast area, but the most recent instrument expired in December 2010,
(v) since that time, the closure has been maintained informally by industry self-regulation,
(vi) negotiations between the Federal and Western Australian Governments which were intended to fix this error have stalled and the trawling industry has stated that they will commence bottom trawling in this area on the imminent cessation of the closure which is 30 September 2011,
(vii) a resumption of trawling in this area would adversely impact the benthos and demersal fish stocks of this region, thus putting the entire ESD [ecologically sustainable development]
certified Northern Demersal Scalefish Managed Fishery at great sustainable risk, and

(viii) the Western Australian Department of Fisheries has stated in its latest State of the fisheries and aquatic resources report that the demersal scalefish resources in this area are fully exploited; and

(b) calls on the Federal Government to reinstate the North West Slope Fishery Direction No. 02 Area Closure legislative instrument which excludes trawl fishing in the northeast area of the North West Slope Trawl Fishery in Western Australia.

Question negatived.

Reef Rescue Program

Senator WATERS (Queensland) (15:54): I move:

That the Senate—

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

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

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

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

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

The DEPUTY PRESIDENT (15:54): The question is that the motion moved by Senator Waters be agreed to.

The Senate divided. [15:55]

(The Deputy President—Senator Parry)

Ayes..........................10
Noes.........................40
Majority......................30

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

Hanson-Young, SC
Milne, C
Siewert, R (teller)
Whish-Wilson, PS
Xenophon, N

NOES
Bilyk, CL
Brown, CL
Carr, KJ
Cash, MC
Conroy, SM
Crossin, P
Faulkner, J
Fierravanti-Wells, C
Gallacher, AM
Kroger, H (teller)
Lundy, KA
McEwen, A
McLucas, J
Nash, F
Payne, MA
Pratt, LC
Ryan, SM
Smith, D
Sterle, G
Thorp, LE
Bishop, TM
Cameron, DN
Carr, RJ
Colbeck, R
Cormann, M
Edwards, S
Feeney, D
Fifield, MP
Heffernan, W
Ludwig, JW
Macdonald, ID
McKenzie, B
Moore, CM
Parry, S
Polley, H
Ruston, A
Scullion, NG
Stephens, U
Thistlethwaite, M
Urquhart, AE

Question negatived.

COMMITTEES

Foreign Affairs, Defence and Trade
References Committee

Reference

Senator XENOPHON (South Australia) (15:58): I move:

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

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

(a) the accessibility and adequacy of current mechanisms to provide support to victims of sexual and other abuse in Defence;
(b) whether an alternative expedited and streamlined system for the resolution of disputes relating to the support, rehabilitation, treatment and compensation of victims in Defence be considered and established, and the constitutionality of such an alternative system;

(c) the effectiveness and timeliness of the Government’s processes for assessing, investigating and responding to allegations of sexual or other forms of abuse, including:

(i) whether a dedicated victims advocacy service ought to be established,

(ii) systemic and cultural issues in reporting and investigating sexual and other forms of abuse, and

(iii) whether data and information collection and dissemination of data and information in relation to sexual and other forms of abuse in Defence is adequately maintained and appropriately acted upon and, if not, any alternative mechanisms that could be established; and

d) any related matters.

Question agreed to.

MOTIONS

Medicare

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:59): I move:

That, in accordance with subsection 10B(2) of the Health Insurance Act 1973, the Senate approves the Health Insurance (Extended Medicare Safety Net) Amendment Determination 2012 (No. 1) made under subsection 10B(1) of the Act on 28 September 2012.

Question agreed to.

BUSINESS

Consideration of Legislation

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:59): I move:

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

Industrial Chemicals (Notification and Assessment) Amendment Bill 2012
National Portrait Gallery of Australia Bill 2012

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Mental Health

The DEPUTY PRESIDENT (15:59): A letter has been received from Senator Fierravanti-Wells:

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

The failure of the Gillard Labor Government to deliver on its promise of proper reform in mental health.

Is the proposal supported?

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

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

Senator FIERRAVANTI-WELLS (New South Wales) (16:00): I start my comments on this matter by pointing out that today is World Mental Health Day. It was interesting to see in question time that it was the coalition that led with a question on mental health on this very important day, whereas
those opposite left it until the last question. In fact, they were very lucky to actually get their last question on mental health in. What does that tell you? That tells you that for us on this side mental health is a priority, but those opposite left it until the last question of the day. That tells its own story of where their priorities are.

Let us look at what has been happening in mental health in recent years. The government was finally shamed into doing something—and I underline 'something'—on mental health in the 2011-12 budget. That came after sustained coalition pressure and it followed two motions in 2010, one in the Senate and one in the House of Representatives, in October and November respectively. I remind the Senate that the Australian Labor Party and the Greens—the sanctimonious Greens—voted against these motions and therefore ignored the will of both houses even though the motions were passed.

So what was this so-called mental health reform package all about? The package is another that is really smoke and mirrors—an illusion. When you actually read the fine print, it has all the hallmarks of the classic smoke and mirrors so typical of many of the things that this government says that it has done. It has the typical big spend, the big headline of $2.2 billion, but when you look at the fine print it is tainted with the never-never brush of so many of the Gillard promises. We have this net spend over forward estimates which is really $583 million only, but then you have $580 million ripped out of general practitioner mental health services and allied health treatment sessions from the Better Access program. With no consultation whatsoever with the sector, it has caused enormous widespread concern in the sector.

Then, of course, despite the big headline figure, which those across the chamber are very good at talking about, in reality it was only $47 million in spending and $62 million cut in that first year. Regrettably, 18 months on, it is little wonder that those who previously stood alongside the Australian Labor Party are now justifiably critical of the government for its lack of action. After the budget the coalition successfully established an inquiry into the funding and administration of mental health, and this inquiry received over a thousand submissions. All were very critical of the cuts that the government had undertaken. Of course, if those opposite had not squandered billions and billions of dollars on useless things like pink batts and Julia Gillard memorial halls then we would not have had to cut funding to the most vulnerable in this country—that is, the mentally ill.

Let me remind the Senate of the statistics. Sadly, six Australians commit suicide every day and more than 200 attempt to take their own lives—and this is only the official statistic; it does not reflect the statistic in the 2007 National Survey of Mental Health and Wellbeing, which talked about the over 360,000 people who had contemplated suicide that year. One in four deaths among young people occurs through suicide. Suicide is the leading cause of death for 15- to 24-year-olds each year and suicide is the biggest killer of men under 44 and women under 34. Suicide ranks 15th in the overall causes of death in Australia, and we know the many confronting statistics which I have spoken about and which experts have repeatedly brought to the fore in relation to depression, anxiety and bipolar, personality and eating disorders.

One in five Australians need help now. Forty-five per cent of Australians will face some form of mental health problem in their lifetime. As I said, today is World Mental
Health Day. The theme, which those opposite could not even get right in their notice of motion, is ‘Depression: A Global Crisis’. I remind the Senate that, according to World Health Organization statistics, one person every 40 seconds worldwide commits suicide—a startling statistic. We have seen the many great initiatives in this area over recent months and we have spoken about them here in this place.

So what has happened with this so-called mental health money? Take, for example, the big promise in the 2010 election of $277 million for suicide prevention. Where is the money?

What has happened? Have the programs been rolled out? The answer is no, they have not been rolled out. This government have been extraordinarily slow at rolling out these programs and this is why they are attracting the criticism from those who previously stood by them and advocated, and were so glad to see something finally happening from those opposite in the mental health area.

We have also seen the cuts to the successful Mental Health Nurse Incentive Program. This program has been operating successfully for five years. What have seen a funding freeze. It is little wonder that eminent experts such as Professor Ian Hickie, Professor Patrick McGorry and Professor John Mendoza, the former chairman of the government’s National Advisory Council on Mental Health, have been critical of the lack of progress in tackling vital mental health issues. But, like most things that this government does, it has the brush of the never, never.

There is the draft 10-year road map on mental health reform. During the last Christmas vacation period the minister announced the draft for the 10-year plan and gave the sector two weeks during the Christmas break to consult. Why? So they could say that there has been proper consultation. Ten months on and it is still a draft, and we are still waiting. It is little wonder that this draft road map has been so heavily criticised. As Dr Sebastian Rosenberg so aptly described it, it is a road map to nowhere.

Even with the latest iteration, which apparently emanated from the COAG process, the stakeholders in the sector were given only four working days to provide comment to the government on this very important area. That just goes to show the disdain that those opposite have for this area. If they really cared about the mentally ill in this country they would roll out these programs and not at the snail’s pace like they are doing at the moment—they would put their heart and soul into it and respond to the needs of the sector, to what the experts have been telling them for years and years, and undertake the reforms that are so badly needed in this area.

Professor Rosen has called this 10-year road map another illusory, false start. Professor Mendoza said:

The Roadmap is yet another PollyAnna document from our Federal health bureaucracy that commits no one to anything.

Professor Ian Hickie said:

As a result of the mess left at the end of the Rudd era, key structural issues in mental health services remain unresolved.

Professor Rob Donovan said that this is a 10-year program but:

… there is no time line for the proposed actions. It is little wonder that the government has many critics for its failure to take decisive action. (Time expired)

Senator MOORE (Queensland) (16:10):

We have been reminded consistently today that it is World Mental Health Day and also that this month we are looking at the issues around mental health and discussing the fact
that we are working together. These debates at this time of the afternoon are always confronting. Instead of having a clear debate about an issue, we get a political attack—even this notice of motion is phrased in such a way that it is just a clear political attack. We saw that this afternoon with the notice of motion on mental health when we tried to pull together a statement that we could use as a group across the parliament to say what is happening in mental health. It was not for us—we have our job, our issues and our concerns; it was for the stakeholders in this country who care about mental health.

I am sorry because I am trying very hard not to make this a one-on-one discussion between myself and Senator Fierravanti-Wells, who is no longer in the chamber. However, her last comments about disdain for people in this community with mental health issues are just not appropriate. We can have our differences—and we do—about policies and about time frames, and we can discuss those. But this Senate, after hours of discussion to develop wording that we can share and could not do so, actually gave the opportunity yet again to someone who is running a particular line to stand up and have another go—another go about a process around mental health that is government policy.

All of the issues raised have the opportunity to be considered and debated. In fact, the government is more than prepared to do so and we want to do so. But it is galling when we look at the history of mental health and the responses of governments in this country to be consistently attacked by the Liberal-National Party when we can say that in 2010 we had a process, a policy and funding into the future for mental health programs. There is this acrimonious process even today when, instead of focusing on the issues, we get into the political cut and thrust.

If we look back to 2006, those of us who were in the chamber at that stage when the then Howard government introduced a long awaited and much supported mental health program into this parliament, there was cross-party support. We had issues about what was in there and we had questions, but the process was welcomed. That has been unilaterally lacking in the process around our 2010 package, which our government brought to the budget and then into parliament and which was passed.

I note Senator Fierravanti-Wells's concern with the statement that she carefully described as cynical and said that it received support across the parliament. It did. It was voted up. Any of the legislation that came through in our package received affirmative votes in this place. I would have thought that that indicated support in the parliament. Nonetheless, it was a good chance again to have on this day a two-minute grab to say how long our government has been around mental health.

There will always be concerns about any mental health policy that is brought in because, as I have said before in this place, no government will ever be able to put enough funding into what is needed for full mental health care in this country. I wish I could say differently but I cannot. We have never pretended that we would have a panacea and a response to all issues. What we set out was our program over a five-year budgeted stage.

The other night I heard, and I have seen it attacked in the media by the LNP, that this is somehow an erroneous process because we put the funding in over a five-year period. It was publicised: each of the figures was there; there was no confusion across each budget line. Over a five-year period we put out what our initial plan—over $2 billion—was going to be. Somehow, because that was not done
over four years, that gave the people who wished to have an attack a reason to say that it was not fully funded.

In terms of funding cycles and commitment to budget, governments set out the expectation of funding that they will put into the program. Sometimes they meet it, sometimes they do not, but at every stage there must be accountability and transparency, which is why we have the Senate estimates process. It is why we have a minister who is open and on record saying that anyone who has a question on these issues is welcome to contact the office to be involved. It is why we have ministerial advisory councils and a consumer advisory council on mental health—a wonderful issue and one of my favourite types of the program. It is funded into the future, is allocated this year and is already starting its work. It is a core component of our mental health program. There was no confusion over the way the funding for this process would operate. The figures are in the budget papers, open to scrutiny, and they can and should be scrutinised.

Another of the key issues we put forward was the National Mental Health Commission. There were consistent attacks from people across the chamber on the way that we were presenting a commission: it was not good enough; it was not effectively structured; who was going to be on it? Not, 'How was it going to work?' But the commission has been set up; it is working. Its first report card on mental health in this country—determined independently by them, not including input by government, but the first-ever independent assessment by a mental health commission—will be brought down at the end of this month.

This is a very important time for mental health in our country. This will not be a slapdash, tick-and-flick exercise. This will be a confronting document owned by the community, looking what is happening with mental health in this country. I hope it will stimulate more debate in this place, hopefully not with an attack to say why the government has failed but rather about what is in that report. How has the program of mental health funding been working—our plans, our strategies that were put out in the budget papers last year? What difference are they making? No policy program can be only on paper. People who live with mental health issues—their families and their carers—assess the way that things are working and assess what is the change for them.

There will be some good news, I know. But I also know that there will be some confronting statements back to us saying what has not been working the way they hoped it would be. That will be the document's feedback. That will be the assessment by our mental health commission, which was a core—disputed—component of our mental health package that will give us the steps to the future.

Recently, we have heard it consistently asked: what is happening with the roadmap to recovery? I am on record that I do not like the title—it is as good as an annual report—The ten year roadmap for national mental health reform, but the roadmap is taking time to develop. There is no surprise about that. It is the first time there has been such a process and, as well, it is not the Commonwealth government's document. The clear indication of this roadmap is that it is a document which engages all the players who have a commitment to this process, most particularly, governments—state and federal—and we all know there is difficulty pulling those people together to come up with a clear commitment. They have made a commitment at the threshold stage about where we should be going with mental health 10 years into the future. However, tying
down the accountabilities and the budget will take more time. We are not putting it out or having an agreement until that is tied down. That will involve more consultation, which is still going on. It has been to COAG and needs to go back to COAG.

There has been widespread opportunity for people to be involved in this process. We have heard Senator Fierravanti-Wells talk about her two-week process. The roadmap has been through the websites and since that process started over 1,000 people have put through information about what they felt should be in it. There has been ample opportunity through the Mental Health Council of Australia, through targeted consultation processes, for people to have a say. It could well be that people want more time. They may have missed the timing. Whatever, the opportunity then is to get back into the system and talk to the department about what those concerns are. It does not mean that people will be excluded. In fact, the core aspect is that people must not be excluded.

For too long in our community, in our parliament and in debates people who know about and are involved in mental health have not had a voice—they have been excluded. That cannot continue. That will not necessarily mean that there will be open agreement on every issue. I am absolutely intrigued that Senator Fierravanti-Wells spends so much of her time quoting experts, experts whom we respect and know. Professor Mendoza, Professor Hickey, Professor Rosenberg, Professor Rosenfeld—all men for that group, unfortunately, but there are many people in the area who are women, who I have had the privilege to know and work with for over six years. Their opinions are deeply valued. Not only are their opinions deeply valued but they are also encouraged and welcomed. Indeed, if their opinions are critical, we must hear their message. No-one is saying they cannot have a say. No-one is responding publicly to them by saying, ‘You are not allowed to have these comments—you must agree with the government.’ Mental health is a dynamic area. There will be a range of professional opinion. In fact, we often joke when we are having meetings in this area about how, when we have a group of people concerned about this area, particularly those with professional qualifications, it will be surprising if we can get agreement across all of them.

What we do have is an open commitment to the process. There is concern that things may be taking longer. However, that is what happens in the process; things are put out, decisions are made, programs are funded and then it is open for people to say whether they support it or not. That is a positive action in our program which we value rather than dismiss, and these comments are definitely not feared. They will not be closed down and people will not be rejected. In fact, their comments are part of the ongoing discourse, and I can guarantee that those people I have named will continue to be involved in the discussion. They are not turning their backs and refusing to continue in what is their professional area for which they have trained and in which their expertise is acknowledged and celebrated in our process.

We stand by the programs we have put forward. We have funded them, and I will not go into detail in this limited time about the various priorities the government has put out—they are on record. We had the commitment to youth and the headspace program of which we are all so fond has been nurtured and funded by this government and our program. The EPPIC centres, which caused great debate about whether they were the appropriate way to
move forward, have also started their development.

We have heard that it is wrong for people to de-fund any element to make savings in the area of mental health. I reject that. In every form of government program there are very tough decisions made about how you fund into the future. There were decisions made—again, not hidden but on record—about changes to the Better Access program, and we spent a fair bit of time in this place discussing that. It is fair to say that we do not agree, but in terms of the government program we believe that money can be redistributed and that different ways of supporting people can be implemented.

We wish that every program could be funded. That will not happen, but the savings we have made, which are clearly identified and which were the subject of a significant Senate inquiry, and there on record and we are working with people into the future to see how their needs and their expectations will work with the government program.

It is important that governments of all flavours continue to be committed to working on mental health in this country. It is a commitment from our government that we will continue to do so. We do not believe that we take a cynical or disdainful approach—in fact, we care and we need to be involved into the future.

Senator WRIGHT (South Australia) (16:25): As the Australian Greens spokesperson for mental health I am pleased to participate in this debate on the matter of public importance. It is an opportunity to highlight the extremely important issue that is the reform of mental health in Australia. We know now that one in five Australians will experience mental ill health in any given year and, against a backdrop of what is acknowledged to have been decades of neglect of mental health funding and the mental health sector, there is clearly an important need for reforms to be undertaken by all governments in Australia—federal, state and local governments.

What could we achieve if we had genuine commitment to this? I am interested in seeing this issue transcends politics because I think it is far bigger than that. Most Australians would understand that with mental health touching on the lives of so many Australians, if not them individually or their families, carers and friends, it affects our productivity, the workforce and our general sense of wellbeing in the 21st century. With all of that being so pervasive in Australian society most Australians would expect that their elected representatives would be able to transcend politics and work together to find common ground to advance promotion of mental health in Australia, and to actively work to mitigate the worst effects of mental ill health.

Today marks the 20th anniversary of World Mental Health Day. It was first initiated by the World Federation for Mental Health in 1992 by Richard Hunter. Mr Hunter saw World Mental Health Day as a focal point around which global mental health advocacy could gain maximum public attention. It is a good opportunity to give consideration to the current state of mental health globally and, importantly, in Australia, and to the way we can improve the situation.

World Mental Health Day provides an opportunity for us all to work together to raise public awareness and to encourage education about mental health issues worldwide. There has indeed been a lot of positive change over the past 20 years. Just this morning, the Executive Director of the Mental Illness Fellowship of Australia, David Meldrum, was speaking on Radio National. He gave his view that there has
been a generation of work around breaking down the stigma surrounding mental illness. Fortunately, in his view, the public debate around mental illness has become a lot more open. That is certainly an experience I would agree with, and I think many people in Australia would understand that there is now a lot more literacy and willingness to speak about these issues.

This open discussion is important because mental illness touches us all in one way or another. It is well understood that one in five Australians will experience mental ill health this year alone, and approximately 45 per cent of all Australians between 16 and 85 will have a mental health condition at some stage during their lifetime. Significantly, mental ill health is the third major morbidity and disease burden in Australia behind cancer and cardiovascular disease. That is a statistic that will surprise many; certainly, cancer and cardiovascular disease are acknowledged to be severely debilitating for many Australians, for the Australian economy and for our sense of wellbeing, but I think it will still surprise people to know that, sadly, mental ill health comes in third place to those.

These numbers mean that mental health policy goes to the heart of our nation’s wellbeing. When it comes to numbers there can be no pussyfooting around: we have to look at the numbers of dollars available to address these statistics as well. Goodwill and fine intentions are not enough; we actually have to look seriously at what money as a community we are prepared to devote to ameliorating the mental health burden in our health system.

The total health burden of mental health in Australia is now 13 per cent, but as yet dedicated mental health funding is still hovering around six to seven per cent, so it is actually half of what we would require if we were going to fund mental health services proportionately to the mental health burden. If we are to genuinely tackle the serious challenges posed by poor mental health in Australia then we must be aiming to ensure that the amount of funding provided for mental health services, programs and policies accurately reflects this burden so that the funding is commensurate with the need. To achieve this we must have a commitment by government to increase mental health funding year by year until the proportion of mental health funding from the health budget reflects the true cost of mental ill health to the Australian community. To do otherwise is a false economy, because there is a clear established link between mental ill health and physical ill health—physical conditions like diabetes, cardiovascular disease and so on are clearly linked and that is why there is a greatly concerning gap in life expectancy between particularly those people who have persistent and severe illnesses and the average Australian population.

The Australian Greens acknowledge that there was a solid commitment made to mental health by the government in the 2011-12 budget with about $1.5 billion allocated in the five-year package for new initiatives or the expansion of existing initiatives. Unfortunately progress on the implementation of programs has flagged as part of this investment has been slower than we might have liked. Concern by some stakeholders has been raised with the Australian Greens that this funding might not ultimately be the health budget centrepiece that it was originally regarded as, given the context of chronic underfunding of mental health services over previous years.

One area where we have been consistently seeing difficulties in accessing mental health services and the quality and range of those services is in rural, regional and remote areas
of Australia. While people living in country Australia generally experience mental ill health at levels equivalent to people living in urban areas, they encounter higher risk factors for mental ill health including unemployment, lower socioeconomic status, poorer levels of education and reduced access to mental health services. People living in country Australia receive less than half the total number of mental health services of people living in metropolitan areas. Male farmer suicides are reportedly as high as one a week and it is likely that official statistics do not reflect the true number of these incidents. There are other factors arising from the loss of identity or income, including in changing employment patterns and industries, that reflect environmental and economic pressures that we will be continuing to face in Australia in the 21st century. The lack of available services and difficulty accessing existing services exacerbates the situation and ultimately means that the burden of mental illness is proportionately higher in country Australia.

Over the past few months I have been touring Australia and I have met with mental health service providers, consumers and carers who I call the experts in mental health care. I have heard about many of the gaps in service delivery, problems with accessing mental health services and the good initiatives that are working really well but are stretched due to lack of funds and resources. One of the things I have consistently heard about is the importance of outreach services. This is particularly relevant in situations where there is great geographical isolation. Also many people who experience persistent and severe mental illness do not have access to their own independent transport so they become increasingly isolated and unable to access what services are available. I recently came across an outreach service called Rural Alive and Well in Tasmania which decided not to sit back and wait for people to approach them but to do advocacy, counselling and referral to further support in a bid to reduce suicide in the Midlands of Tasmania. At a time when many are doing it tough support like that is invaluable.

It is absolutely non-negotiable—and few people would argue that it was—that adequate funding be given to mental health in Australia and that equal need should mean equal access no matter where people live. Given the recent sizeable investment in mental health in Australia it is time to evaluate whether the funding is improving the delivery of mental health services in Australia. So it is imperative that we identify current unmet needs and gaps to service delivery and work to improve these. That is what the Australian Greens are in the process of doing, particularly at the moment in relation to rural, regional and remote areas. The Australian Greens will keep working collaboratively in a non-partisan way towards increasing awareness of mental ill health in Australia in the interests of reducing stigma and promoting wellbeing which will be of benefit to all of us.

Senator BOYCE (Queensland) (16:35): I am in the rather unusual situation of wanting to support the statements of all the senators who have spoken before me. People are quite right to say that the issue of mental health should not be politicised. That does not mean we should not hold the government to account for slow implementation and poor policy-making. That is something we certainly need to do. I am delighted to have this opportunity to recognise this 20th World Mental Health Day. It is interesting to note that it is only the 20th World Mental Health Day. Many other physical diseases are great fundraisers and have organisations with household names that have been going far,
far longer. The stigma of mental illness still prevails and is only slowly being rolled back, but we need to do more.

Mental health is often an invisible problem. It is more prevalent, as many other speakers have said, in rural and remote areas than in metropolitan areas simply because of the huge amount of unmet need for psychological and psychiatric services. The level of unmet need is particularly high for Aboriginal and Torres Strait Islander people and suicide rates in our Indigenous communities are 26 times those of the general population.

You have already heard that in Australia one person dies from a suicide attempt every four hours. The figure from many of the hearings the Standing Committee on Community Affairs has had is very conservative, because many suicides are reported as something other than suicide. The family does not want that report and police, coroners and others are reluctant to make that assessment unless they have some very strong evidence that it occurs.

The headspace program, which of course was an initiative of Professor Patrick McGorry, former Australian of the Year, and others is now seeing about 20,000 young Australians a year but they estimate that there are still 350,000 young Australians who need help and cannot get access. In this situation the government has developed a 10-year roadmap—we do not need help in 10 years—and emasculated the Better Access program, which was doing a fantastic job of giving people who needed low-level mental health services the opportunity to get well. I think it is worthwhile looking at some of the comments in the motion on World Mental Health Day that was proposed in the Senate today. It makes the point that mental illness is experienced across the lifespan, with many illnesses emerging before the age of 25; that people affected by mental illness can recover to live a happy and rewarding life with adequate and high quality services and broad community understanding and support; that there is a need for a holistic and broad range of services and support for those with mental illness, including community-based services and services delivered by both the Commonwealth and the states and territories; and that policies and services must recognise and respond to the impact of mental illness on families and carers. I would suggest that the government's current delivery of its mental health reform package does not do those things; it is not holistic.

The decision to cut back the Better Access program to a maximum of 10 consultations, no matter what, is damaging people right now in Australia and will continue to do so. The Better Access program was in many ways a victim of its own success. It was introduced by the Howard-Costello government. In its first year in 2007 2.7 million services were delivered under the Better Access program; in 2008 it was 3.8 million and in 2009 4.6 million—almost a doubling in three years. That would have continued because of the massive reservoir of unmet need in this area.

I was somewhat interested to hear Senator Moore suggest that the Minister for Mental Health and Ageing, Mr Mark Butler, is open to hearing about issues and problems in the area. The Alliance for Better Access, a group that has come together to try to fight to get some understanding from this government about why they should not simply emasculate the Better Access program, has been trying to see Minister Butler for over 12 months. In August they were told that he did not need to see them. So much for his open access and desire to talk to everyone who wants to get involved in this area.
I would like in the short remaining time I have to talk about some of the cases, from many emails received in my office, that are going to be affected. One senior practitioner in rural Queensland has sent me an email saying:

Regional centres have profound unmet health needs as it is. The cuts to Better Access will prove fatal for some.

This is not an exaggeration. The end of treatment when treatment must continue is even worse perhaps than not having started treatment. This practitioner goes on to say:

Last week I was contacted by this patient who I have treated for five years on and off who has a diagnosis of complex post-traumatic stress syndrome and is one of the most profoundly traumatised people I have treated in over 15 years of practice. This patient presented with a credible and involved suicide plan, had been giving away belongings and had written goodbye letters to the select few supports in her life including her psychologist.

In other words, she was ready to kill herself. My correspondent goes on to say:

The fact that she had been cut off from any further help from Better Access was the last straw. It then took us over 18 hours to find a hospital bed for this poor woman.

How can we allow a situation involving dozens and dozens of cases of people who have no other source of hope to continue. That is why in this situation we criticise the government's implementation. It is as poor here as it has been in so many other areas.

Senator FAULKNER (New South Wales) (16:43): I welcome the opportunity to debate the government's record in the area of mental health reform, which I acknowledge is particularly relevant today on World Mental Health Day. As we know, Mr Acting Deputy President, mental illness does not discriminate. It affects the lives of many Australians from all backgrounds. It also impacts on the lives of friends, family and work colleagues of those affected. One in five people and one in four young people will experience a mental health issue in any given year.

But only 25 per cent of 16- to 24-year-olds who experience mental health issues will get help. Sadly, we know that mental illness disproportionately affects the lives of our most vulnerable—people from lower socioeconomic backgrounds, particularly the homeless, migrant communities, regional communities and Indigenous Australians and Torres Strait Islanders.

The government's $2.2 billion mental health reform package over five years is delivering real assistance and real improvements to the lives of those thousands of Australians with mental health issues. What this means is that the government has been able to deliver vital programs—and I thought today in my contribution I would give five examples.

Firstly, headspace, the National Youth Mental Health Foundation, is tackling mental health issues early for our young people, particularly in regional areas and on the city fringe, with new centres being opened in Werribee, Liverpool and Rockhampton—bringing the total number of operational services to 40, with a further 30 announced sites in development. At the end of the 2011-12 financial year, more than 67,000 young people had been assisted by headspace, with more than 700,000 occasions of service delivered. Secondly, there is KidsMatter. KidsMatter is a mental health and wellbeing framework for primary schools and early childhood education and care services that promotes mental health and early intervention for children. As of the end of July this year there were more than 815 primary schools around the country participating. Thirdly, the government has made big investments in online mental health support with online services such as eheadspace, ReachOut.com and myCompass.
Fourthly, the mindhealthconnect portal went live on 29 June this year, on time and to schedule. In its first month of operation, more than 37,000 unique visitors had accessed the portal. That is an average of 1,258 Australians each day seeking a range of information on mental health matters. Finally, the National Mental Health Commission is up and running—again, on time and on budget. The commission has met seven times to develop Australia’s first ever national report card on mental health and suicide prevention. The commission met with more than 400 key stakeholders, carers, and consumers in every state and territory. The government does have a strong commitment to working closely with key stakeholders such as community and advocacy groups, states and territories, local government, NGOs and communities to provide support to those vulnerable members of our community at mental health risk.

In May this year I attended an event marking the 20th anniversary of Suicide Prevention Australia. That organisation has been very important in ensuring that we remain vigilant and continue to prevent suicides and attempted suicides and support those whose lives have been affected by suicide. The development and funding of initiatives like the Taking Action to Tackle Suicide package and the National Suicide Prevention Program are critically important to organisations like Suicide Prevention Australia.

Last year the government established the Aboriginal and Torres Strait Islander Suicide Prevention Advisory Group to guide the development of Australia’s first national Aboriginal and Torres Strait Islander strategy. There has been $24 million provided to boost the capacity of crisis hotlines such as Lifeline and to help train front-line community workers in suicide prevention through the Mental Health First Aid program. Safety is being improved at suicide ‘hot spots’, where community prevention activities for high-risk groups are being supported and suicide postvention outreach teams to schools are being funded.

Together with a range of organisations, the government has been focusing on building national suicide prevention sector networks. It has also been creating and disseminating suicide prevention information and doing other a range of other very valuable work through its joint membership of the National Committee for the Standardised Reporting of Suicide. The government’s $2.2 billion five-year mental health reform package and its continuing support for organisations such as Suicide Prevention Australia are making a real difference for vulnerable members of our community and, more broadly, for public health in Australia.

I think that on a day like World Mental Health Day it is important to stress that nationwide mental health reform needs ongoing bipartisan political support. It deserves ongoing bipartisan political support, something that this sector has called for for many, many years. Previous governments, I acknowledge, have made significant inroads in mental health reform, and I believe that the current federal government’s package is another significant step in providing the quality services and support that are so critical to so many of the most vulnerable in our community.

Senator FAWCETT (South Australia) (16:53): I rise to speak on this matter of public importance on mental health, and I welcome the comments by Senator Faulkner that it is an issue where there is bipartisan concern, and that previous governments have made substantial and, might I add, effective commitments in this area. I think that is the point where government speakers have
missed the heart of this MPI from the coalition's perspective. We share the desire to do something and we share the desire to make sure it is bipartisan. But that does not absolve us from our responsibility to hold the government to account when they are not delivering on their promises, or when they are not working effectively with the funds that they have committed. This is an area where we cannot fail. We cannot fail the many individuals and families who entrust us to come to this place to use their taxes effectively to provide the support that our community needs.

Almost 45 per cent, or 7.3 million, of Australians aged between 16 and 85 report that they would have met the criteria for a diagnosis of a mental health disorder at some time. One in five Australians will experience a mental illness this year. Anxiety disorders affect some 14 per cent of people aged between 16 and 85; they are the most common disorders. It is perhaps not until you know someone who has been affected by that that you realise how debilitating it can be for them, for their families and for the work that they do, and why we as a community need to support them.

Mental health accounts for nearly 13 per cent of the total burden of disease in Australia, but only about six per cent of the health budget goes to mental healthcare services. The coalition, in holding the government to account, was successful in initiating a Senate inquiry looking at the funding and the administration of mental health services. I bring those two points out deliberately because it is great to have a vision, and this government has been very good about putting forward its vision, but vision without dollars is hallucination. One of the things where people are hurting is that this government talks, as Senator Faulkner did then, about $2.2 billion over five years, but the question is: when is that money being spent? The bulk of it is in year 5, and there have been cuts to programs—successful programs—in the meantime that have hurt people.

The package of measures announced in 2011 had that headline figure, but only $583 million of that $2.2 billion is to be spent over the forward estimates in the four years. In the 2011-12 financial year, the total amount spent was only $47 million. The government cut mental health funding by ripping $580 million from GP mental health services and the allied health treatment sections from the Better Access initiative. Some 1,500 submissions to the inquiry were received. I have had phone calls and emails from many people in South Australia talking about the impact that this has had, both from families and from providers who recognise that mental health is often not something that can be cured just overnight. It requires ongoing and consistent support and a relationship to be built up between the person providing the service and support and the person who needs it.

A survey of 404 GPs that the AMA did found that the proportion of doctors bulk-billing patients for preparing mental health plans had dropped from 78 per cent prior to the cuts to only 38 per cent following the cuts. The Better Access program had provided care for more than one million people before the program was cut, and the AMA's conclusion was that the 2011-12 budget cuts were clearly all about the budget bottom line and did not actually have improved outcomes for mental health patients as their priority.

In terms of administration, not only is there a problem there with the funding but the other criticism that the coalition has is of the way that the government is going about it. Senator Faulkner made the comment then that the Labor Party works closely with all
the stakeholder groups. But I have to say that, in the Senate inquiry looking at the way it undertook changes to the Better Access program, one of the very clear messages that came through from the stakeholders was that there had been scant consultation. The government relied heavily on a Better Access evaluation which has been widely criticised for deficiencies in both its methodology and its data set.

The coalition is concerned about the consequences of a shift from Better Access to the ATAPS, and that they have not been fully considered. This is particularly worrying given the challenges that the ATAPS are facing, which are highlighted in the ANAO report. Fundamentally, there is the question as to whether the ATAPS structure is going to be sufficient to meet this demand.

I would like particularly to talk about some of the challenges that people in rural areas face. I have spoken in this place before, in June this year, about things like the Mental Health Nurse Incentive Program. People in South Australia—from Clare, for example—highlight the value that this program has provided in providing local access to mental health care that prevents people deteriorating to the point where they need to go to Adelaide to seek deeper care. And yet, despite the widely recognised success of this program around Australia, this is one of the programs that have been capped by the government as opposed to being built on.

Good leadership theory tells you that if you want to succeed you build on your strengths. This has been one of the areas that have been a strength as well as the Better Access program, and I would encourage the government to seriously look at removing that cap and boosting these programs that are helping rural communities.

The other area of implementation is making sure that the bureaucracy does not get in the way. During a recent visit to the Riverland, when I was speaking to a GP who delivered headspace programs, she talked about the frustration of being restricted to providing the service in one location where most of her clients were young people who had no ability to travel there from regional towns. She was happy to travel and provide the service but the system would not let her. This government needs to improve and deliver its promise on funding better mental health outcomes.

FIRST SPEECH

The PRESIDENT (17:00): Before I call Senator Ruston, I remind honourable senators that this is her first speech and, therefore, I ask that the usual courtesies be extended to her.

Senator RUSTON (South Australia) (17:00): Thank you, Mr President. Can I thank you and all the members of this chamber for the wonderfully warm welcome that you have extended to me since I have been here. It is a great privilege to have the opportunity to serve the people of this nation and of my home state of South Australia. I would like to thank the people of South Australia for the trust that they have placed in me as their representative.

But before I begin, I would like to acknowledge the person whose place I am taking in this chamber. Mary Jo Fisher was a fierce advocate for rural and regional Australia, fighting for a better deal for our farmers and our rural communities. As a girl from the country, I consider it my duty to ensure there is a continued strong voice for people from the bush.

As senators, it is important that we remember our origins—where we come from and why we are here. I was born and raised in the country and this has shaped my values
and my outlook. It is in the country where you feel most that strong all-important sense of community in Australia—of a close-knit extended family that in many ways forms the very identity of country people. There is a strong emphasis on independence in the country, on honest hard work and the rewards that it brings, on personal responsibility for your decisions and your actions and on a practical approach to life, family and work.

But, sadly, we live in a time when individuals are abrogating their responsibilities for themselves to someone else, and that someone else is the government and the bureaucracy it spawns. Back in 1942, Sir Robert Menzies touched on this issue when he said:

The great vice of democracy is that for a generation we have been busy getting ourselves on the list of beneficiaries and removing ourselves from the list of contributors, as if somewhere there was somebody else's effort on which we could thrive.

I wonder what he would say today. As legislators we need to stop accepting this responsibility and demand that people take responsibility for themselves and their actions. In the words of Ronald Reagan:

Government exists to protect people from each other. Where government has gone beyond its limits is in deciding to protect us from ourselves.

The role of government is not to provide for every need and every want; neither is it the role of government to compete with the private sector. The role of government is to do what the private sector cannot, will not and should not do.

I am here as a representative for all South Australians, and particularly those who live and work in the country, who raise families there and build those strong and unique communities. While I have been involved in politics for much of my adult life, I remain very much a country girl at heart. My first job in politics was in the country, working for the local member of state parliament, Peter Arnold. Like so many relationships forged in the country, my friendship with Peter continues today and I acknowledge his presence in the gallery here tonight.

Since then, I have experienced much of what work in the public and private sectors has to offer, in the country and in the city. I have been lucky to raise my own family in Renmark, the town where I was raised. With my husband I have also owned and managed my own business. Running a business has its rewards, its responsibilities and its challenges. Every small business owner can identify with this experience. In short, I am one of the people I am here to represent.

That is how a democracy like Australia works. In Australia we are so fortunate to enjoy democracy. I and my fellow senators, and our colleagues in the House of Representatives, in state governments and in local government, are not a privileged elite governing by birthright or class or wealth. Australian society is the epitome of egalitarianism and this is reflected in how we have established one of the oldest and most successful democracies in the world. It is reflected in the identity of those people in this building who represent the people: we are the people we represent; we are the people who have elected us to govern. It is just so important we remember that.

That connection with the electorate is vital. The best way to ensure this connection is by strengthening the integrity of the parliament, the parliamentary process and government. And we, as the states' representatives, need to encourage pride and respect in the office by our actions. We in this house are entrusted with an awesome responsibility: to empower Australians as individuals, as communities, and as a united
nation to prosper, to live freely and peacefully, and to govern ourselves with honesty and integrity.

Most Australians live in cities. However, regional Australia remains the one crucial foundation of this nation culturally, socially and economically. It is where we grow our food. It is where we produce our fibre to make our clothes. It is where we dig for much of the mineral resource with which we supply ourselves and nations across the globe. It is from where much of our culture and our sense of identity has been derived. Historically, agriculture and mining transformed this land and played a central role in making it the great nation that we are today. The future of Australia is tied to the fortunes of regional Australia and especially to those of our agricultural industries and our farmers. I am unashamedly an advocate for rural Australia, for its tremendous contribution to the nation as a whole and for its vast untapped potential. Our farmers are among the best in the world. They are innovative, they are resilient—they need to be.

I remember the comment of a farmer colleague who was questioned from the floor during his preselection as to what skills he as a farmer could bring to political life. His response: patience and optimism. The challenges of being a farmer are enormous. Much of our farmers' productivity, profitability and sustainability depends on factors that are completely outside of their control. Weather and market forces work against farmers as often as they work for them.

It is not always a level playing field when our farmers compete in overseas markets. Despite Australia being a champion of free trade, other nations do not always reciprocate. However, there are factors which farmers can control or influence and, more importantly, for us here in Canberra there are factors that we can control and influence.

Our farmers deserve everything we can do to ensure they have an environment in which the great potential of Australian agriculture can be realised and thereby help secure the future for rural Australia and the nation as a whole. We must ensure farmers have the tools and the knowledge that they need to innovate, to improve their productivity and profitability and to enhance their economic and environmental sustainability. We must remove the burden of unnecessary overregulation. As the people who make those regulations, we need to be reminded of the words of Dwight Eisenhower:

"Farming looks mighty easy when your plough is a pencil, and you're a thousand miles from the corn field."

Australia has enjoyed an enviable position and reputation for agricultural research and development which has been supported by both public and industry investment. This must be continued and it must be strengthened. Australia's edge in competition with overseas food and fibre producers lies in premium quality produce, best practice agriculture and our land's relative freedom from pests and diseases. We must vigorously protect this clean, green image. It gives us an edge in world markets, where many consumers are confronted with food that is often subject to questionable production processes. To do this we must protect our shores from pests and diseases that have the potential to destroy our crops and our animals.

Free trade is too often used as a reason to relax import restrictions that exist only to prevent potential destruction of our valuable clean, green image. Our geographical location, while sometimes a curse when it comes to getting our export goods to the customers around the world, is also our
greatest asset in providing a natural pest and disease barrier. Our investment in agricultural research and development should enhance these advantages. These will only become more important and more valuable with the growing affluence of the world's most populous continent, Asia, on our very doorstep.

We must ensure that we do whatever we can to level the playing field for Australian farmers in their competition with overseas producers in international and domestic markets. We must ensure Australian farmers and agricultural industries have the infrastructure they need for cost-effective supply chains and access to efficient export paths. We must ensure the regional and rural communities where farmers operate have the infrastructure and services that they deserve—roads, hospitals and schools, transport, quality health and education, and fast and efficient communication networks. And Australian farmers must develop and protect their market intelligence. In the globalised world in which we now live, information is gold.

Globalisation means the world is now transferable. Over the coming years we will see increased mobility not just in goods and services but in capital and in people. We cannot stop this, and nor should we try, but we can prepare by ensuring our society is educated in a way that allows us to meet these challenges and benefit from them. In every industry sector, we will not necessarily succeed because we are cheaper; we will only succeed because we are better—better educated, better informed, better resourced and better prepared.

As a resource-rich country, physically advantaged by our proximity to the world's growth markets in Asia, we have a huge opportunity to add value to our primary industries. But we must resist the short-term, simple solutions offered by protectionism which inevitably end up in failure, and instead invest in the creation of a highly educated and skilled workforce. If we do this, we will build a resilient economy that will repay our investment with a contribution that will sustain our nation and increase our prosperity into the future. All Australians deserve this.

My home town of Renmark, on the River Murray, was founded as an irrigation settlement in 1887 and is one of the oldest and most efficient irrigation areas in Australia. In fact, both my grandfathers were soldier settlers who took up the opportunity to be horticulturalists after the First World War—although my maternal grandfather stubbornly refused to accept his land for free, his argument being that he was not going to be beholden to any government for anything. The land settled by my paternal grandfather, Cuthbert Ruston, is the same land on which my husband and I now operate Australia's largest commercial rose garden.

For well over a century, the Murray has watered an abundance of crops in the district, from citrus to vineyards, almonds to vegetables and, yes, even roses. The fortunes of Renmark and the Riverland region are tied to the river, as is the case with communities across the whole of the Murray-Darling Basin. River communities and irrigators like me know all too well this river system must be operated at a sustainable level of natural environmental health. Our future depends on it, but our future also depends on maintaining a balance between the needs of the river system and of the communities and industries that rely upon it. It is vital that we recognise this need for balance and make sustainability a priority in all senses of the word—environmental, social and economic.

My vision is for a Murray-Darling river system which not only has achieved this
balance but serves as the best example of river management in the world, as a natural wonder to be enjoyed by future generations and as a natural resource that sustains productive agricultural industries and a vibrant regional community. I say this as an irrigator, as a member of a river community and as someone with a vested interest in ensuring our river's survival. My comments are not based on best available science; they are based on real life experience.

I am also a small business owner, and small business is another passion of mine which I intend to have as a primary focus while I am here in the Senate. Small business is the foundation of the Australian economy. Almost without exception, every large company operating in Australia today began as a small business. Small business employs around half the Australian workforce. The diversity of small business underpins the resilience of our economy and it is often the economic backbone of regional communities.

As a small business operator I can tell you that running a small business is not easy. It is about hard work and long hours. It is about taking risks. It is about trying to manage factors that are often outside your control. It is about accepting responsibility and consequences. It is about having a vision and seeing it through. It is about taking not only your future in your hands but the future of your family and the future of those people that you employ. We should never take small business for granted in Australia.

In this place we need to consider the impact on small business of the decisions and the laws that we make. In this place we need to understand that a seemingly minor regulation or a small change in tax can have a devastating consequence on small business. I know because I have experienced the impact of government regulation and taxation on my own business. All too often it means more work and higher costs.

Small business in Australia finds itself restricted and stymied by regulation—regulation which is often developed by people with no real understanding of how small business works. Australian small business needs an environment in which it can thrive. They need an environment that enables operators to spend more time doing what they do best: making money, creating jobs and driving the economy. They need an environment where their hard work and all those long hours actually bring reward; an environment where their innovation can be realised by success and where that success is not penalised by excessive regulation or tax. Small business also needs the flexibility to employ people on terms that are fair to everyone. We are not here to make things more complicated and difficult for small business, but this is often the outcome that results from decisions taken by legislators and bureaucrats. I love the quote from former US Senator John E. Sununu, who said:

Politicians also have a love affair with the 'small business exemption'. Too much paperwork? Too heavy a burden? Not enough time? Just exempt small businesses from the rule. It sounds so pro-growth. Instead it's an admission that the costs of a regulation just can't be justified.

The simple fact is that it makes plain sense to make things simpler for small business. By doing so we empower small business to invest in its future and in doing so we invest in the future of Australia.

Before I conclude I would like to acknowledge those who have invested in me: the people who elected me to this place, the people who supported my campaign to be a senator and the people who support me unconditionally, my family—my husband, Richard, who has provided and, I hope, will continue to provide, the tough and
sometimes confronting advice that only a partner can get away with; and our son, Tom, who is my rock of reality. I'm here because I want the best possible future for you.

Australia is a great nation and we have entrusted in us the responsibility to protect Australia and its assets for future generations. It is a huge, huge honour to be able to represent the people of South Australia in this place. I pledge to work diligently and honestly to add value to the debates and decisions that will help form this country's future.

COMMITTEES

Scrutiny of Bills Committee

Report

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:22): At the request of the Chair, Senator Macdonald, I present the 12th report of the Scrutiny of Bills Committee. I also lay on the table the Scrutiny of Bills Alert Digest No. 12 of 2012.

Rural and Regional Affairs and Transport References Committee

Report

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:22): At the request of the Chair, Senator Heffernan, I present an interim report of the Rural and Regional Affairs and Transport References Committee on fresh pineapple imports. I move:

That the time for the presentation of the final report of the Rural and Regional Affairs and Transport References Committee on its inquiry into fresh pineapple imports be extended to 29 November 2012.

Question agreed to.

Senator BUSHBY: I move:

That the Senate take note of the report.

Senator BOSWELL (Queensland) (17:23): I moved the original motion for the committee to report by 10 October 2012. We have had quite a number of meetings and discussions, which have led to the committee needing more time to get some further information. This has led to Senator Bushby asking for that extension of time to 29 November.

The pineapple industry, like many rural industries—and we heard this from the previous speaker—is under pressure. I can recall when the pineapple industry had 800 growers and I was the sort of in-house senator for Golden Circle when it was a cooperative. I spent a great number of hours over there trying to help them in many ways. But unfortunately, like a lot of rural industries, it has been under pressure and the 800 growers are now down to 80 growers—and it is the big growers who are left. They are facing the normal problems from imports and the high dollar. Also, the land that the pineapples are grown on is coastal land. It is very valuable, and it is being sold off to various people for hobby farms and so forth. These growers are rocking on a critical mass, and if they lose any more growers then the critical mass goes and they will not be able to sustain the industry.

There has been a request to bring in pineapples from Malaysia. There is a disease in Malaysia called pineapple strain. This disease started in Malaysia and has jumped to Brazil, Costa Rica and Hawaii. Now we are importing these pineapples and this disease into Australia. A scientist called Glen Taniguchi from the University of Hawaii, who is an expert on pineapples, said that the risk from bringing these pineapples into Australia is high, but the Department of Agriculture, Fisheries and Forestry said that that risk is low. The expert from Hawaii said that at any time, depending on the weather situation, there can be from five per cent up
to 40 per cent disease present in pineapples and that it is undetectable. DAFF said, ‘Yes, you will import diseased pineapple.’ DAFF then made the assumption that this disease will not jump and get into our pineapple farms. But once it is in, it is in. There is no way that you can get it out. There are pineapple farms in very close proximity to Brisbane—maybe 15 or 20 miles. They are all around Caboolture. My argument is: if a disease can jump from Malaysia to the Philippines, to Brazil, to Costa Rica and to Hawaii, why can't it jump from Brisbane to Caboolture, which is about 20 miles away? There needs to be much more research done on this issue.

During the hearings, Mr Derek Lightfoot, the Director of Tropical Pines, who has expertise in risk assessment gained from a background in one of the top four accounting firms, questioned the matrix. The matrix is the way that you multiply out the risk assessment. The matrix is the multiplier effect of all the risk. You multiply all the risk and it comes out good, bad or indifferent. In his view, the matrix is throwing up the wrong level of assessment. He believes that the risk assessment matrix used by DAFF Biosecurity is at odds with the normal, standard matrix. The risk matrix used by DAFF has a bias towards a low-risk result. Nine out of 36 possible outcomes are above low risk—only nine out of the 36. So I made inquiries about this matrix. This matrix is used in every assessment. If the matrix is wrong then we are assessing everything wrongly. The committee has asked for a reassessment of the matrix, for an expert to check this matrix out.

What we have in Australia at the moment is DAFF as the sort of judge, jury and executioner. It is very difficult to question their evidence because they virtually ignore it. So the committee has sought independent expert advice to see whether this matrix does perform the way it should. If that independent expert advice says the matrix is good, it is throwing up the right answers to the multiplication of the risk assessment, we have challenged it and it has come up okay. If it has not then it is going to make a difference in the assessment of imports going through Australia.

We are facing the import of potatoes, we are facing the import of ginger and we are facing the import of pineapples from Malaysia. At this stage there are huge problems with these minor industries like pineapple, ginger and potatoes. Of course, we have got to accept that we are a free trading nation and if we sell millions and billions of dollars' worth of product overseas, we have got to accept a few potatoes in, but we also have got to be very careful.

Never in Australia's history, I believe, has primary industry been under so much threat. Everything is starting to stack up against it. New Zealand has an application to bring potatoes in and we trade freely with New Zealand. But they have a tremendous advantage over us—the dollar is so high, it is almost impossible to sell anything. Then we have the IR rules and the rates of payment all stacked against the Australian grower.

We are seeing a lot of the farms going overboard. A lot of people are getting out. As I said, we have gone from 800 growers to 80—and it is the big growers remaining, the 400-acre growers. Once our industry gets below a critical mass level then you cannot sustain it. There are only about 45 ginger growers. They run a big factory up there and employ a lot of people.

They want to bring ginger in from Fiji. All right, but Fiji does not even have a government. Why are we bending the knee to Fiji? I can understand from New Zealand
and places like that, but if someone turns up at the parliament and says, 'I am the government,' then he is the government in Fiji. I do not know why we have to bend the knee on free trade there. We can say what we like about the Fijian AQIS assessment, but it is not going to work. Those people want to sell ginger and they are not going to worry about a few niceties and whether the ginger has disease or where the ginger comes from. I believe DAFF is just accepting its riding instructions—(Time expired)

Senator EDWARDS (South Australia) (17:33): I rise also on the issue of fresh pineapple imports coming into this country and in support of Senator Boswell’s comments. Before I start, I will just let everybody know who is listening to this that the importation risk of disease with these pineapples has been assessed at two per cent. I would have thought any percentage likelihood was too much.

This inquiry is one of the many on the proposed importation of produce into Australia that has looked at the quality, rigour and scientific assessment of the reviews undertaken by DAFF Biosecurity. Over the past year, I have been involved in a number of inquiries, including the effect on Australian growers from importing fresh ginger from Fiji, apples from New Zealand, most recently one about potatoes, also from New Zealand, and this one, of course, about fresh pineapples from Malaysia.

As I had a look back through the archives, there were a number of other similar inquiries that were conducted before my time here, such as the ones into the Asian honey bee, Chinese apples and the US cherry trade. This has been omnipresent in this environment over the last few years. It is probably time the minister should be pricking up his ears. In April this year, the Rural and Regional Affairs and Transport References Committee handed down its report into our broad look at Australia’s biosecurity and quarantine arrangements. Needless to say there were a number of areas identified for improvement, yet we have not heard much from the minister or his department on those recommendations.

There is a common theme running through most of these inquiries. The growers, producers and farmers in their respective markets, in conjunction with the scientific community, are at odds with the findings of most import risk assessments and other reviews undertaken by DAFF Biosecurity. If it were on one particular disease or pest or risk incursion then you might just think it was the apple, grape, grain, pear or whatever industry you were talking about just being protectionist. But when it is one inquiry after the other, where the main issue seems to be scientific credibility, rigour and validity of DAFF Biosecurity’s assessments then you have to wonder what is really going on. Are the policies serving us well?

This leads me to ask whether we are providing the appropriate level of protection for the Australian farming industry against pests and disease. I would like to think that I was flying a flare for the minister to have a look at these issues and to scrutinise why the department is coming under such attention from the very important farming sectors of the Australian rural communities.

Interestingly, under our current system, the minister has no role to play in the final approval process for food importation into this country. There is only a requirement for him to be kept informed. In addition, the minister has no power to overrule the decision made by the Director of Animal and Plant Quarantine, who has the final say on whether pineapples are allowed to be imported into Australia.
Through the course of this inquiry, the committee was seeking independent advice regarding the use of the risk estimation matrix which has been a source of significant contestation between growers, scientists and Biosecurity. Before I hand over to my colleague Senator Macdonald, from Queensland, who knows more about pineapples than I will ever dream about, as does my colleague Senator Boswell, who spoke earlier, I would like to point out to the minister that the calls from the various farming industries about inappropriate risk assessment regimes by DAFF Biosecurity in this country, combined with little or no right of appeal for farmers, have to be addressed by him in his role as the Minister for Agriculture, Fisheries and Forestry. I call on him to walk a mile in the shoes of pineapple, potato, apple and ginger growers. He must intervene to stop the increasing number of exposed farming industries crying foul on what they are calling expedient and foolish import approvals.

Senator IAN MACDONALD (Queensland) (17:38): It is always an honour to follow in a debate two speakers from the coalition who really know what they are talking about when it comes to biosecurity matters. I am delighted that, back in June, Senator Boswell initiated this inquiry to have a look at the effect on Australian pineapple growers of importing fresh pineapple from Malaysia. Queensland does grow a lot of pineapples. We grow a lot of bananas, too, and I have to thank Senator Boswell for the sterling efforts he made during the time of the Howard government to get rationality into the debate on the importation of bananas, which would have affected the banana industry in Tully.

Whilst a lot of Queensland is the home of some of the very best pineapples in the world, I am particularly concerned about the impact of imported pineapples on the pineapple-growing industry around Central Queensland. By coincidence, on 26 October, Tropical Pines will be opening their new head office and packing shed in Yeppoon in Central Queensland. I am delighted to be going along and I know that Senator Boswell will be as well. We will be taking with us Michelle Landry, who is the LNP candidate for the electorate of Capricornia, which takes in Yeppoon and Rockhampton, in Central Queensland. I only mention this in order to say that the current member for Capricornia is always absent, always silent, when the interests of her constituents—for example, the pineapple growers—are at stake. I know that Michelle Landry, the LNP candidate for Capricornia, is one who will have the pineapple-growing industry in Central Queensland at the front and centre of her activities in the federal parliament when and if she is elected to that seat following the next federal election.

What Tropical Pines has done for the pineapple industry is fantastic. It employs a lot of people in Central Queensland. It is a very significant industry. In fact, Mr Derek Lightfoot, the managing director, gave evidence before the committee. It is very important that the evidence presented by people like Mr Lightfoot is listened to. It is no good just having these matrices of DAFF Biosecurity. You really need to have the understanding of people on the ground, people who make their livelihoods out of understanding pineapples and the impact of diseases, particularly imported diseases, that could devastate a very successful industry in Queensland.

There is a lot more I would like to say. This is only an interim report at the present time. I would very much like to make further comments, but I understand that there are senators who want to talk on other matters so I will confine my remarks to that. I seek leave to continue my remarks later.
Leave granted; debate adjourned.

Community Affairs References Committee

Report

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:42): I present the report of the Community Affairs References Committee on palliative care in Australia, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator SIEWERT: I move:

That the Senate take note of the report.

It is with pleasure that I table the Community Affairs References Committee report into palliative care in Australia. A great deal of work from a great number of people has gone into enabling us to table this report today. I particularly wish to thank all those who gave evidence to the committee and presented submissions. We had 138 submissions and many, many people gave evidence during the hearings. Because I always leave them until last I think I will start at the beginning this time and thank the secretariat in particular for the hard work that has gone into enabling us to table this report today. I particularly wish to thank all those who gave evidence to the committee and presented submissions. We had 138 submissions and many, many people gave evidence during the hearings. Because I always leave them until last I think I will start at the beginning this time and thank the secretariat in particular for the hard work that has gone into this inquiry and, of course, the senators of the community affairs committee. It is always a pleasure to work with the senators on the community affairs committee because we work on so many issues that we all care about.

I would like to thank Palliative Care Australia, who put so much effort into this committee's report. I would like to start by quoting Palliative Care Australia. Palliative Care Australia explained to the committee that palliative care is really about life and that it needs to be an integral part of our health system. They said:

In whatever way we perceive palliative care to be, the bottom line is that it is about life - about the proper care of someone who is alive, someone who still has days, months or years remaining to their life. It is about maintaining and improving on a quality of life that you and I would deem reasonable for ourselves and others that ensures comfort, dignity and freedom from preventable pain. This is not an impossible ask. In fact it is imperative that we, as a civilised nation, ensure our end days are filled with good experiences and memories of meaningful and worthwhile relationships.

Palliative care is an issue that everyone needs to think about, but as Palliative Care Australia said to the Senate committee, despite government commitment and the dedication of health professionals, carers and volunteers, many Australians continue to miss out on receiving appropriate end-of-life care. It became clear during the Senate inquiry that not all Australians who do require palliative care are receiving that appropriate care, and we outline some of those examples. The committee did hear of many examples of excellent palliative care, but unfortunately we also heard some pretty harrowing cases of failures to provide appropriate palliative care—in fact in situations where services were not able to support somebody and they had passed away before they could get to them on their list.

We received submissions from 138 organisations, carers and individuals who shared their accounts and their personal experiences. In many cases those personal experiences were very intense and in some cases harrowing, but they taught us some valuable information. Palliative care has tended to focus in the past, and presently, on the aged and malignant influences such as cancer. We learned that we need to broaden that focus to ensure that there are proper services for younger people and for non-malignant diseases. We clearly heard that people want to die in place—they want to pass away in their place of choice, be that at home, where many people to choose to be, or
in an aged-care residency, which for some people is at home. In many cases people's choices are not being met. Care depends very strongly on the care provided by both professional paid care and a vast number of unpaid carers. We need to care for those people too.

We need as a community to be discussing dying and palliative care, because if we do not have these discussions we are not going to be able to provide and get the service support for palliative care that is needed. Part of that discussion that Australians need to have is a need to talk about advanced care planning and directives. That discussion needs to be held so that when people are in a situation of making choices about their palliative care, they can have that discussion, but also when they are no longer in a position to be able to discuss it, their choices had been made clear.

The committee has made 38 recommendations. In other words we have said that there needs to be a number of things that need to be done to support palliative care better in this country. Some of those do include a recommendation for a national model framework for advanced care planning and directives, because they are different. We recommended that we need to be looking at national standards and potentially linking them to accreditation.

We have also talked in a number of recommendations about the need to look at palliative care funding. At the moment palliative care funding is delivered via the subacute funding category. We think that that needs to be looked at and that there probably needs to be a separate category for palliative care funding. We also need to look at activity based funding and we need to ensure that it deals with the complexities of palliative care. In some cases we are finding that palliative care funding is getting reduced and not getting adequate support and funding that it needs.

One of the things that we heard very clearly is that people need access to information. We heard so many accounts where people did not know where to go in a crisis situation to be able to find out about how they can get support, either for themselves or their loved one. That needs to be clear. There needs to be more accessible information. Websites need to be clear about where you can get information. There needs to be education and training across the board of healthcare professionals and of carers, and also education of the community.

In particular, we also make a recommendation around the need for case management. People explained to us that, when they are trying to make decisions in quite desperate and crisis situations, they do not know where to go to and they do not know how to arrange the care. In fact, they are not in a position to be able to make some of those decisions without that information, so case management would help. We also recommend the need for case management. As I said, we need to look at training. We have talked about equipment, we have talked about funding for community care and looking at HACC—Home and Community Care—and the possibility of being able to fund palliative care out of that.

We also talk about the specific needs for specific communities and culturally appropriate delivery of services to Aboriginal and Torres Strait Islander communities and what palliative care means for them. We talk about the need for CALD communities, for the needs of the LGBTI communities and for children. We really do need a national conversation around palliative care. We have made 38 recommendations. I commend this report to the Senate. I thank everybody for their
involvement. Once again, I thank the secretariat for their support. As always, they have produced outstanding work in a pressurised situation. I commend the report to the Senate.

Senator MOORE (Queensland) (17:50): Every committee hearing that we attend we learn more about people who want to talk with us about their individual issues, and through this particular inquiry over a number of meetings across several states we have so many memories from people who came to tell us about their need. I just want to quote one woman who I think stayed with all of us—Kim from Victoria. This quote sums up to me so much about the spirit of people and their needs.

We were talking about this one day and a nurse said to me, 'If you had a choice, would you prefer to die at home or would you prefer to die in hospital?'

A question that people get asked.

I said, 'If I had a choice, I would prefer to die at home.'

Then she went on to say that she had thought about what was going to happen to her and that if anyone had asked her a few months ago was she going to die, she would have said, 'There's a fair chance of that!' Then she got a diagnosis. She had a fair idea that she was going to die someday. The only difference between her dying someday and dying soon was her diagnosis.

I think that was one of the key messages for all of us in this inquiry.

This issue belongs to all of us, yet one of the key aspects learnt from working with people who are interested in caring about palliative care is that so many of us do not want to talk about it. The major focus of this report is to get people to have the conversation. We have 38 recommendations from the inquiry and they are all important, every single one of them. We did not write a frivolous one. Everyone of them is looking at a need for funding, for training, for access or for coordination but the No. 1 item in the process is that all of us need to think about what we want towards the end of our lives, no matter which way the end happens.

One of the sad things about this inquiry is that we had no success in getting any media coverage. Sometimes when we bring down inquiries for our committee we have lots of people around and lots of interest shown and lots of cameras present and lots of radio interviews. At no stage did anyone ring up and ask: 'What's this inquiry about? Are you coming to talk to us? You've got 23 witnesses who have said they want to come and talk with you.' None of the media picked it up at all. So one of the key things for me out of this inquiry is this: please get the message out in the wider community. Let us talk about the issue because it belongs to all of us.

I particularly want to commend the work of Palliative Care Australia. They drove this inquiry. They were the ones who haunted our offices and said: 'This is what's happening in our country. We all need to understand the reality of palliative care.' It worked, because when you sit down and have these discussions you know that there is someone in your family or someone in your neighbourhood who is working through these issues and that one day it will be you too. One of the chapters I refer people to—and I think we will be talking about this a number of times in days to come—is the one on advanced care planning. This chapter is so important because we make recommendations about what we should do to coordinate this across the country so that your choice will be what will happen to you when you need it. There are all kinds of comments made about people who have not had their choices respected. That makes the sorrow and the pain greater. We all have the
ability to make a choice about what we need, and this is one of the areas in which we can do that. So it is about a simple way of understanding the way advanced care planning can operate, its legal status and the way it will work across state boundaries—to me that jumped out from the process that we had. At the moment it is a mess. It is very uncertain how it will be handled. People know about it but the first question asked is not about that signal point, that is what the person wants—and we are asking that that be turned around in the future.

I also express the wishes that Senator Siewert expressed about our secretariat members. We take them for granted because they always deliver. We should never do that. The secretariat worked with us through the evidence, some of which was harrowing. All of it was ennobling. Every single witness was ennobling in terms of their own experience. But while we were there as senators every single one of our secretariat members was being touched by it and I think we need to acknowledge that. The quality of the report speaks for itself. People's stories are in it and their interests are in it, so please follow it all up. We, as a committee and as a parliament, will need to follow up the recommendations about funding, which we will talk about later. But I want to acknowledge here Kim, her partner, all the people who came to talk to us and the wonderful workers across the program in Australia. Palliative care is an important issue, one that should have more focus on it. I think the No. 1 issue arising from this report is that we take it seriously.

Senator FIERRAVANTI-WELLS (New South Wales) (17:56): I rise to support the comments of Senator Siewert and Senator Moore in relation to this Community Affairs References Committee report and say that it was very important for the senators participating in this inquiry to make sure that our report was one that was agreed to across party lines. Whilst there were some minor issues on which we made some changes, it was really good that we were able to deliver a report that certainly reflects and does credit to, as Senator Moore said, the evidence that was given to us in the various hearings. Also, it respected the difficulty that many encountered in giving evidence that was so personal. When one talks about dying it is never easy, particularly when one talks about how one wants to die and is facing those issues that many of us do not want to talk about as we think that we are going to go on and on and on. The story of Kim and the story of so many others demonstrated that while we are here today we may not be here tomorrow and how we exit this life is certainly very confronting for many.

I would like to touch on a couple of areas in relation to this. As shadow minister for ageing, obviously my interest was most especially from the ageing perspective and, as Senator Siewert correctly said, whilst most of the palliative care in Australia is delivered predominantly in an ageing setting we cannot forget the young people receiving it. Probably the hardest evidence that we received was from parents of young children and I think Senator Smith will probably say something more about those young children.

I would like to particularly mention a couple of recommendations that were in the Productivity Commission Caring for older Australians report and on which I particularly want to focus from the ageing perspective. Firstly, one of the Productivity Commission recommendations was that the Australian government should ensure that residential and community care providers receive appropriate payments for delivering palliative and end-of-life care and that those payments should form part of an assessed entitlement determined by various processes. Secondly, there was the recommendation...
that talked about how providers of aged-care services should have staff trained to be able to discuss and put in place advanced care directives, so very much picking up those points made here about advanced care. So I did spend quite a bit of time talking about and exploring the possibility of how an entitlements system could operate in a palliative care setting. Certainly palliative care is very complex and this became very clear throughout the course of this inquiry.

In particular, Senator Moore acknowledged the work of Palliative Care Australia. I acknowledge the presence in the gallery of Dr Yvonne Luxford, the Chief Executive Officer of Palliative Care Australia. As Senator Moore correctly said, they very much drove this inquiry.

In terms of the Productivity Commission and its issues about entitlement, I am very pleased that we were able to explore that in this inquiry and look at the practical way that, under an entitlement system, palliative care could be rolled out and most especially in the home. It became very clear to me that people want to die in their own home. As we look at changes to the aged-care system, we should look at ways that we can facilitate that. Certainly the evidence that was given to us indicated that palliative care can be rolled out quite effectively under an entitlement system.

The other aspect was advanced care planning. I would like to touch just briefly on the cultural reluctance to discuss death and dying. It will be very important if we are going to effectively do advanced care planning in Australia to meet the barriers that do exist in raising awareness, especially in special needs groups, and meeting those cultural barriers which do exist. I was very proud to be part of this inquiry and I commend the report to the Senate.

Senator SMITH (Western Australia) (18:01): I also want to speak on the report of the Community Affairs References Committee into palliative care in Australia. The report is most definitely a timely reminder of the importance of palliative care in the Australian community. There are a number of elements of palliative care that I would particularly like to draw to the attention of the Senate. The first is its commitment and the place it plays in affirming life and regarding dying as a normal process and its place in recognising the integration of psychological and spiritual aspect of patient care, but also its place in offering a support system to help patients live as actively as possible until death and in offering a support system to help the family cope during the patient's illness and in their own bereavement.

Much attention has been given to the palliative care needs of older and ageing Australians and those enduring the debilitating effects of various cancers and their treatments. This is a powerful demonstration of the value we put not just on human life but also on living life. I would like to use the limited time available to me to draw attention to the palliative care needs of children and adolescents. I am pleased the report contains special reference to the palliative care needs of this special part of our community. On a personal level, it has been empowering to understand more about the need for and availability of special palliative care services for babies, both perinatal and neonatal. Like others, I am concerned about the lack of specialist perinatal and neonatal palliative care in Australia.

The committee was presented with evidence of several case studies which demonstrated the urgent need for perinatal palliative care. The final report details concerns of one professional about the
misunderstanding, miscommunication, suspicion and neglect from medical professionals, specifically with regard to perinatal and neonatal palliative care needs. I want to specifically acknowledge the contribution of Professor Wilkinson, the Associate Professor of Neonatal Medicine and Bioethics at the University of South Australia. I want to share some comments made by Professor Wilkinson to the inquiry which demonstrate the significance of this all too forgotten area of palliative care need. In his contribution, he said:

Every year in Australia there are approximately 1,200 infants who die before their first birthday, most in the first days or weeks of life. Some of these infants die suddenly and without warning but for about two-thirds their death is expected or anticipated and those caring for the infant have recognised that they are unable or unlikely to survive. There are two main groups of infants. One group of infants have received life support and intensive treatments but have deteriorated despite treatment. For example, in the neonatal intensive care unit where I work there are a small number of babies who had been born extremely prematurely who have then developed very serious complications of being born so early and whose parents now face the difficult prospect of losing them after weeks or even months of treatment in hospital. There is a second group of babies who have been diagnosed in the womb as having a serious congenital malformation so serious that it is likely to lead them to dying both or in the newborn period. Their parents face the heartbreaking choice of either terminating the pregnancy or continuing it but in the prospect of spending only a short time with their baby.

I am pleased to say Professor Wilkinson's evidence also provides and identifies significant opportunity and hope for the needs of these families with unborn and recently born children. People are welcome to visit the Hansard to look at what I thought was a very hopeful contribution.

The committee's report contains a specific recommendation which addresses the special but neglected needs of neonatal and perinatal palliative care. The committee has recommended that the Commonwealth government give increased attention to the need for improved research, education and services to support the perinatal and neonatal palliative care needs of health professionals, pregnant women and their families and newborn infants.

Finally, I want to like pay very special recognition and appreciation to the courage and advocacy of Mrs Fiona Engwirda and Mr Richard Burnet who spoke of their very personal and individual experiences in identifying and securing palliative care needs for their young children. Again, their contribution has gone a very long way to building a better understanding of the palliative care needs of our community. As a result of the evidence presented, I am pleased that the committee has recommended that government give careful consideration to the special circumstances of families caring for terminally ill children when considering future changes to the eligibility criteria of the carer allowance and the childcare rebate. This inquiry was my first full inquiry since I was appointed to the Senate Community Affairs References Committee and I would just like to acknowledge the work of our chairman, Senator Siewert, the dedication and enthusiasm of my colleagues and the work of the secretariat. I seek leave to continue my remarks.

Leave granted; debate adjourned.

BILLS

Defence Trade Controls Bill 2011

Report of Legislation Committee

Senator STEPHENS (New South Wales) (18:07): I present the report of the Senate Foreign Affairs, Defence and Trade Legislation Committee on the Defence Trade Controls Bill 2011, together with the
Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator STEPHENS: I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES

Human Rights Committee

Report


Ordered that the report be printed.

Senator STEPHENS: I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Intelligence and Security Committee

Report

Senator FAULKNER (New South Wales) (18:08): On behalf of the Chair of Parliamentary Joint Committee on Intelligence and Security, I present the report of the Parliamentary Joint Committee on Intelligence and Security on the review of the relisting of five terrorist organisations.

Ordered that the report be printed.

Senator FAULKNER: I move:

That the Senate take note of the report.

On behalf of the Parliamentary Joint Committee on Intelligence and Security, I am pleased to present the committee's report entitled Review of the relisting of five terrorist organisations. This report reviews the relisting of five previously listed terrorist organisations: Al-Shabaab, Hamas's Izz al-Din al-Qassam Brigades, the Kurdistan Workers Party, Lashkar-e-Taiba and the Palestinian Islamic Jihad.

Having completed its review, I can advise the Senate that the committee does not recommend disallowance of the regulations for any of these five organisations. As with previous committee reports on listings and relistings of terrorist organisations, this report identifies issues relating to the current nature and reach of each of the organisations with particular emphasis on developments since the committee last reviewed these organisations. This is the first relisting of Al-Shabaab; the fourth relisting of the Kurdistan Workers Party; and the fifth relisting of Hamas's Izz al-Din al-Qassam Brigades, Lashkar-e-Taiba and the Palestinian Islamic Jihad.

The committee was satisfied that each of these groups continues to engage in terrorist activities which could be a threat to Australians or Australian interests either here in Australia or overseas. I should note for the Senate that in reviewing the evidence in support of the listings the committee draws in very large measure on the statement of reasons which is prepared by ASIO in conjunction with the Attorney-General's Department. However, completion of the statement of reasons would normally be at least one or two months prior to the committee writing its report, so in order to take into consideration the very latest information about each group the committee often refers to information on Jane's Terrorism and Insurgency Centre website to support the evidence provided in the statement of reasons. I know that is of particular interest to Parliamentary Secretary Feehery who is an avid reader of the Jane's work.
Let me speak briefly about each of the five terrorist organisations. First, al-Shabaab's objective is the establishment of an Islamic state in Somalia based on Islamic law and the elimination of foreign 'infidel' influence. Second is the Hamas's Izz al-Din al-Qassam Brigades which were officially established in 1991 to provide Hamas with a military capability. Originally, the Brigades were organised secretively, comprising compartmentalised cells that specialised in terrorist attacks, assassinations and kidnappings inside Israel. Since Hamas gained control of Gaza in 2007 and took up a governing role, the Brigades have been forced to develop, at least partially, into a more traditional military force. The Brigades operate predominantly in Gaza with limited representation on the West Bank.

Third is the Kurdistan Workers Party, PKK. The Kurdistan Workers Party objectives have changed over time, in line with Turkey's evolving political environment. The organisation now calls for autonomy for Kurds within Turkey and seeks to promote and advance the right of Kurds living in Turkey, specifically the right to maintain ethnic identity. The PKK has used violence to achieve its objectives.

Fourth is Lashkar-e-Taiba. It is a Sunni Islamic extremist organisation based in Pakistan that uses violence in pursuit of its stated objective of unifying Indian-administered Kashmir with Pakistan under a radical interpretation of Islamic law.

Finally, there is the Palestinian Islamic Jihad. That is a Sunni Islamist Palestinian militant organisation committed to the destruction of the state of Israel. Accordingly, the Palestinian Islamic Jihad refuses to participate in the political process and rejects the possibility of a negotiated settlement to the Israel-Palestine problem.

The committee recommends that the regulations relisting these five organisations as terrorist organisations not be disallowed, and I commend the committee's report to the Senate.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (18:16): I rise to support the remarks of Senator Faulkner. In the time available to me let me just make a couple of brief points. The Parliamentary Joint Committee on Intelligence and Security—in which both Senator Faulkner and I serve—has always acted in a bipartisan fashion in the discharge of its statutory functions and it has been entrusted by the national security agencies whom it oversees—including, and relevantly for the purposes of this report, ASIO—with a high level of confidence. So this is not a government recommendation; it is a committee recommendation which all members of the committee participate in.

I wanted to stress that point because I think it is very important that the public know that these decisions to either list or to extend the listing of organisations on the basis that they are engaged in terrorist activities are decisions that are not made lightly. They are made by the committee, fully informed by intelligence, and they are approached in an entirely nonpartisan way. They are decisions which are made under provisions of the Commonwealth Criminal Code—specifically section 102.1 of the Criminal Code—which were introduced by the Howard government.

It is significant, I think, that the initial listing or the decision to renew the listing of these various terrorist organisations has been made since the powers were enacted by the parliament under both governments. Al-Shabaab was initially listed as a terrorist organisation by the Rudd government in August 2009, and that decision had the
support of the coalition in opposition. Hamas’s Izz al-Din al-Qassam Brigades was initially listed as a terrorist organisation in 2003 and has been relisted as a terrorist organisation now on five occasions—three times by the previous coalition government and now for the second time by the Labor government. The listing of the Kurdistan Workers Party was initially made in December 2005 by the Howard government, extended in September 2007 again by the Howard government, extended in September 2009 by the Rudd government and now extended under the Gillard government. The listing of Lashkar-e-Taiba was initially made in 2003 by the Howard government. That listing was three times extended by the Howard government and is now being extended for the second time by the Labor government. Finally, Palestinian Islamic Jihad was initially listed by the Howard government and it was relisted on three occasions by that government and is now for the second time being extended by the Labor government.

There is a very high standard or threshold of satisfaction required both by the Attorney-General and by the parliamentary committee before an organisation is listed as a terrorist organisation. I also want to stress the point—and I am sure Senator Faulkner would agree with me—that there is no element of political censorship in a decision to list an organisation as a terrorist organisation. The considerations involved concern the decision based upon intelligence shared with the committee that there is a genuine and well-grounded apprehension that the organisation is engaged in terrorist crimes or potentially engaged in terrorist crimes so that to allow that organisation to operate freely would be to give the sanction of the law to what amounts to a criminal conspiracy.

There have been a number of rather foolish things said in the last decade or so about the new powers initially introduced by the Howard government and continued largely in the same form by the Labor government about the effect of these powers on freedom of association.

The reality is, as we all know, that there is no right of free association and there is no right of free speech for the purpose of the prosecution and planning of a serious crime. The law of criminal conspiracy has been a part of the criminal law of Australia and the Anglo-Saxon legal system which we inherited as long as there has been a criminal law. The law of criminal conspiracy goes back before the Norman conquest in the English legal system. So listing organisations whose advertent, conscious, deliberate and studied purpose is to organise acts of criminal terrorism against our community is to do nothing more than, in a more modern and more sophisticated way, give effect to the same principles as have for a millennium persuaded communities that there should be a law against criminal conspiracy.

It is with great caution, as I said before, that this issue is approached, because whenever one talks about proscribing organisations one must immediately step back and consider the implications for freedom of association and freedom of speech. So the provisions under which these organisations have been proscribed are as narrowly drawn as possible so as to reassure Australians that this is about proscribing criminal conspiracy, specifically terrorism, not restricting freedom of speech or association.

**The ACTING DEPUTY PRESIDENT (Senator Bernardi):** Order! The time allotted for this debate has expired.

**DOCUMENTS**

Tabling

Senator FEENEY (Victoria—Parliamentary Secretary for Defence)
(18:24): Pursuant to section 198AC of the Migration Act, I table a letter from the United Nations High Commissioner for Refugees, Mr Antonio Guterres, to the Minister for Immigration and Citizenship, Mr Bowen, relating to the designation of the Independent State of Papua New Guinea as a regional processing country.

Tabling

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red.

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

COMMITTEES

Treaties Committee

Membership

Message received from the House of Representatives notifying the Senate of the appointment of Mrs Prentice to the Joint Standing Committee on Treaties in place of Mr Briggs.

BILLS

Customs Amendment (Anti-dumping Improvements) Bill (No. 2) 2011
Customs Amendment (Anti-dumping Improvements) Bill (No. 2) 2012
Customs Tariff (Anti-Dumping) Amendment Bill (No. 1) 2012
Customs Amendment (Anti-dumping Improvements) Bill (No. 3) 2012

In Committee

Debate resumed.

The TEMPORARY CHAIRMAN (Senator Bernardi) (18:26): The committee is considering the Customs Amendment (Anti-dumping Improvements) Bill (No. 2) 2011 and three related bills. The question is that the bills stand as printed.

Senator XENOPHON (South Australia) (18:26): I just want to continue with a line of questioning on a number of preliminary matters. I do have a number of amendments in relation to this bill, and I note that my colleague Senator Madigan from the DLP, who is in the chamber, has a number of questions to ask in respect of this bill. I also note that time is short—we only have about 23 minutes or so before other matters are considered by the Senate.

I can say, and I would like to put on the record, that I am grateful for the discussion that I have had with one of the government’s advisers in respect of this bill. I want the committee stage to go as smoothly as possible and I want to be able to assist the parliamentary secretary, Senator Feeney, who is representing the government in respect of this bill at this stage. What I have undertaken to do as a result of the discussion I have had with the government is that I will put a number of technical—I would like to think they are forensic—questions in relation to dumping so that we can have a fruitful and expeditious committee stage when this matter is brought back on. I suspect that Senator Feeney is an expert on dumping; I probably do not need that extra briefing from the minister’s office! But notwithstanding that, and out of an abundance of caution, I think that it is important that I engage with the minister in relation to this, because I genuinely want a good outcome.

There are 950,000 Australians left in manufacturing jobs in this country. We have already heard from the government’s own manufacturing task force that over 100,000 jobs have been lost in recent times and we have had senior union officials who have made the point that 200,000 jobs have been lost in manufacturing since the year 2008—since the GFC. So these are important issues. It is a bedrock of our economy, and dumping
of products below cost from markets into this market can cause enormous damage.

There is one matter out of left field that I do want to raise, and it is something that the government may want to take notice of, but it is something that in fact raises an issue in respect of what the Howard government did and implications that it has for an antidumping regime. I am not here to have a go at anyone. I see that Senator Sinodinos is there in the hot seat for the opposition, and I will very much welcome his contribution in respect of this.

My question to the government and, indeed, to the opposition relates to the treatment of China. I will read from a minority report from the Senate inquiry into my 2011 bill in relation to dumping duties. Government senators Cameron and Pratt made this comment at 1.42 under the heading of 'Union and industry concerns':

The former Coalition government recognised China as a market economy as part of its accession to the WTO in 2004. A condition of China's membership to the WTO was that member countries would not have to recognise China as a market economy for 15 years from the date of China's accession. As an 'economy in transition', China's ability to defend dumping claims is weakened as the country accusing China of dumping has immediate recourse to surrogate (third country) pricing information to judge if goods have been dumped.

And the report of the economics committee into the bill also made this point at 3.60:

The treatment of China (i.e. whether it is given a market economy status (MES), or is classified as an economy in transition (EIT), or a non-market economy (NME)), could also result in differences between the level of measures imposed, and the success of antidumping/countervailing applications between the countries.

So in practical terms, my question to the government—and, again, I am happy for this to be taken further on notice and, again, for the coalition to take this on notice because it is an important issue for the alternative government to consider—is: to what extent did the decision of the former Howard government back in 2004 in recognising China as a market economy in respect of the WTO make a difference in respect of dumping claims, firstly? Secondly, to what extent would an economy such as the United States and other countries who have not recognised China as a market economy be able to prosecute dumping claims in relation to a dumping or countervailing duty matter? In other words, are we in a worse position as a result of that decision made in 2004 in respect of dealing with dumping claims on behalf of Australian manufacturers or not?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:31): Senator Xenophon, I guess that, as you have set out, this is a decision that was made in 2004, and the position of the government, that decision having been made, is that it now falls upon us and indeed successive governments to manage that circumstance as best we can. In terms of its effect and how it might impinge on the conduct of Australian companies seeking redress, I am advised that we are keen to take up your invitation to take that on notice and to provide you with a briefing in due course.

Senator XENOPHON (South Australia) (18:32): I appreciate the minister's response and I am looking forward to the briefing, but these are matters that ought to be put on the public record. From my understanding of the minority report of Senators Pratt and Cameron of the inquiry into the antidumping bill that I introduced last year, it seems to me that that decision made by the former government to recognise China as a market economy does in fact affect the ability of Australia to robustly prosecute a claim of dumping against China or, indeed, to raise issues of countervailing duties as a direct
result of it being recognised as a market economy.

Most of the countries around the world—and perhaps this could be taken on notice as well—did not go to that step. They recognised the Chinese economy as an economy in transition, which has a different implication in terms of the way that dumping claims can be dealt with. It would be good to get on the record the difference between dealing with an economy in transition in a dumping claim and dealing with a market economy.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:33): Senator Xenophon, I am advised that this is a question that is very often raised with government by industry and as a consequence is, I guess, an issue or a set of issues with which the minister and government are familiar. We are happy to provide you with information detailing how Australia and other countries are managing this and how the different status of China in different jurisdictions is perceived by Australia to have an effect.

Senator XENOPHON (South Australia) (18:35): What position did the government while in opposition have on that decision?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:35): I will need to take that on notice. It is pre-me. I am sorry, I do not know.

Senator XENOPHON (South Australia) (18:35): And I thought that Senator Feeney with his long history in the Australian Labor Party would know all, being almost omnipresent when it comes to key and strategic decisions. Very well, that is a matter that needs to be looked at. The other matter that I would like to raise is in respect of the issue of noncooperation. What is the government's position when an importer does not cooperate in an investigation? In other words, what are the thresholds to say that there is a mature level of noncooperation in relation to that?

Also, what happens when an importer starts playing the system? I will give you an example that was put to me by the Australian Steel Institute. Concerns were raised by the Australian institute regarding the capability of Australia's antidumping and countervailing system to deal with ongoing issues. For example, duties were placed on certain types of imported steel products including pipes.

Once the duties were applied, the manufacturer simply added a cheap bracket to the pipe—a $10 bracket—changing the product category and therefore avoiding the duties.

The Australian Steel Institute also provided examples of manufacturers changing factory locations in other countries and swapping between two factories in different countries to avoid duties. Their concern, and I think the general concern, is that Australia's system is not working efficiently in relation to the constant
monitoring of products and that Australian manufacturers have to make additional applications with additional cost and additional damage to their industry, given the time it takes to process a new application, to address any avoidance on the part of exporters. The example was given about pipes with brackets on them: whack on a $10 bracket from a Bunnings or a Mitre 10 store or wherever and suddenly it is in a whole new product category and they can avoid duties. Is the government familiar with that particular instance and would that be seen as an example of noncooperation in the context of the dumping regime?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:38): I am advised that included in this set of bills is an anticircumvention mechanism and it is the aspiration of government that the mechanism will serve to alleviate the noncooperation of importers and importers 'playing the system', to use your language. Again, the government is willing and able to provide you with a briefing on those measures and how they are perceived to operate.

Senator XENOPHON (South Australia) (18:39): I understand my colleague Senator Madigan has a number of questions, but this is a key aspect of the bill. If you have anticircumvention measures, I will be asking the government about these on notice, because this is not about ambushing the government at all. It is about trying to get answers on the record so that those industries that are suffering because of dumped goods and those workers whose jobs are at risk from dumped goods can at least get an idea of how the system will work with these measures. So I am grateful for the government's indication about that.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:39): I have some material here that pertains to anticircumvention. It is long and I am happy to share it with the Senate, but I appreciate time is precious and I do not want to spend long moments trailing over issues that are of no assistance to you. Let me as a minimum at least say this. In developing the anticircumvention inquiry system, Customs and Border Protection consulted extensively with all members of the government's recently established International Trade Remedies Forum and it also considered models from other jurisdictions as well as the ongoing debates occurring within and between WTO members. A fundamental element of this framework is the exclusion of activities which are generally considered to be compliance issues or, in other words, breaches of customs legislation. There are already existing powers to deal with these breaches.

Anticircumvention inquiries focus on activities which are beyond the traditional reach of our compliance activities and I think go to your example, although we will of course have to take the specifics of your example on notice. But, of those activities, there are four types of circumvention meeting the following important criteria: they are relevant to Australia and Australian industry; they are relevant internationally—that is, they have also been targeted by other jurisdictions' anticircumvention models; and there is a high degree of confidence that they could be identified, investigated and addressed within the allocated 155 days. Additionally, the bill introduces a power to make regulations which will proscribe additional circumvention activities, should that be warranted.

Senator MADIGAN (Victoria) (18:41): Senator Feeney, are you able to give an example where either the current or a former government has ever gone in to bat for an
Australian manufacturer in the WTO on a dumping matter?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:41): I will have to take that on notice, but I tentatively would suggest that the matters you are talking about occur between governments rather than between a government and private-sector interests.

Senator MADIGAN (Victoria) (18:42): Have you got any examples of when the government has ever gone in to bat for an Australian entity in the WTO?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:42): I have to take this on notice. The reason is not simply my own lack of familiarity with the subject matter but also the fact that these matters are handled by the Department of Foreign Affairs and Trade, through Trade, rather than through here. That is a piece of information we will have to secure from DFAT.

Senator MADIGAN (Victoria) (18:43): Assuming that the government or previous governments have ever had any success at any time—to take that on notice and get examples of when they have been successful, if they ever have been?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:43): I am not in a position to provide you with an answer to that question. What I can say is that a large portion of the bill, and certainly the reason for the government's intent in promoting this bill and commending it to the Senate, is the fruit of extensive consultation with industry. Obviously in that consultation process industry has been able to raise with the relevant officials and department the various challenges they confront in dealing with the issues you have described. As for detail beyond that, I am afraid I will have to take that on notice.

Senator MADIGAN (Victoria) (18:44): Would it be possible, then—if the current government or former governments have had any success at any time—to take that on notice and get examples of when they have been successful, if they ever have been?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:45): I am happy to take that on notice.

Senator XENOPHON (South Australia) (18:45): Going back to the issue of anticircumvention inquiries, I note that this bill does introduce a new division in part XVB of the Customs Act, division 5A, anticircumvention inquiries. If this division allows Australian industry or the minister to initiate an anticircumvention inquiry, what would the criteria be for such an inquiry to be initiated, and how in practical terms would it work? And how does this tie in with the whole issue of part 6.1.0 of the WTO article, which I will refer to briefly—that is, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade—which is the section that the government has relied on, I think, to say that my proposal for a reverse onus of proof would somehow circumvent the WTO? There are two matters tied up in that, but I would be grateful if, firstly, examples could be given of the way that anticircumvention inquiries would be initiated, what the thresholds would be, what the level of interface with industry would be—particularly small to medium businesses that may have concerns about these sorts of matters?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:46): A fundamental element of the anticircumvention framework is the exclusion of activities which are generally
considered to be compliance issues or, in other words, breaches of Customs legislation. There are existing powers to deal with these breaches. Anticircumvention inquiries focus on activities which are beyond the traditional reach of our compliance activities. Of those remaining activities, these four types of circumvention meet the following important criteria: they are relevant to Australia and Australian industry; they are relevant internationally—that is, they have also been targeted by other jurisdictions' anticircumvention models; and there is a high level of confidence that they can be identified, investigated and addressed within the allocated 155 days. Additionally, the bill introduces a power to make regulations which prescribe additional circumvention activities if warranted.

Anticircumvention inquiries will not solve every problem. However, a mechanism to inquire into circumvention activities benefits Australian industry in a number of ways: it will deter businesses from engaging in practices which are aimed at avoiding paying duties; it ensures that foreign imports have the appropriate amount of antidumping duty imposed on them, providing a level playing field for Australian businesses; and it increases confidence in Australia's trade landscape by addressing what are often perceived to be unfair business practices.

Senator XENOPHON (South Australia) (18:48): I am grateful to the parliamentary secretary for his answer. In the remaining one minute and 27 seconds, could the minister give an example. We know what it will do, but in what circumstances would it be triggered? What is a practical example of an anticircumvention inquiry? What sort of example would there be that could be readily given in the next one minute and five seconds as to how it would work? Again I am happy for the parliamentary secretary to take this on notice. I am looking forward to engaging with Minister Clare next week on this issue.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:49): While the adviser is delighted to take up the opportunity to speak with you, of course, let me make plain that Minister Clare is also willing and able to advise you on these matters and we will talk to you further about that. In terms of your request for a case study or a specific example, I do not have one of those available now, so again I will take that on notice. In considering the anticircumvention inquiry, I would conclude on this note and say that, in relation to an applicant—(Time expired)

Progress reported.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Moore): Order! The President has received letters from party leaders requesting changes in the membership of committees.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:50): by leave—I move:

That senators be discharged from and appointed to committees in accordance with the document circulated in the chamber.

Environment and Communications Legislation Committee—

Appointed—

Substitute members:

Senator Furner to replace Senator Singh on 11 October 2012

Senator Furner to replace Senator Cameron for the consideration of the 2012-13 supplementary Budget estimates on 15 October 2012

Participating member: Senator Singh

Finance and Public Administration Legislation Committee

Appointed—Substitute member:
Senator Moore to replace Senator Stephens for the consideration of the 2012-13 supplementary Budget estimates on 15 October and 16 October 2012

Rural and Regional Affairs and Transport Legislation Committee—
Appointed—
Substitute member: Senator Colbeck to replace Senator Heffernan for the committee’s inquiry into the Competition and Consumer Amendment (Australian Food Labelling) Bill 2012 (No. 2)
Participating member: Senator Heffernan.
Question agreed to.

DOCUMENTS
Australian Research Council
Senator McKENZIE (Victoria) (18:53):
I move:
That the Senate take note of the document.
I rise this evening to make some comments on the Australian Research Council’s annual report 2011-12. The ARC is a great organisation. Its mission, according to page 16 of the annual report, is ‘to deliver policy and programs that advance Australian research and innovation globally and benefit the community’. Its three key objectives are: to support excellence in research; to build Australia’s research capacity, particularly through supporting early careers researchers; and policy and evaluation to provide informed, high quality policy advice to government and enhance research outcomes through effective evaluation. I am sure that if Senator Macdonald were here this evening he would have a lot to say about the research that goes on in our universities, particularly around the area of climate change.

However, tonight I want to make some commentary on other types of research into science. Some of the projects that were supported through the ARC funding rounds last financial year are around the National Centre for Groundwater Research and Training. We have heard in recent weeks about the importance of research into groundwater, particularly in the coal seam gas debate, and how little we know about our water resources going forward. Obviously, the Murray-Darling Basin debate, which is currently occurring, also needs highly specialised social scientists and hydrologists and the like who can provide us with guidance as legislators going forward on the best way to manage our rear sources in that regard. Some of the other areas that the ARC funds through the National Competitive Grants Program go to biological science, my old favourite mathematics, physics, chemistry and earth sciences as well as the social sciences et cetera and the creative arts. It is broad ranging. These grants actually drive research throughout our community.

I also want to talk about the role of this government in supporting science research, and here I would like to refer in particular to an article on higher education in the Australian today. In relation to the ARC, whose annual report we are considering right now, the article states:

THE Australian Research Council has confirmed that all funding announcements are on hold as the Gillard government seeks budget cuts. I would like to directly quote the Australian Academy of Science policy secretary, Bob Williamson, who said in the same article:

We understand the government wants a balanced budget but attacking the science budget isn't the way to do it. Science represents the future, including the future of the economy beyond the mining boom.

The ARC’s role in assisting our nation with science research and development and, hopefully, the commercialisation of that research and the technological advancement that it will bring to our society is something that we obviously support.
The government's decision to halt those funding announcements will have severe implications for these grants and this research going forward. When we are looking for collaboration in research, it is the business partners who will be teaming with universities and their teams of researchers who look for certainty. So announcements like this from the government actually put at risk those things. The minister himself said:

World class science and research is crucial to Australia's future competitiveness.
I could not agree more, minister. Again, Minister Evans said:

Australia's universities and industry research facilities need to be world class to compete with the rest of the world, particularly with rapidly expanding capacity of the Asia Pacific.

Having just travelled back from the Asia-Pacific with the Education, Employment and Workplace Relations Committee and having seen China's commitment to commercialisation and focus on science research, I could not agree more.

The reason that we are in this parlous state is that this government is big on the rhetoric of education and infinitesimally tiny on delivery. We have the home insulation scandal, the school halls rip-off, the $67 million wasted on administration costs for the set-top box, the carbon cop office makeover and the NBN network blow-out. These are very real impacts over the course of this government, not to mention the $22 million a day it spends on interest repayments for its debts that mean it is unable to facilitate the science research that this nation so desperately needs. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**DOCUMENTS**

**Consideration**

The following orders of the day relating to government documents were considered:


**ADJOURNMENT**

The ACTING DEPUTY PRESIDENT (Senator Moore) (18:52): Order! I propose the question:

That the Senate do now adjourn.

**Australian Defence Force Parliamentary Program**

Senator THISTLETHWAITE (New South Wales) (18:58): Two weeks ago I had the pleasure of welcoming an officer from the Australian Defence Force into my office as part of the Australian Defence Force Parliamentary Program. Wing Commander Jonathon Durden was seconded to my office from his home base of Amberley, in Queensland. His visit was the reciprocal half of an exchange which I commenced in August when I deployed to Afghanistan and was hosted by the ADF.

This evening, I would like to take the opportunity to briefly outline the background to the program and explain why it is such a valuable initiative for this parliament.

In order to illustrate the program, I will go on to discuss both my own experiences in
Afghanistan and those of Wing Commander Durden whilst he was working here in Parliament House. I would also like to state that much of this speech has actually come from the pen of Wing Commander Durden. He prepared most of this speech whilst he was working in my office for that period.

In the period immediately following the Second World War, many members of parliament served in our armed forces and experienced the deprivations of war. This was a consequence of the time. In the post-war years it ensured that decisions made within this parliament pertaining to national security were informed by hard-won personal experience. Over the ensuing years, some of that firsthand knowledge of military experience has naturally declined, and that is why programs such as the Australian Defence Force exchange program are so valuable.

In 2001, the ADFPP was implemented to provide parliamentarians with the opportunity to work alongside the men and women of the ADF, to experience their daily routine, to deploy to places where they deploy, to walk a mile in their shoes and to gain an understanding of the immense challenges which they face. I was privileged and fortunate to do precisely that in early August of this year when I deployed to Afghanistan with three of my colleagues from this place and the House of Representatives. We were in the company of the extremely dedicated men and women of the ADF.

In July, I boarded the defence charter, which leaves every Wednesday from Sydney airport to Al Minhad Air Base, where Australia's main base for operations in Afghanistan is located. Then we boarded the C130 Hercules on to Kandahar and Tarin Kot. It is not until you actually touch down in that dust and heat that you can begin to realise the magnitude of the challenge that our defence personnel are facing in Afghanistan. Imagine a barren desert with very few trees, swept by dust storms and cloaked in searing heat in the middle of their summer. Consider a mission where we must train and mentor an army which is drawn from a population whose culture, language, beliefs and experience of the world could not be further from our own, and then realise that this mission is being conducted in the face of a determined, adaptive and hardened army that resides not only outside the razor wire perimeter but also sometimes, unfortunately, within.

These are the circumstances in which our personnel have been continuously operating for nearly a decade. But we also experienced the wonderful work that many aid agencies and the Australian Federal Police are doing. One story really hit home to me the value of the work that Australians are doing in Afghanistan. In Tarin Kot, we spoke to some surgeons working in the local hospital who said that six years ago the average number of babies born in the hospital in Tarin Kot per month was two. Women just did not come in to have babies. Consequently, Afghanistan had the highest rate of infant mortality in the world. If you go there today, because of the work of Australian doctors training locals in midwifery and training local nurses and doctors, about 100 babies a month are born in that local hospital. That demonstrates the value of the work that Australians are doing in Afghanistan, and they do it with professionalism, with humour and with compassion.

While I was in Afghanistan, our troops welcomed me and my colleagues with open arms, and after an eventful and edifying week and a half I returned to Australia with a new appreciation of our defence capabilities and the environment in which they are currently deployed.
Recently, Wing Commander Jonathon Durden, who spent six months in Afghanistan in 2009, volunteered to spend a week working with me here in Parliament House. Regular operational deployments have punctuated Wing Commander Durden’s career. In 2003, he was deployed as the operations and force protection officer in Baghdad. In 2008 he was seconded to the Royal Air Force Regiment and spent six months training in Scotland before deploying to Kandahar as the wing influence officer. This job involved liaising with local tribal elders, district chiefs and police executives to win consent for operations at the Kandahar air base. In August 2010, Squadron Leader Durden, was deployed on Operation Pakistan Assist for a predominantly health-focused mission in the wake of the Pakistan flood disaster. He was awarded a Chief of Joint Operations Commendation for his work.

Whilst here, Jonathon accompanied me on a variety of activities and, of course, spent some time observing the work of this chamber and the senators. In the wake of that, towards the end of his work experience here, he explained to me that the experience gave him an entirely new perspective on the business of government, the mechanics of our legislature and the day-to-day work of senators. More importantly, Jonathon said that the experience gave him a much greater understanding of the relationship between his part in Australia’s ongoing progress and our own. In his future role as the Commanding Officer of 1 Airfield Defence Squadron, Jonathon said he would carry with him a much deeper understanding of how parliament shapes the democracy which he and his colleagues are charged with defending.

I have found both my deployment to Afghanistan and my hosting duties as part of the Australian Defence Force Parliamentary Program to be thoroughly rewarding and worthwhile. I now have a much greater perception of the realities which face our defence personnel. Additionally, I have contributed to the professional development of one of our military officers, and that is a satisfying experience. In my experience, through my engagement with Wing Commander Durden, I believe the ADF parliamentary exchange program is achieving the aims for which it was conceived.

It is a wonderful opportunity for senators and members of parliament to experience the work and lives of our very talented Defence Force personnel and for us to reciprocate with that obligation to provide an understanding to Defence Force personnel about how our democracy works and the work of members of parliament. I commend this program to all parliamentarians.

### Bowel Cancer

**Senator XENOPHON** (South Australia) (19:07): I rise tonight to speak on an issue of great importance, and one that I feel needs to be spoken about with honesty, compassion and openness. A few weeks ago, I was privileged enough to meet with Nick Lee, whose wife, Jodi, was diagnosed with bowel cancer in 2008 at just 39 years of age. Jodi had no symptoms before her diagnosis. She complained of constipation, abdominal pain and some bloating one day. Tests the following day revealed a large tumour blocking her bowel. Jodi underwent emergency surgery but, unfortunately, the cancer had spread to her liver and lymph system. Jodi had stage 4 bowel cancer and at best had only two years to live. It was a tragic sentence. Jodi passed away in 2010, leaving behind her husband, two children, Jack and Arabella, and of course a devastated network of family and friends.

I would love to be able to say that stories such as this are uncommon. But the Lee
family's story is, unfortunately, not atypical. Bowel cancer is Australia's single most common internal cancer and our second leading cause of cancer related death after lung cancer. It kills nearly one person every two hours—that is, a staggering 5,000 Australians every year. One in 12 Australians will develop bowel cancer in their lifetime. Worse still, by 2020, it is estimated that 20,000 new cases will be detected every year. Perhaps most critically, if diagnosed early, 90 per cent of bowel cancer cases can be treated and cured.

But we do not place the emphasis that we should on the importance of prevention of this insidious disease. We all know that smoking is the leading cause of lung cancer, and for generations governments have admirably taken on big tobacco by strengthening advertising standards and, most recently, with the push for plain packaging of cigarettes, yet similar attention is not given to the prevention and treatment of bowel cancer.

Bowel cancer currently costs the federal government an estimated $1 billion per annum in terms of health costs, but biennial screening at a participation rate of just 40 per cent could save between $53 million and $71 million per year. But of course these economic costs cannot be measured against the human cost—the human cost to Nick Lee and his family and the human cost of the thousands of Australians who die each year from bowel cancer, yet it is a disease that, if caught early, can have that 90 per cent cure rate.

With bowel cancer, there is not an obvious bad guy to fight like there is with big tobacco and there is no distinct cause, so there are no explicit pictures or messages to scare people into healthier behaviour. There is only screening and early detection. We need to address the reasons why people are shirking screening tests. There is no question that the idea of a bowel screening test is uncomfortable and difficult for many. But what is more difficult, as I am sure Nick Lee will attest to, is losing a loved one to this awful disease. Many people do not experience any symptoms until the cancer becomes more advanced or has spread, which is why early detection is key. Jodi Lee's cancer could have been detected earlier, and we would be telling a very different story today if that had been the case. Bowel cancer predominantly affects people aged over 50, but it is increasingly being diagnosed in people in their 30s and 40s.

While the National Bowel Cancer Screening Program will eventually offer biennial screening to all Australians between the ages of 50 and 74, I am concerned that this program will not be fully implemented until after 2018. Where does that leave those under 50, who we know are still at risk of developing bowel cancer even if they have no family history of the disease? We must be doing more to encourage people to get screened for bowel cancer. Bowel cancer is a major health issue in Australia and it is critical that the Australian public are made aware of the issue and the solution, and that solution is early detection.

I want to take this opportunity to pay tribute to the work Nick has done in this regard since Jodi's passing. Nick has taken this tragedy, the kind of event that would make many of us turn our backs on the world, and is using it to try and raise awareness of the prevalence of this disease and to promote the importance of bowel cancer screening. He has established the Jodi Lee Foundation, a charity with a clear message, which is that the early detection of bowel cancer saves lives. The foundation's objectives are to promote awareness about the high incidence of bowel cancer in
Australia, to educate Australians about the importance of bowel screening and the tests available and to improve the uptake of regular and appropriate screening for bowel cancer by all people from the age of 40.

These are excellent goals, but I find it hard to understand why it took the death of a young woman to establish such a foundation. If this cancer is our second biggest killer, why are we not hearing about it more? Why are there not more of us, whether politicians, celebrities or everyday people, lining up to raise awareness? Where are the funding, the morning teas, the sponsored walks and the readathons?

I said before that this subject needed to be addressed with honesty and compassion. There is something about human beings that makes us uncomfortable about discussing bowel conditions. But it is time to overcome that. We might not even realise it, but our inbuilt reticence on this subject is costing people their lives. I thank Nick Lee for the work he and the foundation are doing. I am so very sorry that he ever had reason to become involved in this subject, but I believe many, many people will be thankful that he has. I strongly encourage the government to begin working with the foundation to raise awareness of this issue and to begin building an even more comprehensive strategy to increase testing in Australia. Lives literally depend on it.

GS Kidd Memorial School

Senator WILLIAMS (New South Wales— Nationals Whip in the Senate) (19:14): Tonight I wish to talk about a most enjoyable experience I had in Gunnedah in the New England north-west region during Education Week a few months ago. I was invited to spend some time with the students and staff at the GS Kidd Memorial School for special purposes, and it was an hour I thoroughly enjoyed. The school had its beginnings back in 1964 when local resident George Stanley Kidd decided Gunnedah needed a school for children with intellectual disabilities. As service clubs are always willing to lend a hand—and I say that proudly as a life member of Apex and a member of Rotary—Gunnedah Lions Club held a meeting with representatives from the department of education, and the first classes were actually held in the Girl Guides hall in March 1965, with Edith Beasley in charge.

Parents and friends were soon out fundraising and, with enormous support from the Lions Club, the GS Kidd Memorial School opened at its present location in November 1966. The department of education purchased the school in 1970 and Edith Beasley retired from teaching in 1983. Tom O'Reilly was the first principal. In 1985 Gunnedah Lions Club and the school's ladies auxiliary donated and installed an inground pool so that the students could learn basic water skills, and two years later adjoining land was used as a playground.

Over the years the one building proved inadequate, so additional buildings were added, and that wonderful charity group Variety Club Australia—the group that organises the popular Bush Bash car events that I will actually be with next Wednesday night in a tribute to Kamahl—installed playground equipment and a wheelchair swing. One of the better stories coming out of the Building the Education Revolution is the multicategory classroom that has been built to cater for students at GS Kidd Memorial School who have multiple diagnosis and support needs.

When I was visiting the school it was obvious they had outgrown the site and could cater for more students if they had additional capacity. I was delighted to hear the Nationals member for Tamworth, Kevin Anderson—a good member and a good
friend of mine—announce shortly after that a new school would be constructed on a one-hectare greenfield site in Lincoln Street, Gunnedah. This announcement has been greeted with much enthusiasm by the teaching staff, parents and students—and indeed the whole Gunnedah community.

I was struck during my visit at the dedication shown by the staff headed by Sharne Turpin. The students are so enthusiastic; they have great pride in their school and they are learning in a wonderful, caring environment. Their only disappointment was my inability to master the parachute game, but after a few pointers from the students I soon got into the swing of things.

Sometimes we tend to have a dim view of the world and think we are being hard done by. Mingling with these students was a real reality check for me. They love life, they know people care for them and they are getting on with their lives. As Sharne Turpin correctly says:

When the GS Kidd Memorial School moved to its new site, it will not only take the school's name, it will also take with it the spirit and community legacies to uphold the town's support and passion for education for children with support needs.

I congratulate all involved in the school. They look forward to their new facility. These kids need special care. Luckily they have a special facility—soon a newly constructed greenfields facility. The teachers and the staff are simply magnificent in their love, their care, their responsibility for these young ones—and even their discipline. The kids are really disciplined, something I think is lacking over a broad spectrum of our whole education system throughout Australia. We hear of the Gonski report and billions needed et cetera. I have always been a big fan of 'spare the rod and spoil the child'. When I grew up discipline was a big thing in schools. Sadly, I think there is a lot of discipline lacking. The GS Kidd school has everything there. The kids are tremendously lucky to have wonderful teachers, wonderful support, wonderful parents. I congratulate all involved and look forward to returning to the school in Gunnedah and look forward to the new construction. I thank those involved in the New South Wales government for the great decision to build a new greenfields school for them.

Owens, Mr Joe
Murray, Mr Arthur

Senator RHIANNON (New South Wales) (19:18): Tonight I wish to pay tribute to Joe Owens and Arthur Murray. Joe Owens was a former leader of the Builders' Labourers Federation and also a great leader of the green ban movements. He dedicated his life to working and fighting for workers, for the disadvantaged—anyone doing it tough. His life is one to be celebrated. Just three weeks before he died he was again on a picket at the Barangaroo development site in Sydney—a site that is becoming quite infamous as part of a new wave of overdevelopment in Sydney—picketing with many workers for a site allowance. A site allowance is something that when he was an active union member in the Builders' Labourers Federation and later a union official he put great effort into with his colleagues and they were successful in winning this site allowance. To Joe's credit and to the credit of people he was campaigning with just before his death, this was another win that he clocked up for working people and construction workers in New South Wales that has certainly set a precedent in lifting standards around the country.

The last time I heard Joe speak was at a public celebration for Jack Mundey. Jack
was invited to Leichhardt Town Hall. Hundreds of people turned up to celebrate his huge contribution. Joe was always a tremendous speaker. He was very clear in the points of view he put forward, winning people over with an incredible turn of phrase. The green ban movement that he was part of leading, with Jack Mundey and Bob Pringle, achieved some fantastic outcomes, laying down a style of work that has become integral to green and progressive politics in terms of bringing together diverse forces, particularly local resident groups and community organisations working together with unions, student groups and environment groups to protect the environment—the built environment, the natural environment and heritage.

I pay tribute to Joe, and to Jack Mundey and Bob Pringle and that whole movement because I am very much aware that their contribution was very instrumental in bringing forward in the late 1970s—it was 1979, actually—the new planning laws and the Environmental Planning and Assessment Act. While that act has been an enormously weakened, unfortunately, by more recent Labor and coalition governments, at the time it was world class.

Joe's work contributed to that, along with some very important green bans that helped protect the Royal Botanic Gardens from being turned into a car park for the Sydney Opera House, and also Kelly's Bush. Green bans were even put on Macquarie University when a young gay student was expelled from that university. They were extraordinary times and extraordinary achievements and I certainly pay tribute to that side of Joe's work.

I also want to acknowledge the work that he undertook within the union over industrial conditions. It was at a time when construction workers went to work and there was no amenities block and often they would have to go and find a public toilet to use. There was no shed where they could get changed. These might seem trivial to some of the people in this place but Joe was always out there working hard for decent working conditions. It became particularly challenging for Joe when, in the early 1970s, Jack Mundey resigned, because the Builders' Labourers Federation had limited tenure, and Joe became the secretary after Jack. This was a very difficult period because it was when Norm Gallagher, who was in the federal division, came in to take over the New South Wales branch. Unfortunately, Norm Gallagher was conspiring with the then New South Wales Premier, Bob Askin, and the Master Builders Association and it was a very challenging time. To Joe's credit he continued to work and organise and unite the members. The outcome of that was that, while Joe ended up losing his job as secretary and then faced black bans at a very difficult time for getting work in his own industry, eventually Norm Gallagher was convicted of corruption. I do acknowledge the fantastic contribution and groundbreaking work that Joe achieved throughout his life and send my condolences to his family.

Tonight I also acknowledge the work of another great Australian, Arthur Murray. He is not really well known within Australia amongst some communities but for many his name resonates over the deaths in custody struggle that was such a big part of our progressive movement in recent decades. Arthur Murray's son, Eddie, was one of those young Aboriginal men who lost their lives when they were in custody. In his case it was only for a very short time. John Pilger, speaking about Arthur Murray, said: When I last saw Arthur, we walked down to the Namoi riverbank and he told me how the police in Wee Waa were still frightened to go into the
cell where Eddie had died and had pleaded with him to "smoke out" Eddie's spirit. "No bloody way!" Arthur told them.

Peace to all their spirits; justice to all their people.

Those remarks very much sum up Arthur. Arthur and his wife, Leila, worked for many years for a proper investigation into the tragedy that overtook their family when they lost their young son and also to have a full royal commission into deaths in custody. It is worth acknowledging and detailing some of the history because it came to be such a big part of Arthur's life as he worked so hard to win justice, given what was happening to many Aboriginal people, and to have a full investigation into the circumstances surrounding Eddie's death.

It was in 1981 that his son was detained and 50 minutes later was found dead in the cell. There was a whole number of concerning circumstances that led to the family's growing suspicions about how his death had occurred. Just the following day, after Eddie had died, suspicions were rising because the clothes that Eddie was wearing when his body was presented to the family were not his own. The photos that were taken after Eddie's death were not standard, and this was eventually acknowledged. The requests that the family was making for more information fell on deaf ears. In December of the year that Eddie died, the coroner brought down an open finding. He said that Eddie died by his own hand or by the hand of a person or persons unknown. He described Officer Fitzgerald as an unreliable witness. Again, what we see here is the gradual accumulation of material that Leila and Arthur pulled together over many years. I find it quite extraordinary when I read about it. It must have been so painful because they would have been reliving the circumstances of their son's death. The information that they collated played a critical role in pushing the government to set up the royal commission into deaths in custody.

It was actually in 1987 that there was another tragic death in custody. Lloyd Boney was found dead in the police cell in Brewarrina, north-western New South Wales. His was the 16th Aboriginal death in custody that year. So we had these six years of the Murray family, with many supporters, calling for a royal commission into Aboriginal deaths. Following the death of Lloyd Boney, there was a riot at Brewarrina and Arthur was actually charged and imprisoned there. However, interestingly, the charges were quashed some years later. This was all adding to the pressure on the government to have a full inquiry with a royal commission. While that royal commission did bring down some significant findings, it certainly added to the frustration of the family. I did meet Arthur and Leila briefly in the early 2000s and I pay tribute to the enormous work that they did. I celebrate the life of Arthur Murray and acknowledge the loss to his community and send my best wishes to his family.

**Senate adjourned at 19:28**

**DOCUMENTS**

**Tabling**

The following government documents were tabled:


Department of Families, Housing, Community Services and Indigenous Affairs—Report for 2011-12, including the Aboriginals Benefit Account and Coordinator General for Remote Indigenous Services reports for 2011-12 and financial statements for the Aboriginal and Torres Strait Islander Land Account.


Land Sector Carbon and Biodiversity Board—Report for the period 29 November 2011 to 30 June 2012.


**Departmental and Agency Grants**

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

Department and agency grants—Budget estimates—Letters of advice—Department of Education, Employment and Workplace Relations.

Department of Health and Ageing.

Department of Industry, Innovation, Science, Research and Tertiary Education.

Treasury portfolio.

**Departmental and Agency Appointments**

The following documents were tabled pursuant to the order of the Senate of 24 June 2008, as amended:

Department and agency appointments and vacancies—Budget estimates—Letters of advice—Education, Employment and Workplace Relations portfolio.


Office for Sport.

Treasury portfolio.
The following answers to questions were circulated:

**Bureau of Meteorology**
*(Question No. 1849 amended)*

**Senator Abetz** asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, in writing, on 17 May 2012:

With reference to forecasts made by the Bureau of Meteorology (BoM):

1. For the first three months of 2012, did BoM forecast:
   
   (a) that most of eastern Australia, including all of Victoria and New South Wales, would exceed the median maximum temperature;
   
   (b) that only a small part of south Western Australia bordering the Indian Ocean would have a significantly lower than average maximum temperature;
   
   (c) that minimum temperatures across all of northern Australia and Western Australia would be higher than average;
   
   (d) that all of South Australia, more than half of Queensland and Victoria, and approximately half of New South Wales would have below average rainfall; and
   
   (e) higher than average rainfall in Western Australia.

2. For each of the above paragraphs, from (a) to (e), what do the actual recordings now indicate.

**Senator Conroy:** The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(1) The seasonal outlooks published by the Bureau of Meteorology provide what are known as a "probabilistic" forecasts. They do not forecast a definite outcome, but rather the chances or odds that a given area will be hotter or cooler, or wetter or drier, than the median value. They also do not predict how much above or below median.

Various measures of skill or accuracy can be used to assess a probabilistic forecast. In general, these measures compare the most likely (ie probabilistic) outcome to the subsequently observed outcome, and in turn how this would compare to a simple forecast scheme such as using climatology.

Seasonal forecast models are best evaluated over a large number of forecasts rather than using single events. They have proven to be valuable for decision-making when used with other relevant information as part of an assessment of risks.

Outlooks have demonstrated historical skill, with seasonal outlooks for temperature particularly accurate – for example in the last 12 months these show positive skill in all but 1 month across Australia.

The following responses are provided with reference to the seasonal outlooks issued in December 2011 for the first three months of 2012. The outlooks were for a:

(a) 50 to 80 per cent chance of exceeding the median maximum temperature over eastern Australia (or a 20 to 50 per cent chance of being below median);

(b) 50 to 75 per cent chance of being below the median maximum temperature for the western two-thirds of Western Australia;

(c) 60 to 85 per cent chance of above median minimum temperatures over northern Australia and Western Australia;

(d) 50 to 70 per cent chance of rainfall below the median across South Australia, the western half of New South Wales, and Queensland with the exception of the southeast quarter of the state; and
(e) 50 to 70 per cent chance of above median rainfall totals across Western Australia, southeast Queensland and the majority of eastern New South Wales.

(2) For each of the above paragraphs, from (a) to (e), the recorded seasonal conditions were:
(a) most of the country, including the east, recorded below-median maximum temperatures for this period;
(b) aside from the far west and a patch in the south, below median maximum temperatures were observed;
(c) seasonal minimum temperatures were mainly below the median except for patches of the north and the far west of Western Australia;
(d) above median rainfall was generally observed; and
(e) rainfall was above the median across most of Western Australia with below median observed in the far southwest.

**Strategic Reform Program**

*(Question No. 2050)*

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

With reference to the White Paper and the Strategic Reform Program 'Indicative Workforce Implications – Civilian Workforce': as at 30 June 2012, what increase or reduction has there been in full-time and part-time Australian Public Service staff or contractors employed since 1 July 2008?

Senator Bob Carr: The Minister for Defence has provided the following answer to the Honourable Senator's question:

The workforce data detailed in the White Paper and the Strategic Reform Program 'Indicative Workforce Implications' are based on approved allocations at the time of publication and reflect full-time equivalent average numbers. Using the full-time equivalent approach, Defence counts full-time and part-time service as one overall quantity.

On 30 July 2008 Defence employed 20,439 full-time equivalent Australian Public Service (APS) personnel and approximately 704 contractors (noting that contractor reporting mechanisms were not mature in July 2008). As at 30 June 2012, Defence was employing 22,284 full-time equivalent APS personnel and 493 contractors.

This represents an increase in APS personnel of +1,845 (+9.0%), and a reduction in contractors of approximately -211 (-30.0%) since 1 July 2008.

**Royal Australian Navy**

*(Question No. 2051)*

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

For the period 1 January to 30 June 2012:

(1) Which submarines in the Royal Australian Navy fleet were fully operational and ready for tasking with a full crew complement and capable of completing Unit Ready Days and tasking Ready Days?

(2) How many actual sea going fully operational days were achieved by each submarine?

Senator Bob Carr: The Minister for Defence has provided the following answer to the Honourable Senator's question:

(1) Navy applies the definition of 'operating cycle' in unclassified responses to questions on the operational status of naval vessels. The operational status of submarines in accordance with this
definition for the period 1 January to 30 June 2012 has been reported in the response to Senate Question on Notice 2058. As detailed in a written response to a similar question raised during the private briefing to the Senate Standing Committee on Foreign Affairs, Defence and Trade on 11 October 2011, Defence has not and does not use the term 'task ready days'.

(2) The actual sea going days achieved by each submarine is not disclosed for national security reasons. Defence continues to offer to provide more detailed information in private briefings to the Senate Standing Committee on Foreign Affairs, Defence and Trade.

**Royal Australian Navy**

*(Question No. 2052)*

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

(1) For the period 1 January to 30 June 2012, (a) which submarines in the Royal Australian Navy (RAN) fleet were non-operational: and (b) for each submarine that was non-operational, what was the reason for its non-operational status?

(2) For the period 1 January to 30 June 2012, which submarines in the RAN fleet were: (a) fully operational and ready to respond to ‘war like’ situations: and (b) for what periods?

(3) For the period 1 January to 30 June 2012, what was the cost of: (a) maintaining; (b) operating; and (c) upgrading, the six submarines?

(4) What were the crewing complements for each of the six submarines for each month in the period 1 January to 30 June 2012?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) and (2) (a) and (b)

Navy applies the definition of ‘operating cycle’ in unclassified responses to questions on the operational status of naval vessels. The operational status of submarines in accordance with this definition for the period 1 January to 30 June 2012 has been reported in the response to Senate Question on Notice 2058.

(3) (a) The total cost of maintaining the six submarines over the period 1 January to 30 June 2012 was $261.2million.

(b) The total cost of operating the six submarines over the period 1 January to 30 June 2012 was $88.5million.

(c) The total cost of upgrading the six submarines over the period 1 January to 30 June 2012 was $21.2million.

(4) Submarines were crewed as follows over the period 1 January to 30 June 2012:

- HMAS Collins – full complement throughout.
- HMAS Farncomb – full complement throughout.
- HMAS Waller – not crewed throughout.
- HMAS Dechaineux – full complement throughout.
- HMAS Sheean – not crewed throughout.
- HMAS Rankin – not crewed throughout.
Royal Australian Navy
(Question No. 2053)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:
For the period 1 January to 30 June 2012: (a) how many fully qualified personnel are 'Dolphin Qualified' and permanently employed in the (RAN) to operate submarines; and (b) how many 'Dolphin qualified' personnel were tasked with other duties and what were these duties?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
(a) As at 30 June 2012, there were a total of 512 Collins submarine qualified personnel, 484 of whom were of ranks appropriate to operate submarines at sea.
(b) There were 43 Collins submarine qualified personnel of ranks appropriate for service at sea employed on other duties within Navy and the Australian Defence Force, including administration, operations, maintenance, logistics and personnel management roles.

Royal Australian Navy
(Question No. 2054)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:
For the period 1 January to 30 June 2012, how many personnel fully completed training courses and became 'Dolphin qualified' and eligible to serve on submarines?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
29 personnel completed training and became Collins submarine qualified during the period 1 January to 30 June 2012.

Royal Australian Navy
(Question No. 2055)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:
For the period 1 January to 30 June 2012, how many personnel completed training courses and became 'Perisher qualified' and eligible to command a submarine?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
During the period 1 January to 30 June 2012, one officer completed Perisher and became eligible to command a submarine.

Royal Australian Navy
(Question No. 2056)

Senator Johnston: asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:
As at 30 June 2012, how many Royal Australian Navy personnel were 'Perisher qualified' and eligible to command a submarine?
Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

As at 30 June 2012, 16 Royal Australian Navy officers of the ranks Lieutenant Commander and Commander were Perisher qualified and eligible to command a submarine.

**Royal Australian Navy**

(Question No. 2057)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

For the period 1 January to 30 June 2012, which submarines were undergoing maintenance/refit programs and for what length of time?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

Over the period 1 January to 30 June 2012, submarines undergoing maintenance/refit programs were as follows:

- Other than self-maintenance, HMAS Collins did not conduct any other planned maintenance or docking periods.
- HMAS Farncomb continued a planned Intermediate Maintenance Availability from 1 January 2012, which concluded on 6 February 2012. This was followed by unscheduled maintenance until 12 April 2012.
- HMAS Waller was conducting a planned Mid Cycle Docking throughout.
- HMAS Dechaineux commenced a planned Intermediate Docking on 12 March 2012, which was ongoing on 30 June 2012.
- HMAS Sheean was conducting a planned Full Cycle Docking throughout.
- HMAS Rankin was conducting a planned Full Cycle Docking throughout.

**Defence: Naval Vessels**

(Question No. 2058)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

For the period 1 January to 30 June 2012:

(1) Which Naval vessels were fully operational with a full crew complement?
(2) Which Naval vessels were not fully operationally ready for immediate tasking?
(3) For each Naval vessel that was non-operationally ready, what was the reason for its non-operational status?
(4) What were the operational strengths on all Naval vessels of the: (a) engineering offices and sailors: and (b) non-engineering officers and sailors?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

**Major Surface Combatants and Amphibious Ships:**

(1) to (3) During the period 01 January to 30 June 2012 the operational availability status of Surface Force naval vessels is summarised in the attached table.

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QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>HMA Ship</th>
<th>Within Operating Cycle</th>
<th>Outside Operating Cycle</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Frigates</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Darwin</td>
<td>01 Jan – 17 Feb 17 Mar – 30 Jun</td>
<td>18 Feb – 16 Mar (1)</td>
<td>1. Unscheduled maintenance</td>
</tr>
<tr>
<td>Melbourne</td>
<td>01 Jan – 30 Jun</td>
<td></td>
<td></td>
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<tr>
<td>Newcastle</td>
<td>01 Jan – 30 Jun</td>
<td></td>
<td></td>
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<tr>
<td>Sydney</td>
<td>01 Jan – 01 Jun</td>
<td>02 Jun – 30 Jun (1)</td>
<td>1. Unscheduled maintenance</td>
</tr>
<tr>
<td>Anzac</td>
<td>01 Jan – 27 Jan 05 Mar – 30 Jun</td>
<td>28 Jan to 05 Mar (1)</td>
<td>1. Unscheduled maintenance</td>
</tr>
<tr>
<td>Arunta</td>
<td></td>
<td>01 Jan – 30 Jun (1)</td>
<td>1. In Extended Readiness pending commencement of ASMD Upgrade Insufficient Qualified Marine Technician (MT) sailors</td>
</tr>
<tr>
<td>Parramatta</td>
<td>01 Jan – 22 Jun</td>
<td>23 Jun – 30 Jun (1)</td>
<td>1. Unscheduled maintenance</td>
</tr>
<tr>
<td>Perth</td>
<td>01 Jan – 30 Jun</td>
<td>01 Jan – 30 Jun (1)</td>
<td>1. Extended Readiness. Insufficient Qualified Marine Technician (MT) sailors</td>
</tr>
<tr>
<td><strong>Afloat Support Ships</strong></td>
<td></td>
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<tr>
<td>Success</td>
<td>27-30 June</td>
<td>01 Jan – 26 Jun (1)</td>
<td>1. Propulsion alignment work</td>
</tr>
<tr>
<td><strong>Amphibious Ships</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Choules</td>
<td>01 Jan – 03 Jun 13 Jun</td>
<td>04 Jun – 12 Jun (1) 14 Jun – 30 Jun (2)</td>
<td>1. Defect Rectification 2. Defect Rectification</td>
</tr>
<tr>
<td>Balikpapan</td>
<td>01 Jan-18 Jun</td>
<td>18 Jun – 19 Jun (1)</td>
<td>1. Defect Rectification</td>
</tr>
<tr>
<td>Betano</td>
<td>01 Jan – 30 Jun</td>
<td>03 Apr – 04 Apr (1)</td>
<td>1. Defect Rectification</td>
</tr>
<tr>
<td>Brunei</td>
<td>01 Jan – 02 Apr 05 Apr – 30 Jun</td>
<td></td>
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<tr>
<td>Tarakan</td>
<td>01 Jan – 30 Jun</td>
<td>18 Jun – 19 Jun (1)</td>
<td></td>
</tr>
<tr>
<td>Wewak</td>
<td>01 Jan – 30 Jun</td>
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</tbody>
</table>
(4) Excluding HMA Ships Stuart and Arunta, which remained alongside Fleet Base West de-crewed and at Extended Readiness, the operational manning strengths in the Navy's crewed Surface Force vessels during the period were as follows:

Ninety eight per cent crewed with engineering officers and ninety six per cent crewed with engineer sailors. The majority of engineering sailor shortfalls relate to Marine Technician-Electrical (MTE) sailors; and

Ninety two per cent crewed with non-engineering officers and Ninety per cent crewed with non-engineer sailors.

**Submarines:**

(1) to (3) During the period 1 January to 30 June 2012 the operational availability status of Submarine Force vessels is summarised in the attached table.

<table>
<thead>
<tr>
<th>HMA Ship</th>
<th>Within Operating Cycle</th>
<th>Outside Operating Cycle</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dechaineux</td>
<td>01 Jan – 11 Mar</td>
<td>12 Mar – 26 Jun</td>
<td></td>
</tr>
<tr>
<td></td>
<td>01 Jan – 24 Mar</td>
<td>25 Jan – 06 Feb (1)</td>
<td>1. Growth of scheduled Intermediate Maintenance Availability (IMAV)</td>
</tr>
<tr>
<td>Farncomb</td>
<td>01 Jan – 11 Mar</td>
<td>12 Mar – 26 Jun</td>
<td></td>
</tr>
<tr>
<td></td>
<td>07 Feb – 25 Jun</td>
<td>24 – 25 Mar (1)</td>
<td></td>
</tr>
<tr>
<td>Waller</td>
<td>01 Jan – 30 Jun</td>
<td>In scheduled Full Cycle Docking</td>
<td></td>
</tr>
<tr>
<td>Sheean</td>
<td>01 Jan – 30 Jun</td>
<td>In scheduled Full Cycle Docking</td>
<td></td>
</tr>
<tr>
<td>Rankin</td>
<td>01 Jan – 30 Jun</td>
<td>In scheduled Full Cycle Docking</td>
<td></td>
</tr>
</tbody>
</table>

(4) The operational manning strengths in the Navy's Submarine Force during the period were:

(a) One hundred per cent crewed with engineer officers and Ninety Two percent crewed with engineer sailors; and

(b) Ninety One per cent crewed with non-engineer officers and Ninety percent crewed with non-engineer sailors.

**Mine Hunting and Clearance Diving Group:**

(1) to (3) During the period 1 January to 30 June 2012 the operational availability status of Mine Hunting and Clearance Diving Force is summarised in the table below.

<table>
<thead>
<tr>
<th>HMA Ship</th>
<th>Within Operating Cycle</th>
<th>Outside Operating Cycle</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mine Hunter Coastal</td>
<td></td>
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<tr>
<td>Gascoyne</td>
<td>01 Jan – 18 Apr</td>
<td></td>
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<tr>
<td></td>
<td>24 Apr – 30 Jun</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Huon</td>
<td>01 Jan – 30 Jun</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yarra</td>
<td>01 Jan – 30 Jun</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hawkesbury</td>
<td>1 Jan – 30 Jun (1)</td>
<td></td>
<td>(1) Government approved placing this vessel at Extended Readiness Availability (de-crewed.) from December 2009.</td>
</tr>
<tr>
<td>Norman</td>
<td>1 Jan – 30 Jun (1)</td>
<td></td>
<td>(1) Government approved placing this vessel at Extended Readiness</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
Wednesday, 10 October 2012

<table>
<thead>
<tr>
<th>HMA Ship</th>
<th>Within Operating Cycle</th>
<th>Outside Operating Cycle</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mine Sweeping Auxiliary</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wallaroo</td>
<td>27 Feb – 27 May (2)</td>
<td>1 Jan – 26 Feb (1)</td>
<td>1. Extended Readiness Availability.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>28 May – 30 Jun (1)</td>
<td>2. One crew shadow posted for reactivation to maintain mariner skills.</td>
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<tr>
<td></td>
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<td></td>
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<tr>
<td>Bandicoot</td>
<td></td>
<td>1 Jan – 30 Jun (1)</td>
<td>1. Extended Readiness Availability.</td>
</tr>
<tr>
<td><strong>Australian Clearance Diving Teams</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>One</td>
<td>01 Jan – 30 Jun</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Four</td>
<td>01 Jan – 30 Jun</td>
<td></td>
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</table>

(4) The operational manning strengths in the Navy's Mine Hunting Force vessels (with the exception of Hawkesbury and Norman in Extended Readiness Availability) during the period were:

(a) Manning for all MCM platforms was commensurate with tasking requirements. Mine Hunters were 99% crewed with engineering officers (roles are performed by Chief Petty Officer Marine Technicians borne as Senior Technical Officers) and 99% crewed with Engineering Sailors, including utilising operational relief sailors to fill personnel deficiencies due to illness, mandatory courses and leave. The Engineering Department consists of both Mechanical and Electrical Technicians; the majority of Engineering manning shortfalls came from the Electrical Technician Branch. One MSA crew (technical and non-technical sailors) was re-formed on 27 Feb 12 in order to conduct planned maintenance of both vessels, as well as two weeks of continuation training at sea.

(b) Non-Engineering billets were manned with 98% skill set required to achieve necessary tasks.

**Hydrographic Group:**

(1) to (3) During the period 01 January to 30 June 2012 the operational availability status of Hydrographic Forces was:
(4) The operational manning strengths in the Navy’s Hydrographic vessels during the period were:

(a) Hydrographic units were 100% crewed with Engineer Officers and 99% crewed with Engineer Sailors.

(b) Hydrographic units were 100% crewed with non-Engineer Officers and 100% crewed with non-Engineer Sailors.

**Patrol Boat Group:**

(1) to (3) During the period 01 January to 30 June 2012 the operational availability status of Patrol Boat Force vessels was:

<table>
<thead>
<tr>
<th>HMA Ship</th>
<th>Within Operating Cycle</th>
<th>Outside Operating Cycle</th>
<th>Comment</th>
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(4) The operational manning strength in the Navy's Patrol Boat Force during the period was:

(a) 99 per cent' crewed with engineer officers and 93 per cent crewed with engineer sailors; and

(b) 97 per cent crewed with non-engineer officers and 93 per cent crewed with non-engineer sailors.

Network Centric Warfare Capability Policy and Plans
(Question No. 2059)

Senator Johnston asked the Minister representing the Minister for Defence on 20 August 2012:

Given that video communications are integrated into robots, soldiers and unmanned aerial vehicles, network centric warfare is becoming the organising principle of war fighting, and frontline demands for bandwidth are rising at a rapid rate: for the period 1 January to 30 June 2012, what did the Australian Defence Force do and how much did it spend on: (a) establishing a network centric warfare capability; and (b) addressing the issue of increased bandwidth?

Senator Bob Carr: The Minister for Defence has provided the following answer to the Honourable Senator's question:

(a) Network Centric Warfare Capability Policy and Plans

A similar question has previously been asked under Parliamentary Senate Question on Notice No. 1602 for the period 30 June to 31 December 2011 and a response was tabled on 8 May 2012. The response to this most recent question provides updated information for the requested period of 1 January to 31 July 2012.

Defence was engaged in the following network centric warfare activities from 1 January to 31 July 2012.

- The Net Centric Roadmap continues to be updated to reflect the change from a vulnerable 'centric' approach to that of a distributed Network Enabled approach. This facilitates redundancy and reversionary modes in time of loss or disconnection due to enemy action or natural causes and has been the focus of much activity in the maritime domain.

- Specialist Communications Modernisation Program – Land - During the subject period, the project completed contract negotiations and entered into contract for the delivery of the Deployable Wide Area Network Materiel System. The design phase was commenced in the period, and equipment orders placed for long-lead time items. The accelerated introduction of the capability for Special Operations Command continued to be refined, with more effective bearer options providing lower costs and higher bandwidth being introduced. These benefits are being realised in tangible ways through the current operations being conducted by Special Operations.

- Specialist Communications Modernisation Program – Maritime - During the subject period, the modernisation of Internet Protocol (IP) communications (including both Military and Commercial
Satellite bearers) for all maritime units from Minor War Vessels to Major Fleet Units continues. Adoption of a Broadband (greater bandwidth) modernised Fleet IP communications system will provide a consistent capability across all fleet units. This capability will enable Commanders to fully realise the Command and Control (C2) benefits of Broadband IP services. This activity is being conducted through sustainment funding as a tech refresh of current capability ($3.2 million).

- **Navy Information Warfare Master Plan** - Navy has completed development of the Draft Navy Information Warfare Master Plan, which addresses how the information revolution is leading to changes in the way that information technology is being used in the war fighting context. The plan notes the requirement for Navy's transformation to meet the challenges of the information age. It also outlines the implications of the information age, defines Information Warfare and discusses the development of Information Warfare capability. Overall the plan provides the strategic guidance for Navy to develop a mature Information Warfare capability. The relevance to Network Enabled Warfare (NEW) is that this considers the type and need for information exchange in both peace and war and identifies the various architectural requirements for this exchange in a contested environment ($243 000).

(b) **Network Centric Capability and Increased Bandwidth**

On the matter of increasing bandwidth, Defence was engaged in the following activities from 1 January to 31 July 2012.

- **Joint Project 2089 (Tactical Information Exchange Domain)**
  - Phase 2A - Implementation of an Initial Common Support Infrastructure (ICSI) as a "Proof of Capability" to manage Tactical Data Link networks ($20 million). Major ICSI milestones have been the acquisition of major materiel and preparation for the demonstration of the deployable components.
  - Phase 2A - Implementation of advanced Tactical Data Links (comprising of Link 16 and Variable Message Format - VMF) into the ANZAC Class frigate. This upgrade will substantially enhance the capacity ANZAC Class Frigate to transmit and receive tactical information and significantly increase its level of interoperability within the ADF and with coalition partners. Major milestones for this project phase have been the installation of hardware onto First of Class ship (HMAS Perth) and completion of initial testing of the upgraded Combat Management System software. Around $5 million has been spent on JP2089 Phase 2A as a whole in the period.
  - Phase 2B - Implementation of VMF into the F/A-18A/B 'Classic' Hornet ($39.96 million). Fleet modification to equip F/A-18A/B 'Classic' Hornet with VMF to allow Digital Calls for Fire with Land forces commenced in December 2011 and continues. Around $1.17 million has been spent on this program in the period.

- **Tactical Information Exchange Domain (TIED)** - The DMO Tactical Information Exchange Integration Office (TIEIO), operating the Australian Defence Force Tactical Data Link Authority (ADFTA), has been providing technical and engineering integration support to the ADF TIED and NEW objectives. Major achievements during this period have been progressing Army networking and interoperability issues through the test and evaluation of the VMF Gateway (LAND75) and Advanced Field Artillery Tactical Distribution System (LAND 17). Achievements within the Maritime environment have included Tactical Data Link (TDL) testing of the Upgraded Adelaide Class Frigate (SEA 1390) and update of the tactical communications requirements for the LHD (JP2048), ANZAC Class Frigate (JP2089) and MH-60R (AIR 9000 Phase 8). Finally, the ADFTA supported the Air Force NCW effort by reviewing the tactical communications requirements for the AEW&C (AIR 5077), P3 replacement (AIR 7000) and test and evaluation of the TDL...
implementation for the F/A-18 A/B 'Classic Hornet (AIR 5376). Around $10.571 million has been spent on this program in the period.

- **Line of sight communications capability** - Navy is undertaking continued experimentation with our 5 eyes partners (CAN, NZ, UK, and US) to develop high data rate line of sight communications capability and Broadband High Frequency Internet Protocol systems. These systems will provide our mobile units with the capability to maintain essential Network Enabled capability in environments where satellite communications are denied or otherwise unavailable. Tactical High Data Rate (HDR) Subnet Relay (SNR) between naval platforms was established with throughput of up to 384 Kbps within a coalition environment. Outcomes and recommendations from this trial have been reported to the AUSCANNZUKUS Executive Working Group for future operational consideration. Experimentation was conducted between Australia and New Zealand as part of Trident Warrior 2012 at a cost of ($90,000) including capability, contracted support and travel. This experimentation will directly inform capability delivered as part of Navy’s maritime communications modernisation project SEA1442 Phase 4.

- **Joint Project 2008 (ADF Satellite Communications) has delivered the following:**
  - Phase 3F – Defence continues the development of a long term satellite ground station capability on the Australian West coast ($6.5 million);
  - **Land 75 (Battle Management System) Phases 3.4 and Land 125 Phase 3A (Soldier Enhancement)** - Have completed contracted work for vehicle and soldier installation design; prototype manufacture and testing; achievement of an Initial Operational Capability in Apr 2012 following detailed operational test and evaluation by Army; delivery of systems to 7 Brigade in Brisbane; and logistic preparation for introduction into service. Total cost incurred to date of Land 75 Phase 3.4 is $132.6 million. Total cost incurred to date on Land 125 Phase 3A is $55.7 million.

- **Joint Project 2072 (Battlespace Communications Systems – Land)** - Joint Project 2072 (Battlespace Communications Systems – Land) Phases 1 and 2A, continue to deliver the new generation of Combat Net Radio and Tactical Data Radios from Harris and Raytheon that will provide the digital backbone to Land Tactical Communications and also to the Battle Management System being delivered by Elbit Systems Limited under Land 75 (Battle Management System). The majority of JP2072 Phase 1 equipment is already delivered and vehicle installations will continue throughout 2012. The first deliveries of JP2072 Phase 2A radios were received in May 2012 ($58m). These are the first steps in the delivery of Networked Battle Group for Army. JP2072 Phase 2B is currently tendering a communications capability for deployed headquarters that includes network management, as a means of more effectively managing increased bandwidth requirements ($350k).

- **Land Network Integration Centre (LNIC)** - During the period Army Headquarters, through the Land Network Integration Centre (LNIC) has achieved the following:
  - Operational Data Exchange Network (ODEN). Procured, tested and delivered a fleet of nine Very Small Aperture Satellite Terminals (VSAT) to provide additional bandwidth to patrol bases in Afghanistan, at a cost of approximately $520k.
  - Communications Architecture. Developed and tested concepts for networking the Land Force under the Land Reference Network activity. This activity has informed future development of network centric capabilities for Army by concentrating on the development of the underlying network. This activity cost approx $3.25 million. Army continues developing the architecture for the Land Reference Network in order to inform future network architecture and systems integration in support of Army. This is critical in allowing Army to better manage the future of the Land Network and to integrate new digital systems. It is also important to ensure interoperability with key coalition partners.
Satellite Communications - In January 2012 the fourth satellite in the Wideband Global SATCOM constellation was launched by the US Department of Defense. Australia is a collaborator in this program and the this launch significantly increases the amount of communications ADF can use on the system which provides global high data rate networking for deployed forces. In March 2012 a new UHF communications payload for the ADF was launched on the Intelsat-22 satellite at 72 degrees East longitude. This will substantially increase the number of soldiers in Afghanistan that can be part of the network using very compact radios.

Optimisation - In addition to increasing bandwidth, Defence are pursuing means to better use the available bandwidth through Network Optimisation protocols, improved integration and aggregation of services and the use of Cross Domain Solutions. DSTO and industry are working with Defence towards these goals.

Defence: Media Monitoring
(Question Nos 2060 to 2062)

Senator Johnston asked the Minister representing the Minister for Defence, Minister representing the Minister for Defence Science and Personnel and the Minister representing the Minister for Defence Material, upon notice on 20 August 2012:

(1) For the period 1 January to 30 June 2012, for each agency within the responsibility of the Minister, how much was spent on media monitoring.

(2) As at 1 January and 30 June 2012:

(a) how many staff, uniformed and civilian, full-time and part-time, were employed in public relations and/or the media in the department or each agency within the responsibility of the Minister;

(b) what were the position levels of these staff; and

(c) how many of these staff were (i) permanent, (ii) temporary, or (iii) contractors?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The Department of Defence spent $417,767.13 (GST inclusive) and the Defence Housing Authority spent $25,736.55 (GST inclusive) for the period 1 January to 30 June 2012 on media monitoring.

(2) (a) The majority of staff engaged in public affairs roles within the Department of Defence are located in the Communication and Media Branch and the Strategic Communication Branch.

As at 1 January 2012 the Communication and Media Branch employed 48 civilians, 6 military personnel and 4 contractors.

As at 30 June 2012 the Communication and Media Branch employed 50 civilians, 8 military personnel and 4 contractors.

Communication and Media Branch is responsible for day to day media operations, both nationally and regionally; collation and distribution of Defence imagery and video; and producing the Navy, Army and Air Force newspapers and the Defence magazine.

As at 1 January 2012 the Strategic Communication Branch employed 31 permanent military, 16 part-time military and 6 permanent civilian staff.

As at 30 June 2012 the Strategic Communication Branch employed 29 permanent military, 28 part-time military and 10 permanent civilian staff.

Strategic Communication Branch undertakes strategic communication planning and provides advice to commanders at the military strategic, operational and formation headquarters levels. It also delivers military public affairs training and preparedness functions; as well as assigned military public affairs...
personnel, who deploy at short notice for short duration tasks to obtain imagery and video to report on Defence personnel serving in Australia and overseas.

In addition, as at 1 January 2012, outside the Communication and Media and Strategic Communication Branches there were a further 48 civilians, 22 full-time and 4 part-time military staff who provided public affairs support as part of their regular duties within the Defence Groups and Services.

As at 30 June 2012 there were 43 civilians, 18 full-time and 6 part-time military staff who provided public affairs support as part of their regular duties within the Defence Groups and Services.

(b) and (c) Communication and Media Branch

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<td>1 x permanent LS</td>
</tr>
<tr>
<td></td>
<td>4 x permanent Army CPL</td>
<td></td>
<td>4 x permanent Army CPL</td>
</tr>
<tr>
<td></td>
<td>2 x permanent RAAF CPL</td>
<td></td>
<td>2 x permanent RAAF CPL</td>
</tr>
<tr>
<td>Extended leave/Maternity leave/ Temp transfer to another Group</td>
<td>1 x permanent EL1 (Directorate of Plans &amp; Policy)</td>
<td>Extended leave/Maternity leave/ Temp transfer to another Group</td>
<td>1 x permanent EL1 (Directorate of Plans &amp; Policy)</td>
</tr>
</tbody>
</table>

Extended leave/Maternity leave/ Temp transfer to another Group
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Service/Group</th>
<th>Staffing as at 1 July 2011</th>
<th>Staffing as at 31 Dec 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Secretary and Chief of the Defence Force (OSCDF)</td>
<td>2 x permanent EL1</td>
<td>2 x permanent EL1</td>
</tr>
<tr>
<td>Vice Chief of the Defence Force</td>
<td>7 x permanent EL1</td>
<td>7 x permanent EL1</td>
</tr>
<tr>
<td></td>
<td>2 x permanent APS 6</td>
<td>2 x permanent APS6</td>
</tr>
<tr>
<td></td>
<td>2 x Reserve FLTLT</td>
<td>2 x Reserve FLTLT</td>
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<tr>
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<td>1 x Reserve SBLT</td>
<td>1 x Reserve SBLT</td>
</tr>
<tr>
<td>Military Headquarters Support (FORCOMD, HQ 1 Div, HQ 1 Bde, HQ 3 Bde, HQ 7 Bde, HQ NORCOM)</td>
<td>2 x permanent MAJ</td>
<td>1 x permanent MAJ</td>
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<tr>
<td></td>
<td>1 x permanent LEUT</td>
<td>1 x Reserve LEUT (CFTS)</td>
</tr>
<tr>
<td></td>
<td>1 x Reserve LEUT (CFTS)</td>
<td>5 x permanent CAPT</td>
</tr>
<tr>
<td></td>
<td>3 x permanent CAPT</td>
<td>1 x permanent LT</td>
</tr>
<tr>
<td></td>
<td>1 x permanent CMDR</td>
<td>1 x permanent CMDR</td>
</tr>
<tr>
<td>Navy</td>
<td>3 x permanent LEUT</td>
<td>1 x permanent Reserve CFTS</td>
</tr>
<tr>
<td></td>
<td>1 x permanent PO</td>
<td>CMDR</td>
</tr>
<tr>
<td></td>
<td>1 x permanent EL1</td>
<td>2 x permanent LEUT</td>
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<tr>
<td></td>
<td>1 x permanent part-time EL1</td>
<td>1 x permanent PO</td>
</tr>
<tr>
<td></td>
<td>2 x permanent APS6</td>
<td>1 x permanent EL1</td>
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<tr>
<td></td>
<td></td>
<td>1 x permanent part-time EL1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 x permanent APS6</td>
</tr>
<tr>
<td>Army</td>
<td>1 X PERMANENT EL2</td>
<td>1 X PERMANENT EL2</td>
</tr>
<tr>
<td></td>
<td>2 X PERMANENT EL1</td>
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<td></td>
<td>3 X PERMANENT APS6</td>
<td>1 X TEMPORARY EL1</td>
</tr>
<tr>
<td></td>
<td>1 X PERMANENT APS5</td>
<td>2 X PERMANENT APS6</td>
</tr>
<tr>
<td></td>
<td>2 X TEMPORARY EL1</td>
<td>1 X PERMANENT APS5</td>
</tr>
</tbody>
</table>

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1 Media/public relations are only one aspect of this appointment, which also includes responsibility for oversight of select special ADF projects.
2 Media/public relations are only one aspect of this appointment, which also includes responsibility for implementation of select special ADF projects.
3 Includes 1 x EL1 transferred from MSC Division during the period. This position is responsible for management of the ADF Parliamentary Program and does not work on media/communications specific tasks.
4 Includes 1 x WO2 that is posted for duty within Preparedness, Plans and Training Directorate.
5 This member is employed in a supply management role, not media and public relations. This member is also reported under Administrative/Logistic Support as a Reserve SGT.

Personnel outside of the Communication and Media Branch and the Strategic Communication Branch who provided public affairs support as a part of their regular duties within Groups and Services.
Senator Johnston asked the Minister representing Minister for Defence, Minister representing the Minister for Defence Science and Personnel and Minister representing the Minister for Defence Materiel, upon notice, on 20 August 2012:

For the period 1 January to 30 June 2012:

(1) (a) Did the Minister/Parliamentary Secretary travel overseas on official business; if so: (i) to what destination, (ii) for what duration, and (iii) for what purpose; and (b) what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses?

(2) (a) Which departmental and uniformed personnel accompanied the Minister/Parliamentary Secretary on each trip; and (b) for those personnel, what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses?
QUESTIONS ON NOTICE

(3) (a) Apart from ministerial staff and uniformed and civilian departmental personnel, who else accompanied the Minister/Parliamentary Secretary on each trip; and (b) for each of these people, what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

(1), (2) and (3) Overseas travel expenditure for period 1 January to 30 May 2012 was provided in response to Question on Notice 79 from 28/29 May 2012 Budget Estimates Hearing.

Annex 1 provides details of additional costs (GST exclusive) that have been expensed for period 1 June to 30 June 2012 by the Department for officials' overseas travel undertaken in support of the Minister and Parliamentary Secretaries. This information is correct as at 30 August 2012.

The cost of all other travel undertaken by the Ministers and Parliamentary Secretaries and Members of Parliament (Staff) Act 1984 employees to the Ministers are paid for by the Department of Finance and Deregulation (DoFD). These costs are tabled in the Parliament every six months in a report titled 'Parliamentarian Travel'. This report contains the information requested, including dates, destination and purpose of travel. It is also published on the DoFD website.

Annex 1

<table>
<thead>
<tr>
<th>Minister / Parliamentary Secretary</th>
<th>Travel undertaken Destination, duration and purpose</th>
<th>Departmental ministerial costs</th>
<th>Defence delegation Defence personnel costs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(i) Gifts</td>
<td>(ii) Security</td>
</tr>
<tr>
<td>Minister for Defence, Mr Smith</td>
<td>Singapore from 1 to 3 June 2012</td>
<td>(i) Nil</td>
<td>(ii) Nil</td>
</tr>
<tr>
<td></td>
<td>The Minister visited Singapore to attend the Shangri-La Dialogue. CDF and CDF ADC travelled from the 1 to 3 June Singapore via Malaysia, and then joined Minister Smith in China (see below).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Singapore,
International Policy
Division
Executive Officer,
International Policy
Division
Ministerial Visits
Officer, International
Policy

Minister for
Defence, Mr
Smith
China from 5 to 7 June 2012
The Minister visited China
to participate in the
inaugural Defence Minister's
Dialogue with his Chinese
counterpart, Defence
Minister General Liang
Guanglie.
The Minister also visited the
PLA Navy's South Sea Fleet
Headquarters in Zhanjiang.
'Costs reported under the
China visit relating to travel
and meal allowances for
CDF and ADC CDF include
expenses incurred in
Singapore, Malaysia and
China.

Chief of Defence
Force
Secretary
Aide de Camp to
CDF
Aide de Camp to
Minister
Director North South
Asia, International
Policy Division

(i) $39.00
(ii) Nil
(iii) Nil
(iv) Nil

(i) $38,713.47
(ii) $11,017.54
(iii) $2,580.16

Defence
(Question No. 2078)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice,
on 20 August 2012:
As at 30 June 2012:
(1) With reference to the acquisition of the first 14 F-35 Joint Strike Fighter (JSF) aircraft:
(a) what is the expected expenditure on the acquisition; and
(b) what is to be supplied as equipment, supporting systems, weapons, services or infrastructure to
the Australian Defence Force (ADF)?
(2) When will these first 14 F-35 JSF aircraft:
(a) be delivered;
(b) become fully operational; and
(c) what is the estimated through-life support and operating costs for these aircraft over an expected
30 year period of operation?
(3) When will the remaining 86 F-35 JSF be purchased (as referenced in the Defence White Paper 2009,
p. 78, paragraph 9.60, 'The Government has decided that it will acquire around 100 F-35 JSF, along
with supporting systems and weapons. The first stage of this acquisition will acquire three operational squadrons comprising not fewer than 72 aircraft)?

(4) With reference to the acquisition of the remaining 86 F-35 JSF aircraft:
   (a) what is the expected expenditure on the acquisition;
   (b) what will be supplied as equipment, supporting systems, weapons, services or infrastructure to the ADF;
   (c) when will the aircraft be delivered;
   (d) when will they become fully operational; (e) where will the JSF squadrons be based, and when; and
   (e) what is the estimated through-life support and operating costs over an expected 30 year period of operation?

(5) What savings would be made by cancelling the purchase of 24 F-35 JSF aircraft and purchasing 24 Super Hornets?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) (a) The average cost for the first 14 F-35s is expected to be about US$100 million each (2012 prices).

   (b) (2), (3), (4) and (5)

   These questions have been previously answered through Parliamentary Senate Question on Notice No. 1621 on 18 June 2012.

**Defence**

(Question No. 2080)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

(1) For the period 1 January to 30 June 2012:
   (a) where specifically have the provisional savings of the forecasted total been made under the SRP;
   (b) can a detailed explanation be provided of where these savings have been realized; and
   (c) what one-off savings have been made?

(2) As at 30 June 2012, what workforce savings, both in personnel reductions and dollar savings, per area as specified in the Budget Audit Review, have resulted where the gaps to average performance have been:
   (a) improved and realized; and
   (b) reduced to zero?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) (a) Cost reductions under the Strategic Reform Program (SRP) are based on a reduction of annual budgets. The rate and timing of the achievement of cost reductions over the reporting cycle varies from stream to stream depending on the initiatives they are measuring. Providing information on their achievement on a six month basis does not give a meaningful picture of stream performance. However, SRP governance closely monitors stream activities to ensure that planned activities remain on schedule.
Cost reductions under the Strategic Reform Program (SRP) are based on annual budgets. In 2011-12 the cost reductions under the SRP are $1284 million. These will be achieved through initiatives under seven SRP streams distributed as follows:

<table>
<thead>
<tr>
<th>SRP stream</th>
<th>$m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information and Communications Technology</td>
<td>147.5</td>
</tr>
<tr>
<td>Smart Sustainment and Inventory</td>
<td>370.2</td>
</tr>
<tr>
<td>Reserves</td>
<td>28.1</td>
</tr>
<tr>
<td>Logistics</td>
<td>8.3</td>
</tr>
<tr>
<td>Non-Equipment Procurement</td>
<td>206.6</td>
</tr>
<tr>
<td>Workforce and Shared Services</td>
<td>237.6</td>
</tr>
<tr>
<td>Other</td>
<td>285.5</td>
</tr>
<tr>
<td><strong>Total Cost Reduction target ($m)</strong></td>
<td><strong>1,283.9</strong></td>
</tr>
</tbody>
</table>

*Summation variances are due to rounding.

(b) and (c) SRP savings are tracked, reported and managed on a stream-by-stream basis. They are not broken up by sub-categories of productivity, one-offs or other descriptors. The annual budgets for activities targeted through streams have been reduced by amounts that reflect cost reductions agreed by Government.

Defence will publish the stream cost reductions achieved for the full financial year in the Defence Annual Report 2011-12.

(2) (a) and (b) Outcomes of the Budget Audit Review are being achieved across three specific areas covering Workforce Reform, Business Process Improvements and Shared Services.

Through Workforce Reform, 512 military and 660 contractor positions have been reduced and replaced with APS employees. Combined with Efficiency and Effectiveness reductions of 311 APS the reforms have delivered $245.4m in savings.

Twenty military and 233 APS reductions generating $42.8m in savings have been achieved through Business Process Improvements primarily as a result of consolidation of regions, reduction in administration support to Senior Officers, amalgamation of ADFIS, pooling of paralegals and rationalisation of help lines.

Improvements to Shared Services have seen reductions of 124 military and 202 APS generating $54.5m in savings. This has been achieved largely through reforms in Education & Training, Career Management and Payroll and Personnel Administration.

Reforms are being implemented across the department in a wide range of areas. Many of these areas are integrating and implementing multiple reforms. The effort and attendant cost of monitoring and reporting changes in performance, and attributing the changes to specific reform initiatives is prohibitive.

**Defence**

*(Question No. 2081)*

*Senator Johnston* asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

For the period 1 January to 30 June 2012, what productivity improvement savings have been made by the Department and by the Defence Materiel Organisation?

*Senator Bob Carr*: The Minister for Defence has provided the following answer to the honourable senator's question:
The Strategic Reform Program was developed with the purpose of increasing the efficiency and productivity in Defence. The savings achieved under the SRP for 2011-12 will be reported in the Annual Report. They are not reported on a six-monthly basis.

Defence will further enhance productivity through the implementation of further shared services reform, tighter recruitment practices, and a prioritisation of Australian Public Service (APS) positions. This includes reductions in the growth in APS positions announced in the 2011-12 and 2012-13 Budgets.

Defence has also been subject to a range of efficiency dividends on its non-operational, non-capability funding, which Defence has achieved through greater cost consciousness, improved economies of scale, and a prioritisation of activities.

Defence

(Question No. 2083)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

As at 30 June 2012:

(a) what specific productivity improvement savings have been made in Smart Sustainment reform; and
(b) what one-off savings been made?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

(a) The Smart Sustainment Reform Stream of the Defence Strategic Reform Program does not account for specific savings against implementation areas of smart maintenance techniques, optimising inventory holdings and specific productivity improvements. The Stream is managed as a package of some 800 initiatives assigned to capability managers and system program office directors. There are three main categories of initiatives: Demand Management; Supply Management; and Process Improvement. Examples of initiatives within each of these categories are: the disposal of fleets that are no longer cost effective; competing support arrangements and improved availability; and the application of reliability, availability and maintainability analysis. In addition, these are complemented by improved decision making for the purchase of inventory through the use of advanced decision support systems.

(b) The Stream has achieved all the target cost savings in the 2019/10 and 2010/11 financial years of $551 million. The outcomes for 2011/12 are currently being validated but are expected to achieve the target of $370 million. Defence will publish the stream cost reductions achieved for the full financial year in the Defence Annual Report 2011-12 which will be released in late 2012.

Defence

(Question No. 2084)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

As at 30 June 2012:

(a) what specific savings, over the period 2010 to 2019, have been made in the implementation of Smart Maintenance techniques; and
(b) what one-off savings been made?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

Please refer to the response to Parliamentary Senate Question on Notice No. 2083.
Defence
(Question No. 2085)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

As at 30 June 2012:
(a) of the savings expected over the period 2010 to 2019, what specific savings have been made in the optimising of inventory holdings and the introduction of more efficient management techniques; and
(b) what one-off savings been made?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

Please refer to the response to Parliamentary Senate Question on Notice No. 2083.

Defence
(Question No. 2088)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 20 August 2012:

For the period 1 July 2011 to 30 June 2012: (a) What 'First Pass' Project approvals; and (b) What 'Second Pass' approvals have been made?

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The tables below provide information on the total 46 project based approvals that have been achieved for the 1 July 2011 to 30 June 2012 period.

Government Approvals Financial Year 2011/12

<table>
<thead>
<tr>
<th>Summary</th>
<th>Projects Approved</th>
<th>Total ($m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>01 Jul 11—30 Jun 12 First Pass</td>
<td>11</td>
<td>243</td>
</tr>
<tr>
<td>01 Jul 11—30 Jun 12 Second Pass</td>
<td>22</td>
<td>3,843</td>
</tr>
<tr>
<td>01 Jul 11—30 Jun 12 Other</td>
<td>13</td>
<td>355</td>
</tr>
<tr>
<td>Total</td>
<td>46</td>
<td>4,441</td>
</tr>
</tbody>
</table>

Note: Summary includes 'other' project approvals such as studies, project re-scoping, real cost increases and Capability Technology Demonstrator funding.

First Pass Approvals

<table>
<thead>
<tr>
<th>Env</th>
<th>No</th>
<th>Ph</th>
<th>Project Title</th>
<th>Date Approved</th>
<th>Total ($m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIR</td>
<td>5431</td>
<td>2/3</td>
<td>Fixed Base Air Traffic Management and Control Systems</td>
<td>21-Nov-11</td>
<td>7</td>
</tr>
<tr>
<td>AIR</td>
<td>5438</td>
<td>1A</td>
<td>Lead In Fighter Capability Assurance Program</td>
<td>21-Nov-11</td>
<td>43</td>
</tr>
<tr>
<td>JP</td>
<td>90</td>
<td>1</td>
<td>ADF Identification Friend or Foe (ADF IFF)</td>
<td>20-Feb-12</td>
<td>16</td>
</tr>
<tr>
<td>JP</td>
<td>1770</td>
<td>1</td>
<td>Rapid Environmental Assessment</td>
<td>21-Feb-12</td>
<td>3</td>
</tr>
<tr>
<td>JP</td>
<td>2080</td>
<td>2B.1</td>
<td>Defence Management System Improvement—Personnel Systems Modernisation</td>
<td>26-Jun-12</td>
<td>146</td>
</tr>
<tr>
<td>JP</td>
<td>3021</td>
<td>1</td>
<td>Joint Combined Training Capability—Mobile Electronic Warfare Threat Emitter System</td>
<td>15-Dec-11</td>
<td>1</td>
</tr>
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</table>
### First Pass Approvals

<table>
<thead>
<tr>
<th>Env</th>
<th>No</th>
<th>Ph</th>
<th>Project Title</th>
<th>Date</th>
<th>Total ($m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>JP</td>
<td>3024</td>
<td>1</td>
<td>Woomera Range Remediation</td>
<td>05-Dec-11</td>
<td>8</td>
</tr>
<tr>
<td>LAND</td>
<td>136</td>
<td>1</td>
<td>Land Force Mortar Replacement</td>
<td>21-Feb-12</td>
<td>2</td>
</tr>
<tr>
<td>LAND</td>
<td>998</td>
<td>1</td>
<td>Replacement Aviation Fire Trucks</td>
<td>08-Jun-12</td>
<td>2</td>
</tr>
<tr>
<td>SEA</td>
<td>1778</td>
<td>1</td>
<td>Deployable MCM—Organic Mine Counter Measures</td>
<td>21-Feb-12</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>11</strong></td>
</tr>
</tbody>
</table>

Note: All figures have been rounded. Totals may not match due to rounding.

### Second Pass Approvals

<table>
<thead>
<tr>
<th>Env</th>
<th>No</th>
<th>Ph</th>
<th>Project Title</th>
<th>Date</th>
<th>Total ($m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIR</td>
<td>8000</td>
<td>2</td>
<td>Battlefield Airlift—Caribou Replacement</td>
<td>16-Apr-12</td>
<td>1,201</td>
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<tr>
<td>AIR</td>
<td>8000</td>
<td>4</td>
<td>Additional C-17 Globemaster</td>
<td>13-Mar-12</td>
<td>270</td>
</tr>
<tr>
<td>AIR</td>
<td>9000</td>
<td>5D</td>
<td>Additional Chinooks</td>
<td>23-Nov-11</td>
<td>40</td>
</tr>
<tr>
<td>JP</td>
<td>154</td>
<td>3A</td>
<td>Counter IED—Ningaui—HMEE</td>
<td>04-Dec-11</td>
<td>23</td>
</tr>
<tr>
<td>JP</td>
<td>154</td>
<td>3A</td>
<td>Counter IED—Ningaui—Full System</td>
<td>05-Dec-11</td>
<td>57</td>
</tr>
<tr>
<td>JP</td>
<td>2030</td>
<td>8</td>
<td>Joint Command Support Environment</td>
<td>20-Sep-11</td>
<td>111</td>
</tr>
<tr>
<td>JP</td>
<td>2048</td>
<td>3</td>
<td>Amphibious Watercraft Replacement</td>
<td>20-Sep-11</td>
<td>254</td>
</tr>
<tr>
<td>JP</td>
<td>2069</td>
<td>2</td>
<td>High Grade Cryptographic Equipment</td>
<td>12-Oct-11</td>
<td>28</td>
</tr>
<tr>
<td>JP</td>
<td>2069</td>
<td>2</td>
<td>High Grade Cryptographic Equipment</td>
<td>26-Jun-12</td>
<td>24</td>
</tr>
<tr>
<td>JP</td>
<td>2072</td>
<td>2A</td>
<td>Battlespace Communications Systems (Land)</td>
<td>21-Nov-11</td>
<td>450</td>
</tr>
<tr>
<td>JP</td>
<td>3027</td>
<td>1</td>
<td>JDAM Enhancements</td>
<td>10-Oct-11</td>
<td>64</td>
</tr>
<tr>
<td>JP</td>
<td>3033</td>
<td>1</td>
<td>Interim Maritime Humanitarian Assistance and Disaster Relief Capability</td>
<td>14-Mar-12</td>
<td>130</td>
</tr>
<tr>
<td>JP</td>
<td>5408</td>
<td>3</td>
<td>ADF Navigation Warfare (NAVWAR) Capability—Handhelds (Pass 1 of 2)</td>
<td>22-Nov-11</td>
<td>15</td>
</tr>
<tr>
<td>LAN D</td>
<td>17</td>
<td>1B</td>
<td>Artillery Replacement—Digital Fire Control Systems</td>
<td>05-Dec-11</td>
<td>93</td>
</tr>
<tr>
<td>LAN D</td>
<td>116</td>
<td>3.2</td>
<td>PMV Production</td>
<td>26-Jun-12</td>
<td>206</td>
</tr>
<tr>
<td>LAN D</td>
<td>121</td>
<td>5A</td>
<td>Overlander—Field Vehicles and Trailers</td>
<td>29-Aug-11</td>
<td>427</td>
</tr>
<tr>
<td>SEA</td>
<td>1352</td>
<td>1</td>
<td>Evolved Sea Sparrow Missiles (ESSM) Upgrade &amp; Inventory Replenishment (Risk Reduction Study)</td>
<td>29-Aug-11</td>
<td>29</td>
</tr>
<tr>
<td>SEA</td>
<td>4000</td>
<td>3.2</td>
<td>SM2 Conversion and Upgrade 4 x Classified Projects</td>
<td>29-Aug-11</td>
<td>94</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>22</strong></td>
<td><strong>3,843</strong></td>
</tr>
</tbody>
</table>

Note: All figures have been rounded. Totals may not match due to rounding.

### Other Approvals

<table>
<thead>
<tr>
<th>Env</th>
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<td>EA-18G Growler Airborne Electronic Attack Capability (Long Lead Items)</td>
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QUESTIONS ON NOTICE
### QUESTIONS ON NOTICE

#### Other Approvals

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Notes: All figures have been rounded. Totals may not match due to rounding.

Land 112 Ph 4 – ASLAV—Cancellation of the previously approved second pass project

### Health

**Senator Ronaldson** asked the Minister representing the Minister for Health, upon notice, on 21 August 2012:

1. Can the Independent Hospital Pricing Authority (IHPA) explain the concept of 'benchmarking' and the role of 'benchmarking' products.
2. Has IHPA received a presentation on 'benchmarking from: (a) Healthcost Limited; or (b) the Managing Director of Healthcost Limited; if so, what was the cost of the presentation.
3. Is IHPA aware that the 'benchmarking' product presented to IHPA for sale was developed by Healthcost Limited and is listed on their website (www.healthcost.co.uk).
4. Is IHPA aware that Healthcost Limited is a United Kingdom registered company and the sole supplier of Visasys Pty Ltd systems in the United Kingdom and Ireland.
5. Is IHPA aware that a recent tender to undertake the processing of hospital data for the National Hospital Cost Data Collection, to be used by IHPA to derive the National Efficient Price of providing hospital services across Australian public hospitals, was awarded to Visasys Pty Ltd.
6. What other contracts does Visasys Pty Ltd have with the Australian Government, and when were these contracts awarded.
(7) Since 2001, has Visasys Pty Ltd been a supplier of other products to the Australian Government; if so, can details of the contracts be provided, including the: (a) price; (b) product; (c) terms; and (d) duration.

(8) Who is the Director of IHPA's Hospital Costing Section, on what date was this person appointed and when does their term expire.

(9) Does the current Director of IHPA's Hospital Costing Section have any other directorships.

(10) Can the Minister confirm: (a) the type of relationship that exists between the Director of the IHPA's Hospital Costing Section and a company called Healthcost Limited; and (b) whether the current Director was at any time associated with Visasys Pty Ltd; if so, can details be provided.

(11) Does IHPA require that Directors declare shareholdings in stakeholder agencies (such as Visasys Pty Ltd and Healthcost Limited); if so, can details be provided of the declarations made by the Director of IHPA's Hospital Costing Section.

(12) What engagement has the Director of IHPA's Hospital Costing Section had with the Queensland Department of Health, and can details be provided in relation to all formal contact between the parties since the Director's appointment.

(13) With reference to the recent tender, awarded to Visasys Pty Ltd, to undertake the processing of hospital data for the National Hospital Cost Data Collection, can details be provided of: (a) any involvement by the Director of IHPA's Hospital Costing Section in the process of IHPA awarding the contract; and (b) who drafted the tender on behalf of Visasys Pty Ltd.

(14) Can details be provided of any involvement by the Director of IHPA's Hospital Costing Section in enabling Healthcost Limited and/or its Managing Director to give a presentation on 'benchmarking' and to offer a 'benchmarking' product developed by Healthcost Limited for sale to IHPA.

(15) How many staff does Visasys Pty Ltd directly employ, and what is the company's market share in the provision of costing systems to major Australian hospitals.

Senator Ludwig: The Minister for Health has provided the following answer to the honourable senator's question:

(1) Benchmarking is an activity that allows the comparison of data against a set of best practice results ("the benchmark"). Benchmarking products are generally software applications that allow users to easily compare their own data with a set of industry benchmarks.

(2) (a) No
(b) No

(3) Not applicable - refer to question 2

(4) Yes

(5) Yes

(6) See schedule provided by the Department of Health and Ageing at Attachment 1.

(7) See schedule provided by the Department of Health and Ageing at Attachment 1.

(8) The Director of Independent Hospital Pricing Authority's Hospital Costing Section, Ms Karen Chudleigh, was appointed on 1 November 2011 and her term expires on 31 December 2012.

(9) No

(10) (a) There is no relationship between Ms Chudleigh and Healthcost.
(b) Ms Chudleigh has had no association with Visasys, beyond that of managing the contract for the National Hospital Cost Data Collection.
(11) The Australian Public Service Commission Code of Conduct requires that employees "disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with APS employment". No such disclosure has been made by Ms Chudleigh in relation to Visasys.

(12) Ms Chudleigh liaises with the Queensland Department of Health in her role as Director Hospital Costing. The IHPA Technical Working Groups (TWG) are the main point of formal liaison. The following TWG's have been held since IHPAs establishment:

- 13 December 2011;
- 12 January 2012;
- 31 January 2012;
- 2 March 2012;
- 14-15 March 2012;
- 18 May 2012;
- 23 May 2012;
- 5 June 2012; and
- 7 August 2012

(13) (a) The Director of Hospital Costing was the Chair of the Evaluation Panel providing a recommendation to the delegate.

(b) IHPA is not aware of who drafted the tender for Visasys.

(14) No involvement – no such presentation has taken place.

(15) IHPA is unaware of Visasys market share in Australia, nor how many employees they currently have.

### Attachment 1

<table>
<thead>
<tr>
<th>Contract No.</th>
<th>Managing Division</th>
<th>Vendor Name</th>
<th>Vendor ABN</th>
<th>Contract Purpose</th>
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Questions on Notice

Contra

ct No.
5

Managing
Division
ICTCS

Vendor
Name
Visasys Pty Ltd

Vendor
ABN
61 008 592 514

Contract
Purpose
Round 15 of the National Hospital Cost Data Collection for Public Hospitals

Start
19/02/12

End
30/06/12

Contract
Value (inc GST)
$601,700.00

Education, Employment and Workplace Relations

(Question No. 2094)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 23 August 2012:

With reference to the answer provided to question no. EW0004_13, taken on notice during the 2012-13 Budget estimates hearing of the Education, Employment and Workplace Relations Legislation Committee:

(1) Given that this question was addressed to the department, can a response be provided.

(2) Can details be provided of any funds set aside for advertising, information campaigns or promotional material, in relation to the establishment of the Fair Work Building Industry Inspectorate.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's questions:

(1) No funding has been set aside by the Department for an advertising campaign to promote the new Fair Work Building Industry Inspectorate.

(2) No funds have been set aside by the Department for advertising, information campaigns or promotional material, in relation to the establishment of the Fair Work Building Industry Inspectorate.

Employment and Workplace Relations

(Question No. 2096)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 23 August 2012:

With reference to the answer provided to question no. EW0156_13, taken on notice during the 2012-13 Budget estimates hearing of the Education, Employment and Workplace Relations Legislation Committee: (1) Why was Mr Terry Nassios not asked about this response. (2) Can Mr Nassios provide a response to the question.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

(1) Mr Nassios was not asked about Fair Work Australia's response to EW0156_13 as he was and remains away from work on approved leave.

(2) In a letter to the General Manager dated 17 September 2012 Mr Nassios provided the following response to the Senator's question: "No inference was drawn one way or the other as to whether the defamation settlement may have involved a payment to Mr Thomson."