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SITTING DAYS—2012

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FORTY-THIRD PARLIAMENT
FIRST SESSION—FIFTH PERIOD

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

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

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

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

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

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

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing

Clerk of the House of Representatives—B Wright

Secretary, Department of Parliamentary Services—A Thompson
### GILLARD MINISTRY

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<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Julia Gillard MP</td>
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<tr>
<td>Minister Assistant the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td><strong>Minister for Social Inclusion</strong></td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister Assistant the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td><strong>Minister for the Public Service and Integrity</strong></td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td>Minister Assistant the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td>Cabinet Secretary</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>Senator the Hon Kate Lundy</td>
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<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Wayne Swan MP</td>
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<tr>
<td>(Deputy Prime Minister)</td>
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<tr>
<td><strong>Minister for Financial Services and Superannuation</strong></td>
<td>The Hon Bill Shorten MP</td>
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<tr>
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<td>(Manager of Government Business in the Senate)</td>
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<tr>
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<td>Minister Assisting for School Education</td>
<td>The Hon Brendan O'Connor MP</td>
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<td>Minister for Employment Participation</td>
<td>The Hon Kate Ellis MP</td>
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<td>Senator the Hon David Johnston</td>
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<td>Mr Stuart Robert MP</td>
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<tr>
<td>Shadow Minister for Veterans’ Affairs and Shadow Minister</td>
<td>Senator the Hon Michael Ronaldson</td>
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<tr>
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Wednesday, 8 February 2012

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 09:30, read prayers and made an acknowledgement of country.

COMMITTEES

Allocation of Departments and Agencies

Senator ARBIB (New South Wales—Assistant Treasurer, Minister for Small Business, Minister for Sport and Manager of Government Business in the Senate) (09:31): At the request of Senator Evans, I move:

(1) That standing order 25(1) be amended as follows:

Omit "Environment, Communications and the Arts"

Substitute "Environment and Communications".

(2) That departments and agencies be allocated to legislative and general purpose standing committees as follows:

- Community Affairs
  - Families, Housing, Community Services and Indigenous Affairs
  - Health and Ageing
  - Human Services

- Economics
  - Industry and Innovation
  - Resources, Energy and Tourism
  - Tertiary Education, Skills, Science and Research
  - Treasury

- Education, Employment and Workplace Relations
  - Education
  - Employment and Workplace Relations

- Environment and Communications
  - Broadband, Communications and the Digital Economy
  - Climate Change and Energy Efficiency
  - Sustainability, Environment, Water, Population and Communities

- Finance and Public Administration
- Finance and Deregulation
- Parliament
- Prime Minister and Cabinet

- Foreign Affairs, Defence and Trade
  - Defence, including Veterans' Affairs
  - Foreign Affairs and Trade

- Legal and Constitutional Affairs
  - Attorney-General
  - Immigration and Citizenship

- Rural and Regional Affairs and Transport
  - Agriculture, Fisheries and Forestry
  - Infrastructure and Transport
  - Regional Australia, Regional Development and Local Government, including the Arts and Sport.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (09:31): The opposition opposes this motion. The effect of the motion will be to significantly constrain the capacity of the estimates committees next week to examine portfolios. In particular, that will occur as a result of the reallocation of responsibilities for tertiary education into the economics committee without any compensating allocation of additional time for the examination of the economics agencies. That is a disgrace.

As recently as yesterday the Prime Minister said during question time in the other place that she wanted the debate this year to be about the economy. She said: 'Bring it on. We want the debate this year to be about the economy'. This is one of those rare occasions where there is unanimity between the government and the opposition, because we in the opposition would like nothing better than for the political debate throughout 2012 and potentially—if the government does not collapse in the
meantime—into 2013 to be foursquare about the economy. Yet the very next morning after the Prime Minister made that declaration, what does the government do here in the Senate? It moves what appears on the face of it to be an innocuous procedural resolution which will significantly constrain the capacity of this parliament—and in particular of the Senate through the Senate estimates committees—to debate the economy by examining the Treasury and the economic agencies.

This motion bizarrely proposes that examination of the tertiary education and vocational education and training portfolios be moved from the education committee—or, to give the committee its full title, the Senate Education, Employment and Workplace Relations Legislation Committee—and placed in the Senate Economics Legislation Committee. I served for five years as the chair of the Senate economics committee, and I know better than most people in this chamber just how heavy the work of the economics committee is. The Senate economics committee examines the Treasury. It examines all of the great agencies of economic regulation: the Australian Competition and Consumer Commission, ASIC, APRA and various other economic agencies. It examines, importantly, the Australian Taxation Office. The entire range of fiscal, macroeconomic and microeconomic policy of the government is exposed three times a year for public view and parliamentary scrutiny before the Senate economics committee.

As all of us in this chamber know from our experience as participants in the estimates process, there is always a great deal of time pressure. I venture to say that in no committee are the time pressures so acute as they are in the Senate economics committee—not merely because of the centrality of economic policy to the political debate and not merely because of the multiplicity of agencies that report to that committee but also because of the extremely technical character of the evidence that must be adduced and examined in that committee. I do not remember a time in government or in opposition when the Senate economics committee had enough time to do its work. At the very time when the government says it wants to focus the debate foursquare on the economy, it allocates time away from scrutiny in the economics committee by building into its program the examination of agencies within the tertiary education sphere—which are perfectly well accommodated and have always been accommodated where they ought to be—in the education, employment and workplace relations committee.

The lack of interest of the Gillard government in education is notorious. It was made manifest shortly after the 2010 election when the Prime Minister announced her new ministerial line-up. For the first time in recent Australian history—for the first time in the half a century since the coalition government of Sir Robert Menzies recognised education as a Commonwealth priority by appointing then Senator John Gorton as the minister for education in the early 1960s—we had an Australian government without a minister for education. I say it again: when the Gillard ministerial line-up was announced after the 2010 election, for the first time in half a century there was no member of the government described as the minister for education. We had the hapless Mr Peter Garrett, who was described as the minister for Schools, Early Childhood and Youth, and we had our friend Senator Evans, who was described as the Minister for Jobs, Skills and Workplace Relations. You might think to yourself, 'Schools are obviously part of education. Senator Brandis is engaged in a quibble here.' But there was no minister with responsibility for tertiary education. There was not even a mention in the portfolio title
or the departmental name. If I could let you in on a secret, Mr Deputy President, that is one of the many reasons why my friend Senator Mason, when he was made a shadow minister, was given the title 'minister for universities and research'. Whereas the coalition is interested in universities—no one more so than Senator Mason—the government's indifference to the university sector was manifest in the fact that there was not even a minister with ministerial responsibility for it. Shamed by that act of inadvertence, the government had to change the titles of Mr Garrett and Senator Evans. So, as an afterthought, Mr Garrett was called the Minister for Education, Schools, Early Childhood and Youth, and Senator Evans had the words 'tertiary education' added to his portfolio responsibilities as Minister for Jobs, Skills and Workplace Relations. We know that as a victim of the flailing knife of the Prime Minister he has lost a lot of that portfolio in more recent times.

The Australian people who are listening to this broadcast this morning need to know that when Julia Gillard, who prides herself on being a Prime Minister for whom education is the first priority, and who had in the Rudd government—the government, let it be remembered, of the man she knifed in breach of her solemn undertakings to support him; but that is another story—been the minister for education, first got the chance to form a government, she was so interested in tertiary education that it was added to Senator Evans' portfolio title as an afterthought. That is how serious they were.

Now we come to the consideration of the additional estimates for 2012. As I said earlier, at a time when the Prime Minister, as recently as yesterday afternoon, declared economic policy debate to be the central ground of contest for Australian politics this year, she has foreshortened the time of the economics committee to examine the economic portfolios; and Senator Arbib, through his motion, proposes to segregate the consideration of education by leaving the consideration of schools and early childhood where it ought to be and always has been—the education, employment and workplace relations estimates committee—and to move the examination of tertiary education and vocational education and training to the economics committee. Why would you do that, unless you were trying to foreshorten the opportunities of the Senate, through its estimates committee process, to engage in the economic debate and to hold the economic bureaucrats and the heads of the economic agencies to account? For what rational reason, when you have an estimates committee that has been established for the purpose of examining education, would you move consideration of the Tertiary Education Quality and Standards Agency to the economics committee? For what purpose would you move examination of the Australian Skills Quality Authority from the education committee or the National Advisory for Tertiary Education, Skills and Employment agency?

Senator Lundy interjecting—

Senator McEwen: Lucky you're there!

Senator BRANDIS: Senator Mason will speak later in the debate. That is, as I am sure Senator Mason will explain, the principal agency responsible for assessing tertiary standards. Why would that not be considered in the education committee, where it always has been, rather than in the economics committee? There is no rational reason for this change—and when there is no rational reason, one looks for a malign reason. That is what the Gillard government has taught us. Senator Arbib is monkeying around with the arts and sport portfolios by putting them into the regional and rural affairs committee, but that is another story. I
will come to that if I get time. Not only is the Gillard government making a dog's breakfast of the consideration of educational policy but also next week in the estimates process, by segregating out into an alien committee the consideration of tertiary education and vocational education and training, about a quarter of the time that would otherwise be available to consider the economic agencies and the Treasury will be lost. Under the guidelines or draft program prepared by, I am told, the secretariat, we will now have less than two hours to consider the macroeconomic group of Treasury. We will have no more than two hours to consider the fiscal group.

Senator Lundy: That's your choice!

Senator BRANDIS: No, it is not our choice, Senator Lundy. It is not our choice to give the Senate Education, Employment and Workplace Relations Committee insufficient work to do and to overburden and therefore to use the time of the economics committee so that the time for consideration of all of these economic agencies is foreshortened. I like you, Senator Lundy. You are a very good person, but you are not a very frequent participant in the Senate economics estimates committee. If you were, you would know that under the particularly expert scrutiny of Senator Mathias Cormann and Senator David Bushy, if I may single out two colleagues, the forensic examination of this government's policy and its policy failures through the examination of bureaucrats—or, I should say, senior public servants—in the macroeconomic group has taken hours. These are not hours wasted but hours of fruitful inquiry. These have revealed, among other things, the scandal of the minerals resource rent tax where the assumptions, as it was revealed the year before last in the economics committee, did not stack up.

The modelling on which the forecasts were based was revealed to be wholly inadequate, and the same or similar revelations were made about the carbon tax. The capacity for the economics estimates committee to scrutinise at length in a forensic way the detail of economic policy and the assumptions underlying that economic policy will be denied to it next week—and this at a time when the Prime Minister says she wants the economy to be front and centre.

The Senate estimates committees next week, if you add up all the different portfolios across the different estimates committees, will go for roughly 80 hours. Do you know how much time in that 80 hours, as a result of the motion Senator Arbib brought before the chamber, will be allowed for the examination of taxation and revenue?

Senator Fifield: No.

Senator BRANDIS: Two—there will be two hours for the examination of the revenue group of Treasury and the Australian Taxation Office. The great issues in Australia today, as the Prime Minister herself said, are the economic issues. Within those economic issues perhaps the greatest issue of all is the imposition on this country of a carbon tax, in defiance of a solemn promise not to introduce one, at the bidding of Senator Bob Brown. Yet to examine the tax policies of this government, the economic assumptions that underlie them and the consequences of them for Australian households, the Senate proposes to allow no more than two hours. It is a disgrace. The process of this chamber has been traduced in order to enable this government to attempt to avoid scrutiny.

I notice that Senator Mark Arbib, whose face I recognise—he is often described as one of the faceless men—

Senator Fifield: Not to us!
Senator BRANDIS: He is not a faceless man to us, Senator Fifield; we see him all too often. We notice that in the latest episode of political butchery by the Prime Minister he has displaced Senator Ludwig as the Manager of Government Business, so he is responsible for this outrage. I thought Senator Ludwig was a very hard player, but not even Senator Ludwig, I fear, would have been so shameless as to say that the consideration of taxation policy at the additional estimates—and in the year when the Prime Minister has declared economics and tax policy to be front and centre of the political argument—should not go for more than two hours. It is shameful.

Consideration of the arts and sport and local government—perhaps local government is not so objectionable—has bizarrely been moved into the regional affairs portfolio. It used to sit in the Prime Minister's office where, and I say this with some feeling as a former minister in that field, it might have attracted some priority. But now it has been sent to what is, at least in this government's eyes, the backwater of regional affairs.

This monkeying around with the Senate estimates committees, particularly the economics committee, has been done for one reason and one reason only: to prevent the opposition from holding this government to account for its shameful mismanagement of the economy.

Senator Fifield (Victoria—Manager of Opposition Business in the Senate) (09:51): At first blush, the motion which is before us would appear to be innocuous. We do see from time to time, before estimates committee hearings, motions to rearrange agencies within the various committees and between the various committees. I might say, we have seen that a fair bit under this government. It would be fair to say that they have had more than their fair share of reshuffles—some occasioned by the odd change of Prime Minister, others not. We have seen, I think, a larger than usual number of changes of responsibilities for estimates committees in motions presented to the Senate.

And there has been a bit of sloppiness in that. I do take Senator Brandis's point that there might be some inappropriate motives for some of the changes to these committees but I also think there is a little bit of sloppiness. We have seen some of that sloppiness before in ministerial reshuffles and ministerial arrangements. As Senator Brandis mentioned, there was that, 'Oops, I forgot,' moment when the current Prime Minister forgot to appoint an education minister. That was not the only thing that she forgot to do in that particular reshuffle. In my own portfolio of disabilities she forgot to appoint anyone with responsibility for disabilities, initially. Then there was a change in title for Senator McLucas; she had disabilities added. And in the last reshuffle Minister Macklin had disabilities added to her title, which I think is a good thing. Again, I put that down to sloppiness. I do not put that down to bad intent; I just put it down to good old-fashioned administrative incompetence—nothing more than that; nothing less.

So we have seen a bit of a pattern under this government. I do not want to refer to the area of social inclusion but I will. We have had an occasion where the government have remembered to appoint someone to a portfolio but that person does not actually know what the portfolio means. When asked, 'What does it mean?' Minister Butler now famously said of his portfolio, social inclusion, 'It means different things to different people.' But that is a separate issue. It is a portfolio. Someone has been appointed
but they do not actually know what their job is.

The very significant concern which we have is that of the transfer of responsibilities—particularly tertiary education and VET—from the education committee to the economics committee. I know that there would be those in the government who would say VET and the tertiary sector are very economically significant. I know that Senator Mason is always saying how economically significant tertiary education and VET are and how tertiary education is one of Australia’s major export industries. There is no greater advocate for the economic significance of the tertiary education sector than Senator Mason. So I would not be surprised at all to hear those on the other side say, ‘It is logical, really; these are economically significant portfolios.’ But there are a whole heap of economically significant portfolios.

Senator Brandis: Transport.

Senator FIFIELD: You could mount that argument about transport, as Senator Brandis said. But we have an education committee. I can imagine vice-chancellors tuning into the Senate education estimates committee. I am sure they often do, Senator Mason. They will be waiting, waiting, waiting, and they will not get to see Senator Mason. They will be bereft! They will be very disappointed.

I made that point with some humour but there is a serious point there: we have an education committee and it really defies logic why you would not have the tertiary and VET components of that portfolio in the education committee. The economics committee has a very heavy workload. And you may not have noticed but Senator Cormann and Senator Bushby in particular have no shortage of questions to ask in that committee. They do a sensational job of holding the government to account in the best Westminster traditions. They are truly forensic in their working through of the portfolio outcomes.

That committee has some very important public policy matters before it. There is the carbon tax and the MRRT, and then there is that little old issue of the budget surplus—whether we are going to get back into budget surplus. That is just a very minor issue of public policy that the economics committee looks after! Those very important areas of consideration are going to be squeezed out by tertiary education and VET. No offence to tertiary education and VET; they should have their place, but their place is in the education estimates committee.

Senator Brandis touched on something which I think is a factor in the government’s consideration—that is, seeking to deny time and space for the consideration of the effects of the carbon tax on the Australian economy and the effects of the MRRT on the Australian economy, particularly in Western Australia. If there is one thing that this government wants to provide the absolute minimum of time for it is examining the likelihood of the budget going into surplus in the next financial year. That is an examination which this government is terrified of. And I think that what we see before us today is an indication of that.

There is, unfortunately, a growing tendency by this government to abuse the Senate estimates process. You may recall that once upon a time Senate estimates committees would meet through the night. They would sometimes sit until 3 am in the morning.

Senator Ludwig: You weren’t here then.

Senator FIFIELD: I was not here. That is why I am posing the question to someone who may have been, Senator Ludwig.
Senator Brandis: Senator Macdonald was. He speaks about it.

Senator FIFIELD: Senator Macdonald certainly was. There was at that time, I understand, an informal agreement reached between the then government and the then opposition. It was: we will not sit until three in the morning; we will finish at 11 o’clock at night. But the quid pro quo was that while that would be to the benefit of the government of the day the time in estimates would fundamentally be for the opposition. Of course, all senators have the right to ask their questions but the government recognised that Senate estimates is fundamentally a time for the opposition. In recognising that, the Senate supported one of the important accountability mechanisms of this place. That was the understanding; that was the compact which was entered into. There has been an erosion of that compact over recent years under this government, where, increasingly, government senators have sought, in effect, to put dorothy dixers to government ministers at the table—not genuine questions, not questions seeking information, not questions seeking to represent a constituent and not questions seeking to hold a minister to account, which it is quite legitimate for people of the same party to seek to do from time to time. That is not the purpose of these questions—and you have almost come in on cue, may I say, Senator Cameron, to the subject matter of my discussion! But I will go no further on that because I do not want in any way to reflect on the chair, Senator Cameron.

The ACTING DEPUTY PRESIDENT (Senator Cameron) (10:00): Thank you.

Senator FIFIELD: Senate estimates is essentially an opposition forum and we have seen that eroded. In fact, Senator Faulkner, one of the substantial figures of this chamber, has always said that estimates is an opposition forum. So I cite no higher authority than Senator Faulkner on this matter. I think it is important that we return Senate estimates to being an opposition forum—to being what they should be, which is one of the great accountability mechanisms not just of this parliament but of parliaments worldwide. Our estimates committee process is recognised as one of the best and one of the most robust accountability mechanisms in any parliament and we need to reinforce that. I think this reallocation of portfolio responsibilities between committees is yet another subtle undermining of the role that our committee system should play.

We have seen this pattern over the life of this government. We saw it with the carbon tax legislation. It was bad enough that that legislation was presented to this parliament by a government which formed office on the back of a lie—that was bad enough. What was also outrageous was the fact that this Senate denied that package of legislation the opportunity for scrutiny by the committees of the Senate. Legislation of such significance has always gone to Senate committees. The goods and services tax legislation and the A New Tax System package of legislation went through multiple Senate committees simultaneously for the best part of six months, yet that economically significant package of carbon tax legislation was denied the opportunity for that scrutiny. That is just another example of where the various forums of this parliament are continually undermined by this government in subtle and not so subtle ways. We are seeing this here again.

We have another curious element to this motion: the reallocation of arts and sport to the rural and regional affairs portfolio. Minister Arbib, who is in the chamber, is the Minister for Sport, and when I look at him I do not see a regional figure—I have to say
that. I do not think regional when I look at Minister Arbib, the sports minister.

Senator Brandis: He is in the region of Sussex Street.

Senator FIFIELD: That is right. I know as a senator for New South Wales he represents the whole state, but I suspect he has a particular focus on more metropolitan areas of the state.

Senator Mason: I'm very regional, Mitch.

Senator FIFIELD: As opposed to Senator Mason, who is very rural. The rural and regional affairs committee is a very curious location for the arts and sports portfolio. But our main concern is that of the overburdening of the economics committee. I know you take a close interest in the economics committee, Senator Cameron.

Senator Brandis: There has to be a socialist voice!

Senator FIFIELD: That is right. The committee is a place for alternative points of view and, boy, you sure provide an alternative point of view, Senator Cameron. But, in all seriousness—and, I think, Mr Acting Deputy President, we probably have some sympathy for this view—the economics committee really is one of the flagship committees of the Senate estimates committee system. It looks at monetary policy, fiscal policy, competition policy, Corporations Law, financial services and retirement incomes—there is no significant area of economic regulation or economic policy that it does not have coverage of. If there is one committee that this parliament should think very carefully about when it comes to allocation of responsibility and ensuring that there is adequate time for appropriate scrutiny, it is the economics committee.

We have heard time and again from the government that they are good economic managers. We have heard time and again from the government that they, supposedly, saved Australia from the effects of the global financial crisis. We have heard time and again from the government that they are good budget managers. We have heard all these things—no-one believes them, but we hear them frequently. The Senate economics committee is the place for those propositions to be examined and challenged—to challenge the proposition that the government saved Australia from the full effects of the global financial crisis. I would contend that they did not, that it was not a massive spend on school halls and pink batts that saved Australia but that it had perhaps a little more to do with the fact that we have a floating exchange rate, that there was strong demand from China, that Australia has some of the best prudential regulatory arrangements in the world, courtesy of the Howard-Costello government, and that we have an independent Reserve Bank and monetary policy did a fair bit of the heavy lifting in the face of the global financial crisis. Monetary policy could have done more. There could have been more space provided for the stimulatory effects of lower interest rates, but the massive spend by this government denied that opportunity. Those are things which still should be fully examined by the Senate estimates process. This government have told us time and again that they are good fiscal managers, that they will have this budget back in surplus in the next financial year. Again, no-one believes that. It may well be that on budget night the Treasurer stands up and declares that he forecasts a surplus for the next financial year. But, as we know, a forecast in a budget speech counts for nothing. In Wayne Swan's very first budget speech he forecast a surplus. We have not seen a surplus from this government.
What really matters is the final budget outcome, and we need to examine in Senate estimates the assumptions on which the next budget will be based. We need to probe and examine those, and that opportunity should not be denied as a result of the Economics Committee being overburdened with other tasks of examination of the VET portfolio and of the tertiary portfolio. We need to have that opportunity.

We need to have the opportunity in the Senate estimates committee to look at the effects of the carbon tax. This government are still not being forthcoming with all of modelling work behind the design of the carbon tax. We need to examine the focus that the Leader of the Opposition has put on this in the last few days, where we know from Treasury's own work that there will be a $1 trillion cumulative hit on the economic output of the nation up to 2050.

Senator Cormann: That was discovered at a great Senate inquiry.

Senator FIFIELD: I should give credit to Senator Cormann. We need to further examine that matter. We need to further examine the MRRT. Senator Cormann quite rightly sought to suspend standing orders yesterday in order to move a motion which would prevent further consideration of that legislation until such time as the government has complied with the orders that this Senate has already passed to provide information on the MRRT. That was appropriate for Senator Cormann to do. Unfortunately, the Senate did not grant a suspension of standing orders and we did not have the opportunity to move that motion. But the opportunity to vote on that motion will present later this week.

These are all very serious matters of public policy, and the opposition takes its job of holding the government to account very seriously. The opposition takes very seriously the role of the Senate as a house of review. As I said the other day, often when it comes to legislation and often when it comes to matters of public policy those in this chamber are often the first people to turn their mind to it. They do not always do so over in the other place. They do not always do so in the caucus. They do not always do so in the cabinet. Often it is the case that the first time that a matter of public policy or a piece of legislation is seriously examined and seriously probed is in this place and in the committees of the Senate. We take that responsibility very seriously.

It is for that reason that we think it is inappropriate that tertiary and VET be transferred from the education committee to the Economics Committee. We do think it is a little inappropriate that the arts and sports area finds its way into the Rural and Regional Affairs portfolio. We do need to take our committee system seriously. We should not support the subtle and not so subtle undermining of the Senate estimates committee process and of the other accountability mechanisms of this place. We are unable to support a motion that seeks to do that. We will not be supporting the motion. I would recommend to the government that they reconsider this portfolio reallocation. It is not too late for them to do so. They can simply say, 'Look, we didn't actually have any bad intent here; this was just good old-fashioned incompetence, something which we are well known for,' and I think everyone would accept that and recognise that as a statement of truth. For those reasons, we will not be supporting this motion.

Senator MASON (Queensland) (10:11): Acting Deputy President Cameron, it might have been one of your friends, Senator Lionel Murphy, who back in the 1970s introduced the notion of Senate estimates committees, and he did so, of course, Sir, as an accountability measure. It is perhaps the
most important modern justification for the Senate. What it does is put the executive and senior public servants on the spot. And constitutionally it provides the following link. The parliament votes money to the executive for expenditure on government programs. That is what we do, and that is what the Constitution says. The parliament then wants to see how the executive has spent the money that it voted to them. It as simple as that, and that is what Lionel Murphy said. So there are constitutional reasons for the estimates process, and they are critical to the way our system performs.

My eloquent colleagues, Senator Brandis and Senator Fifield, said that estimates committees are good for the opposition—and that is true. Senator Faulkner and Senator Ray—when I used to try to chair them in the finance and public administration committee many years ago; and I did it very unsuccessfully I might add—said that it was the opposition's show. But I do not think they were quite right. There is much more to it than that. I actually think it is a tool for government, because governments often find out in estimates committees what is not going so well and where the holes are in their programs. And I mean that. That might seem self-serving but I honestly believe that—that ministers and senior public servants think, 'Gee, I didn't know about that,' or 'That isn't going so well.' So, sure, it is a forum for the opposition—I accept that; of course it is—but it is also a place where governments can learn about failures in the delivery of their own programs.

If I can throw in a quick partisan note: one of the great criticisms that the opposition has of this government is the implementation of their programs. If you had to summarise our criticisms of the government it is the implementation of government programs. It is not the aspirations. In my field of education, I would agree, as you know, Mr Acting Deputy Speaker, with many of the aspirations of the government. But I do criticise consistently the way programs have been implemented—whether it is the Building the Education Revolution, computers in schools, digital education revolution and so forth. We can have that debate later on, but certainly the argument from our side has always been that the implementation of government programs is where the government is weak. Finally, I honestly believe it is good for the country. I think it is good for the country that the government of whatever persuasion is put on the spot. I was only very briefly a parliamentary secretary before we lost government, but even in that very brief six months I found the experience of sitting in Senate estimates committees unnerving and uncomfortable. It is probably a very good thing. One day—and I do not know when it will be—we will probably be back in government and then we will be uncomfortable again. But that is probably not a bad thing either. I think the whole process of Senate estimates is good for the opposition. I do not quibble with that, and I am not trying to pretend it is not—it is our forum—but I do think it is good for government in the sense that it lets them know where the holes are, where they are making mistakes and where they are not delivering services well. Finally, it is good for the country because the country—if it cannot rest assured—can be more assured that the taxpayers' money is being well spent. So our general principle from this side is that these are really important processes.

Senate estimates are vital to accountability and integrity and we think that the Senate should do all it can to facilitate that process. I know my friends in the Greens would agree with us because they have always been very keen to push integrity and accountability in the Senate, so I am hoping they will support us when this motion is finally put to the vote.
Senator Brown always tells the Senate—and he is right—that Senate estimates are vital to keep governments of whatever persuasion and the executive in check. Let us face it: when we had a Senate majority briefly in the Howard era the only check in that period, because the Senate itself was not a check, was Senate estimates. You will recall that, Mr Acting Deputy President.

To in any way compromise the capacity of Senate estimates to do their job is a very bad thing. I know my words are now going on the record for all time and I will be held to account for them, but I believe they are right. My colleagues have known me for long enough to know that I can be as partisan as they come. I know that, and I am not trying to hide that, but there is an issue that is even higher than partisanship and that is good government. Estimates provide for better government for all of us.

Senator Fifield and Senator Brandis put this very well before. My area is tertiary education and Senator Nash looks after vocational education and training and skills. Let me explain what it meant under the original budget estimates for this year that came out before the government had the reshuffle and changed the administrative arrangements from the first draft for DEEWR, the Department of Education, Employment and Workplace Relations, which moved tertiary education into the Economics Legislation Committee. Under the original draft, which I have before me, we had higher education and vocational education and training commencing at 9 am and finishing at 2.15 pm. If you take the lunch hour out—that is fair enough—you are left with four hours and 15 minutes. That is a pretty typical draft of how the education committee operates in estimates for vocational education and training and also tertiary education. That makes allowance for the lunch break. Under the draft program for the Senate Economics Legislation Committee, tertiary education and vocational education and training are reduced to 1¾ hours, from 3.45 pm to 6.00 pm. So we have a reduction from four hours and 15 minutes down to 1¾ hours. That is much less than half—about 40 per cent of the original time.

Some people probably think that it does not matter. Who cares about tertiary education and vocational education and training? I know that Senator Evans does and I know that Senator Carr does. Indeed, I know that the Prime Minister does. I criticise the Prime Minister frequently, but I have never, ever criticised her enthusiasm and her support for education and education reform publicly or privately. I think she has done a great service to the nation in promoting education and educational outcomes as a really important industry. You are right that I have criticised her consistently for the delivery of educational programs but never, ever her intentions or aspirations. I think she is well motivated.

As Senator Brandis said, I sound like a broken record, and I know this, but higher education is our largest export services industry and worth about $18 billion to this country. It is enormous, just behind minerals, iron ore, coal and now gold. It is a huge export industry. It is the largest export industry for the city of Melbourne. Senator Fifield knows that. You go to Melbourne and there are international students all over the place. We are talking about an industry that is absolutely vital to our nation's future.

Let us face it: when the mining boom finishes or softens—and one day it will—if we want a resilient economy that really works, an economy where people are trained and are productive and an economy where things like the GFC, a strong Australian dollar and competition from other education providers do not buckle it, it will largely come down to how well Australians are
trained and how well they are educated. If you want to bolster Australia's productivity and supercharge outcomes, you do it with training and education. I see Senator Cormann sitting there. I know he is from Western Australia and a great advocate of the mining industry but, even with the greatest respect to him, one day demand for our resources may diminish or may soften. In building a resilient economy that can ride those waves, education will be absolutely critical, so we are talking about a really vital issue. It is pretty simple.

I always say, Mr Acting Deputy President, and I think perhaps my friends Senator Carr and Senator Evans would actually agree with me: we, Australia, are a superpower in just a few things. We are a superpower in sport and we are superpower in mining; that is true. We are a superpower in agriculture and we are a superpower in higher education. We educate per head of population more kids from overseas than any other nation on earth. In English-speaking countries we are the third largest provider. It is an extraordinary achievement. It is not a partisan achievement; it is an extraordinary achievement for this country. So we are talking about an industry here that makes us a world superpower. We are not a superpower in agriculture and we are not a superpower in higher education. We educate per head of population more kids from overseas than any other nation on earth.

Let us face it, Mr Acting Deputy President, you know, I know and the government knows that Australia is perfectly positioned to take advantage of a booming middle class in Asia. I have no doubt that the white paper that the government is producing at the moment on our engagement with Asia will look at tertiary education. We can provide tertiary education at the highest level for potentially hundreds of thousands more young kids from Asia. It is not just great for our economy—of course it is good for our economy; it even has the effect of cross-subsidising research and learning in this country. I know and accept that, but it also has other profound effects—for example, diplomacy. It increases Australia's soft power.

I was in Malaysia not so long ago and I swear that half the Malaysian cabinet was educated in Australia. That gives us enormous political purchase, emotional purchase and soft power in countries like Malaysia. So over the next few years—and to give them credit, I know the government are looking at this—Australia will be perfectly positioned. We used to say we were going to become the 'salad bowl' for Asia. We really can be the education provider for Asia, and we are perfectly positioned, better than anyone else in the world, to provide those services. That is why it is so critical.

These estimates are at a time—and Senator Evans says this all the time, and he is right—of significant reform in higher education. You would be aware, Mr Acting Deputy President Cameron, of the Bradley reforms. Professor Bradley's review came out a few years ago now and the first year of the demand driven system is this year. It is 2012—it has just commenced. The caps have come off for all qualified young Australians. They can attend university and the Commonwealth will support a place for them. This is a significant reform in tertiary history. The government's belief is that this is a way to provide access for kids who otherwise would not have had a chance—kids from disadvantaged backgrounds, Indigenous young Australians and young Australians from regional areas.

This is a significant reform. It is an expensive reform. You would have heard that I have some reservations about implementation, standards and quality. I accept that. As a general proposition, subject to certain riders, the opposition supports it. I
was going to ask a lot of questions about that. Of course I would because it is an expensive operation and it is vital for Australia's future, but I am not going to have the time now that tertiary education is being moved to the economics committee. I know it is a great committee and that Senator Bushby and the chair do a great job, but the fact is that there will not be sufficient time. The time has been cut by more than 60 per cent. For the first year of very significant reforms in the area, there will not be sufficient scrutiny.

You would also be aware, Mr Acting Deputy President, of TEQSA—the Tertiary Education Quality and Standards Agency—that has just started. This is the way the government hopes to ensure that standards are kept in this country. Because more young Australians are coming into university the way the government wants to ensure that standards do not drop is through TEQSA. Again, it is vital that questions be asked of TEQSA. They took up their statutory obligations on 1 February and I have many questions to ask of the chairman of TEQSA. They are vital questions about how they are going to monitor standards and quality in tertiary education in this country. These are very important questions because the one thing that will compromise Australia's higher education system is the perception anywhere in the world—particularly in Asia—that our standards are dropping. If there is any hint that Australian standards are dropping in our universities in this country, then the export industry—the fourth largest in this country and the greatest services export industry—will either be compromised or all over. So TEQSA is a vital agency to ensure that standards do not drop. That is why it is important for the opposition to ask questions. To be fair, I know that the Greens have questions. I think my good friend Senator Rhiannon, who is looking after this area, has questions about TEQSA. It is a vital agency for the regulation of standards in higher education. It is absolutely critical.

Late last year, Dr Jane Lomax-Smith brought out the base funding review which talked about how much the course fees should be for young Australians at university and how much the government should provide. Is that a critical issue? Absolutely, because it impacts on all the young Australians who want to go to university. How much will they be paying? Dr Lomax-Smith had some ideas. Without getting into the debate about who is right and who is wrong—I accept that is for another time and another place—it is an issue that has to be ventilated, and estimates is the best place for it. As you know, Mr Acting Deputy President, I like nothing better than coming into the Senate and having a quiet chat to the chamber but I think the government is better served by opposition senators in estimates than it is by any rhetorical display by me or any of my colleagues. I mean that but we are going to be denied that. So the base funding review that Dr Lomax-Smith chaired, which raised really interesting and important issues about the future of higher education and funding, again will not be addressed. I should not forget vocational education and training, Mr Acting Deputy President, which I know you are very interested in. I know that Senator Carr, Senator Evans and indeed the Prime Minister have all spoken about training and skills often. When we talk about productivity the government talks about training and skills, as it should; but there is no time in the schedule to examine those issues. I know the shadow minister, Mrs Ley in the other place, and Senator Nash, the opposition spokesperson here in the Senate, have many questions they want to ask about that because vocational education and training has a new national regulator to regulate standards in the VET sector. Is that
important? It is critically important for the VET sector. However the opposition wants to characterise it, the government has not stood still in higher education. I have never said it has stood still. I disagree with how it has implemented policy, but it has not stood still and there is plenty of fertile territory for estimates. Again, the way things are going we are not going to get there. In fact we are not going to get anywhere near talking about the new regulator for vocational education and training.

I know my friend Senator Cormann wants to spend time in the economics committee examining the carbon tax and the mining tax, as he should. I know it is politically combustible and I accept all that. It comes to this: in the end this is a matter of a government setting a precedent. I honestly do not think it is a good precedent. I do not know whether it is maligned or simply unintentional, but it sets a very bad precedent when the opposition is unable to address really critical issues, whether they are about the mining sector or about the carbon tax or in my area where there has been significant reform in universities and vocational education and training.

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (10:31): The Prime Minister tells us that she wants to put the economy front and centre in 2012, yet it is incredible to me that the first thing her government does this year is place further limits on the ability of this parliament to scrutinise economic issues. One of the strengths of our system of government over the past 110 years has been the accountability of the executive—the government of the day—to its parliament. It is a strength which has helped deliver largely stable and corruption-free government regardless of which party has been in power over the history of our nation. That is not something that you can necessarily say about all countries in the world. One of the key aspects that has helped us to deliver—and I underline that—is the accountability of government to this parliament.

Over the last 40 years, the estimates system has been developed. My colleague Senator Mason went through some of the history of that and noted some of the thinking behind it and some of its advantages. It has certainly enhanced the ability of this parliament to hold the government to account and to scrutinise its activities and the programs that the government of the day seeks to deliver and the way those programs are being implemented.

Traditionally in the development of estimates over the last 40 years the skills balance between those who are the inquisitors and those who are being subjected to questions usually leads to—and I know there is a bit of cut and thrust and a bit of parrying between the two opposing sides—relatively balanced outcomes where failings of governments of the day, the failings of their programs and the failings to implement them in a way that is cost effective and deliver the outcomes properly and well, are exposed and those activities of government that do need to be kept relatively close to government have been managed to be kept that way. It is a balance, and there is a need for balance in that. There are some things government does which need to be kept fairly close to its chest, and there are other things which need to be exposed to the public and which the public needs to hear about. Estimates has provided a traditional balance and a very effective way of ensuring that those things which should come into the public domain do come in for the betterment of our system of government and for the betterment of the Australian people. However, I would note that this government has taken evasion and
deflection, which is a usual tactic in estimates, to new heights and has been putting that balance at risk. The approach by this government is starting to seriously undermine the level of scrutiny that estimates can deliver for the benefit of the Australian public. The proposal we are debating this morning takes that deterioration in the effectiveness of estimates and makes it worse.

Estimates is important. It is a vital tool in ensuring that the activities of government are properly scrutinised. That is even more so in my view, speaking as deputy chair of the Economics Legislation Committee, for the economics committee. In estimates we have the opportunity to examine the performance of the economy, the fiscal position of the government—which has been of huge public importance over recent years—and issues such as interest rates, government debt, the impacts of international developments on the Australian economy and so on. These issues are central to the government of Australia—more so over the last few years than they have been traditionally. The economics committee is where these issues get aired.

It is appropriate, it is proper and it is good for the people of Australia that there is proper opportunity for the issues to be aired and for the elected members of this parliament, the Senate, to inquire of the government about these issues. Estimates provides the only forum in which the members of the Senate have that opportunity. We all know the realities of question time, whether in the Senate or in the other place, when very few questions get answered in detail or properly, but Senate estimates traditionally has provided the opportunity for questions of importance and relevance to be answered. Generally and traditionally the questions do get answered and it is the appropriate forum for this to be done. The economics committee in estimates deals with issues of central importance to all Australians. Any change that limits the ability of that committee to properly examine these issues is a retrograde step which can only fail to serve the interest of Australians.

Over and above the issues central to the economy, as I have mentioned, the economics committee also traditionally looks into other Treasury portfolios: the Australian Office of Financial Management, which manages the issuance of government debt; the Australian Prudential Regulation Authority, which looks at the prudential regulation of banks, the superannuation industry and the insurance industry; the Australian Securities and Investments Commission, which looks into a very broad range of issues relating to corporate regulation, superannuation and financial services; the ACCC; the Commonwealth Grants Commission; and a number of other agencies, including as the Department of Industry, Innovation, Science, Research and Tertiary Education and—importantly once again for the performance of the Australian economy—the Department of Resources, Energy and Tourism. That is its current load; that is what it already does, and it tries to pack that into two days. What we are talking about now is taking something we have heard from Senator Mason, taking more than half a day off a different estimates committee and packing that into a two-day program in the economics committee where we are already pushed and hard-pressed finding time to properly deal with the portfolio agencies that we already have. Not only does that fail to do justice to the tertiary education and vocational education areas, which quite clearly deserve that half-day that they traditionally have had in the education committee, but it undermines the ability of the economics committee to consider those issues that it already has. It is a lose-lose for everybody.
I would not mind having a look at what we actually do in the economics committee but I think I will probably cut my time short in view of keeping the debate short. I note that the economics committee rarely, if ever, has finished early. I come down at 11 o'clock at night after estimates has finished and the day is finished and I note that some of the other estimates committees have finished early and have gone home. I am quite envious of the fact that they have managed to get out before 11 o'clock—and, Mr Acting Deputy President Cameron, as a member of the economics committee, you would be aware that we rarely get out before 11 o'clock. That is because we never, ever have enough time to adequately deal with the issues and questions that need to be asked of the agency portfolios in the economics estimates committee. I end up putting probably hundreds of questions on notice at the end of estimates, because there is so much that I think needs to be asked and there is no time to ask it.

Senator Mason very eloquently explored the reasons why vocational and tertiary education need the time that traditionally they have been allocated and the importance of those areas to the Australian economy and the Australian people. To take all of that and to squeeze and poke it into an agenda that is already inadequate in terms of the time that is available to explore the issues that it is charged with exploring, is, I think, an indication of either gross mismanagement or, in the context of a Prime Minister who wishes to explore the economy to a greater extent, something a little less noble than mismanagement.

So what are we looking at? Over the last few weeks since we found out that this change was going to be put before the Senate—and probably, depending on the outcome of the Greens' vote, likely to proceed—we have tried to manage by looking at where we can cut time from the existing agenda and which of those portfolio agencies we can take some time from. In some cases, some agencies will just be excused and not called because in terms of the overall priorities we will not be able to deal with them. That is not good for scrutiny of government. These are all agencies that do good things. They should appear before the committee and should be properly scrutinised. But given we are trying to squeeze a half-day program from another committee into our two-day program, we have gone through that and tried to make it work.

I commend the chair of the committee, Senator Mark Bishop, who is being quite reasonable in trying to work with us to fit all this in so that we can try to get those agencies before us that we really need to have and to maximise the time for each of them. But the reality is, as hard as we have tried and as accommodating as the chair has been, we have ended up with an outcome that is a very, very poor outcome for delivering the benefits and proper scrutiny of these areas so that we can make sure that the government in these areas is as it should be.

It is a very, very disappointing end, and I will just pull out a few examples of what we are looking at. There are four major Treasury areas: the Treasury Macroeconomic Group, the Treasury Fiscal Group, the Treasury Markets Group, and the Treasury Revenue Group which appears with the ATO, the Australian tax office. As Senator Brandis noted, the Macroeconomic Group has in itself taken half a day or more because of the issues that it deals with. In macroeconomics we look at the broader issues of the impact on the Australian economy of things like the global financial crisis, the impending threats that are coming out of the current European situation and the impacts of interest rates and all those types of issues. Those issues get looked at in the macroeconomics area. As a
result of the changes we have now, we have allocated one hour and 45 minutes to deal with the overall macroeconomic issues. That is appalling in terms of the relevance and the importance of macroeconomic issues to all Australians.

Treasury Fiscal is about how the government spends the taxpayers' money that it collects. We have got two hours to go through spending right across all areas of government. That is grossly insufficient time to have any hope at all of looking into the issues of the spending of this government.

Similarly, there are two hours to look at the Markets Group. The Treasury Markets Group looks at the operation of all the different markets, like the banking market or the housing market, or whatever it might be right across Australia. There are a plethora of different markets that Treasury has oversight of, and yet we have two hours to go right across all markets in Australia. It is grossly insufficient time to do justice to examining the state of those markets, all of which feed into the economy, all employ people, and all create wealth for the people of Australia. Yet we have no opportunity other than these two hours to look at that.

Then of course there is the Treasury Revenue Group in the ATO. The government has argued—and this is all about taxes of course—that the reason it is in such a poor fiscal position is because of the collapse of revenue. This is the opportunity to examine that issue. This is the opportunity to examine new taxes like the government's mining tax and the carbon tax. It is also the opportunity to look at the Australian Taxation Office and how the Australian tax office deals with individuals and companies around Australia in raising those taxes. The two hours and 30 minutes which we have managed to negotiate for that is grossly inadequate. I could go on right through this program and talk about the importance of each of the portfolio agency areas and the need for more time to examine them. I could justify it for each one of those with a very, very strong case. But the reality is that, in summary, we have had to squeeze all of them. We have had to limit the ability for parliament to scrutinise them properly and, at the same time, tertiary education and vocational education lose because we do lose the opportunity to properly scrutinise this area. This is an appalling decision by this government, and I strongly support the position that the coalition has taken in not supporting it.

Senator CORMANN (Western Australia) (10:45): This government is incompetent, it is divided, it is deeply dysfunctional. It has senior ministers either at each other's throats or with knives in each other's backs. The motion that the government has put before the Senate today to change the program of Senate estimates less than a week before we fulfil that very important function of ours of holding the government to account is just another demonstration of the government's incompetence, the government's division and the government's deep dysfunction.

We have a Prime Minister under pressure. We have a Prime Minister who stuffed up the reshuffle. We have a Prime Minister who broke her promise to the Australian people not to introduce a carbon tax. We have a Prime Minister who stuffed up the mining tax deal. And, no doubt, because the Prime Minister is under so much pressure one of her spin doctors—perhaps the guy that she imported over from Britain, who used to be Tony Blair's spin doctor—said to her, 'Prime Minister, if you want to get rid of some of this pressure and if you want to get yourself into a better position you should try and shift the debate onto the economy'. This is extraordinary advice. It is advice that could only have come from somebody who has not
experienced firsthand the disastrous economic and fiscal policy track record of this government over the past four years, consistent with the disastrous fiscal and economic track record of previous Labor governments.

But the Prime Minister took the advice. The Prime Minister tried to shift the debate onto the economy. Yesterday in the other place she said, 'Bring it on. Bring on the debate.' And at the first opportunity to engage on the economy and to put her government forward to the scrutiny of parliament on the performance of the government on the economy, what does the government do? They try to weaken the capacity of the Senate and they try to undermine the capacity of the Senate Economics Committee to submit the government's performance in the economic area to some proper scrutiny.

The government claims that Australia is in so much better economic shape because of the actions of the Gillard Labor government. If that is the case, why are they not prepared to submit themselves to some proper, detailed and forensic questioning about that during Senate estimates? The reason the government does not want to submit themselves to some forensic questioning in Senate estimates is because they know that the claim does not stand up to scrutiny. They know that the claim that the Gillard government is somehow responsible for Australia's superior economic position in the world does not stand up to scrutiny.

The government know that four years ago they inherited a $22 billion surplus and a $70 billion net asset position by the Commonwealth. They know that over the last four years Labor has delivered $167 billion worth of accumulated deficits. They know that between the 2010-11 budget being announced and the 2010-11 budget outcome—eventually—the budget position had deteriorated by more than $8 billion. They know that in 12 months the 2011-12 deficit deteriorated under this government from $12.3 billion to $22.6 billion to $37.1 billion by the time of the midyear economic and fiscal outlook.

This is a very important point, because this government, which is so afraid of public scrutiny of its economic performance, deliberately delayed the release of the midyear economic and fiscal outlook until after the parliament rose for the summer break in order to minimise scrutiny of the figures in that midyear economic and fiscal outlook.

The estimates Senate Economics Committee next week will be the first opportunity to submit Treasury and the government to some detailed questioning about the figures in the midyear economic and fiscal outlook. And what does the government do? The government takes something out of the Education, Employment and Workplace Relations Committee—tertiary education, which has never been part of the Economics Committee—and puts it into the Economics Committee in order to squeeze down the time that we have to question the government about its economic performance. It is completely inappropriate.

It is not as if we have time to spare in the Senate Economics Committee. The Senate Economics Committee always runs out of time. There are always more important questions to be asked than what we have time for. And, of course, there is a lot of time wasting in the Senate Economics Committee because Labor senators, desperate to protect the weak, incompetent, divided and dysfunctional government, run interference whenever they can. And there is a lot of ducking and weaving going on, avoiding questions—taking 20 minutes to explain why
a particular question cannot be answered before taking it on notice.

Here is this government's track record on openness and transparency after we were promised by the Prime Minister back in August 2010 that this would be a new era of openness and transparency: in the last Senate economics estimates Treasury took 851 questions on notice; today 303 of those questions remain unanswered. As we go into the estimates next week to scrutinise the midyear economic and fiscal outlook and to scrutinise the government's bad performance across the economic policy and fiscal areas; and as we go into estimates next week to scrutinise issues, initiatives and proposals like the bad mining tax, the carbon tax and all of the other revenue measures of the government, the government has allocated two hours. This is a high-spending, high-taxing government and it gives us two hours to ask questions about all of its various tax grabs. If you are going to be a high-taxing government you have to provide proper time for the parliament to be able to ask questions about all of your various tax measures. So 35.6 per cent of the questions taken on notice by Treasury remained unanswered; this is pretty concerning.

I will focus on a particular issue. The Senate is well aware and, Mr Acting Deputy President Cameron, you are well aware that I have a particular interest in the implications of Labor's bad mining tax, which came out of a bad process. In order to make the Senate economics estimates committee process as constructive and as productive as possible, before the last estimates I wrote to Secretary to the Treasury Dr Martin Parkinson to advise him specifically about a series of issues that I wanted to ask questions about in order to ensure that Treasury officials would be in a position to provide answers.

Mr Acting Deputy President, as you are well aware, the government has so far refused to release the mining tax revenue assumptions, commodity price assumptions, production volume assumptions and so on even though that is information that is readily released as part of the budget process in states like Queensland and Western Australia, whose revenue is sensitive to variations in those variables, as would be the case for the Commonwealth budget if the mining tax becomes law. For Treasurer Wayne Swan it is a national secret. He is not prepared to share the mining tax revenue assumptions; no doubt because he has something to hide and no doubt because the serious questions that have been raised about the credibility of the mining tax revenue estimates are justified.

I wrote to Dr Parkinson a week before the last estimates and said: 'The government has attached all of these promises to the mining tax. They have attached a promise to increase the superannuation guarantee from nine to 12 per cent; the superannuation tax rebate for low income earners; a 50 per cent discount on interest income; the increase of concessional contribution caps for over-50s; the phasing down of interest withholding on financial institutions; early company tax cuts for small business; small business instant asset write-offs; standard deductions for work related expenses; the lowering of company tax rates; and the regional infrastructure fund.' The government has never provided the proper costings over the forward estimates for these measures. When the initial Rudd version of the RSPT package was announced many of these measures only had one year to run in the forward estimates. Since then we are into yet another budget cycle and we now have three years where these particular measures are going to be part of the budget.
So we said we wanted to have the costings of each measure that the government has attached to the mining tax over the forward estimates. That is a very reasonable question to ask. We gave the Treasury secretary a week's notice before the last Senate estimates. When Senate estimates came along we thought, 'The senior Treasury official should be in a position to answer these questions,' and guess what? They spent 20 minutes explaining why they were not in a position to answer. When you look through all of the mumbo jumbo and the weasel words you find it was because the government did not want Treasury to provide answers to those questions.

Ultimately, Treasury took the questions on notice, and guess what? As of this morning answers to these questions have still not been provided. The government is refusing to let the Australian people know what all the promises it has attached to the mining tax will cost the budget, and we know why. The reason the government wants to hide this from the Australian people is it knows that its mining tax package is a fiscal train wreck in the making, and it is trying to cover it up and avoid the scrutiny.

I am sure that Treasury officials are telling the government privately what I am telling the Senate now, which is that the mining tax revenue is highly volatile and is downward trending over time. Right now we are in a situation where we have record terms of trade—the best terms of trade in 140 years. Revenue is at a high. It will be highly volatile because of commodity price changes, exchange rate changes and production volume changes. It is highly volatile and downward trending. The cost of all the promises that Labor has irresponsibly attached to the mining tax is fixed and increasing over time. Over the medium to long term the mining tax package will seriously put the structural stability of the budget at risk.

Over the current forward estimates, based on the best available information put to the Senate inquiry into the mining tax and extracted from Treasury in various hearings, our best estimate is that already the cost of all the promises Labor has attached to the mining tax exceeds the revenue by more than $3 billion. Added to that is the fact that the Gillard government made a promise to the three big mining companies that it would credit all state and territory royalties against any mining tax liability. There you have another $3 billion black hole.

We will stand corrected, but in our estimation right now the mining tax package will leave the budget worse off to the tune of $6 billion over the current forward estimates. That is $2 billion in state royalty increases out of Western Australia, which the government has to credit against the MRRT, $1 billion because the New South Wales state government is increasing royalties on coal, and the three billion dollar difference between the cost of all the promises Labor has attached to the mining tax and the revenue it says it will generate. And there is a serious question mark about whether it will raise any revenue at all over the current forward estimates.

These are the sorts of questions that are appropriately pursued in the Senate economics committee, along with a series of other questions. Of course, these are the sorts of questions that the government continues
to avoid. Here we have it: yesterday the mining tax bills hit the Senate. But to this day, on the three key issues we are confronting—how much the mining tax will raise, how much the promises that Labor has attached to the mining tax will cost and what the net effect on the budget is—the government is ducking and weaving to avoid scrutiny. Not only have they refused to answer the questions put to them in Senate economics estimates; they have also completely and flatly ignored a Senate order for the government to provide that information passed on 1 November 2011. So much for the promise by the Prime Minister of a new era of openness and transparency. I think it is fair to say that we can put that particular promise into the very, very long list of broken promises by this incompetent Prime Minister who does not know where to turn next to put out yet another bushfire.

We now have the Mid-Year Economic and Fiscal Outlook for 2011-12, which was released in December last year—just two or three months ago. It showed that the deficit in 12 months went from $12.3 billion for 2011-12 to $37.1 billion. That is a tripling in the course of 12 months. Clearly we need to explore in great detail the reasons for that. We have also seen there that the net debt position is now expected to go over $130 billion. In the Mid-Year Economic and Fiscal Outlook three months ago the government said that their expectation was that unemployment would be at 5.5 per cent—up from 4.2 per cent when we were in government, by the by—both this financial year and next financial year, and less than two months later the acting Treasurer says, 'No, sorry; it's six per cent.' This government is all over the place. What are the implications of that for the budget bottom line? What does it mean for the government's claim that it will deliver a surplus in 2012-13? The $1.5 billion surplus they are claiming for 2012-13 is already a wafer-thin surplus.

To put that into context, the government's budget position deteriorated by more than $8 billion in 2010-11. It has so far deteriorated by more than $25 billion in 2011-12. But the government wants us to believe that, in the context of increasing unemployment and all of the wasteful spending that the government is pursuing on a regular basis as part of their DNA, somehow there is going to be this magical turnaround in 2012-13 and there is not going to be any deterioration whatsoever in the face of a $1.5 billion claimed surplus.

I would have thought that these are the sorts of areas that deserve proper scrutiny. But these are, of course, the sorts of issues that this government is desperate to avoid scrutiny on, which is why we get this stunt today where the government, with less than a week to go, comes into this chamber and tries to further squeeze down the time that this Senate has to ask important questions about the state of the economy, the state of the budget and the government's fiscal performance, if you can call it that. We get less than two hours to ask questions about all of Labor's new taxes and all of Labor's revenue measures, less than two hours to talk about the state of the economy and less than two hours to talk about all of the additional red tape that the government wants to impose on the financial services sector. This is just not serious. If the Prime Minister were
serious about 'bringing it on', she would make sure that the Senate Economics Legislation Committee had a proper opportunity to scrutinise the government’s performance. *(Time expired)*

**Senator HEFFERNAN** (New South Wales) (11:05): I do not know whether this parliament is confused, but certainly my Rural Affairs and Transport Legislation Committee is. We were told, Minister, that because of your schedule and availability you and Senator Conroy could not fit into the estimates program. I have no idea what that means, but I do know the effect. The rural and transport committee deals with a whole range of very serious matters, presently ranging from coal seam gas and all sorts of things like that to the conduct of the wheat authorities. I have never really been confused about some things in life, but I am pretty confused about what opera, ballet and basketball have to do with an engine failure on a Qantas flight out of Canberra the other day—and that is what you are expecting us to mix together. Some people are confused about what an exit portal is and what an entry portal is. I am not, but I am certainly worried about what is proposed. I think it would be nice to get an explanation of why you cannot put sport into an appropriate area and instead have to lump it in with tractors, sheep, cattle, trains and God knows what else. Does that indicate a downgrading of the importance of agriculture, transport, airline safety and a whole range of other things in the eyes of the government?

There is a whole range of other things. What about the conflict that is occurring up in Gladstone Harbour? We would like to know what that is all about. I would love to get free tickets to the opera and that. Given that my mother was a ballet teacher, I want to go to the ballet when Alan Ramsey’s daughter Tosca makes it to the Australian Ballet. She is on her way. When she gets there, I want to be there. Alan and Laura will have something to be really proud of there.

As for the sense of importance, you have lost the plot by putting sport and the arts in with trucks, trains and transport. They did try to stick it in with DAFF, but we managed to win that little battle—DAFF is a full program all day. They tried to stick it on the end of that. These portfolios have no home. You have shopped them around the various committees and we have been lumbered with them. I would like an explanation of that. Does it mean you do not consider the portfolios which the rural and transport committee deals with to be important?

Sport and the arts are important portfolios. It is a great privilege to be the minister for sport. I suppose you would get sick of going to the various boxes for the various games, but it is all part of the privilege. We really want to spend as much time as we can at estimates on the things that we in the committee can directly relate to, and we do not have a relationship with sport and the arts, even though they are important.

We think it is equally important to find out what went wrong with the engine on that QantasLink flight to Sydney the other day. I am sure the lady who took the video through the window when the engine stopped would like to know what caused that to happen, and we would like to be given enough time to find answers to all those questions.

We had a hearing last night where the might of the CSIRO came and gave evidence which I thought was embarrassing. Senator Waters was there. They said they have 452 scientists backing them, but they could not give us some simple answers on some of the propositions around water extraction for coal seam gas. We would like to be able to spend all the time that we can drilling into those sorts of issues. I think it is fair to say that the committee itself was pretty surprised—
wouldn't you say, Senator Waters?—that we got landed with sport and ballet. These are important issues, but we wish there was a way that the government, in its wisdom, could find a more suitable home for them and give us more space for the things that we have dealt with for some years as a committee.

We recently put out a unanimous report, which the committee is very proud of, on the issues around coal seam gas. In what I call political blackmail, which I realise is strong language, Tony Windsor—God bless him; he is a smart bushie—got $200 million to go to some sort of overview of the issues around mining and coal seam gas. We put the appropriate people under scrutiny last night as to why it was $200 million, $50 million of which is going to the states and $150 million of which is going to a process which nobody knows anything about—they have no idea. The people who were there said: 'We've set up an expert committee to give advice as to how we're going to spend the $150 million. We don't know what we're going to spend it on, nor do we know why we made it $150 million.' But that shut down the objection to the mining tax by getting the support of Mr Windsor, and good luck to Mr Windsor; he is a pretty good horse dealer. But we would still like to know the ins and outs of that.

These things take time at estimates. I think this allocation of portfolios is a phoney proposition. It means you are either lowering our powers of scrutiny or you are lessening the importance of the arts and sport. I am afraid that we are at a loss to understand it. My view is that this debate is quite appropriate because some of the decisions are obviously made on the advice of some bureaucrat who would not know which end of a cow is the exit portal. I think you ought to reconsider this. I think it is an insult to rural Australia, agriculture and the transport industry to lump sport and the arts in their portfolio areas when one of the most important tasks of the Senate is to put government funding under scrutiny through the estimates process.

I had better not say what I really think about this because I will have to withdraw it. But this is blowing in the face of agriculture. It is downgrading the signal to all the hardworking farmers out there who want to know where we are going with the various issues around agriculture. Where are we going to end up—with the intermingling of mining? What are we going to do with the 20 million tonnes of salt that is going to come out of coal seam gas if we allow it to? This is not an issue at this time for the federal government. But the Queensland government, against the advice of their own bureaucrats, went ahead and gave British Gas, Santos and Origin permission to mine up there with no idea at all of the consequences for the environment. They knew that there were going to be consequences, but they gave that permission not knowing how to solve the problem of what you do with four million tonnes of salt from one tenement, which is a pile of salt 25 kilometres long. How do you store that safely, given what has just happened in Queensland with the rain and floods? They want to store it in agricultural areas, allegedly in safe storage.

We want to know the answers to all this stuff, and the one process we have available to us is to ask questions at estimates. I am sure the government does not know the answer either. In a preliminary hearing yesterday the CSIRO, backed by 452 scientists, did not know the answer. With great respect to the minister and the government, I think this is an insult to agriculture. I think it is an insult to infrastructure and transport, safe flying, biosecurity and a whole range of other issues that our committee deals with very
fervently—and, to the credit of the committee, very rarely do we have a dissenting report. When we were in government we gave our government as much stick as we give the present government based on the merits of the issue, because we do not like to play politics with people's livelihoods. But, Minister, with this decision, you are playing politics with people's livelihoods.

Senator ARBIB (New South Wales—Assistant Treasurer, Minister for Small Business, Minister for Sport and Manager of Government Business in the Senate) (11:15): That is an hour and 45 minutes lost that could have been used for debate on legislation. There is a large legislative list, and again the tactics of the coalition are quite obviously to delay and delay further so that they can talk about issues which they believe are important. I will now try to respond to a couple of the points that were raised and try to move this debate on. This is a procedural debate—it is a standard debate that happens after ministerial reshuffles. With a ministerial reshuffle you need to adjust the work that happens in estimates and in committees. This motion matches the new portfolio allocations to the committees and ensures that the pattern established by the portfolio list is reflected in the committee structure. This greatly assists both ministers and departmental and agency officials to understand which committees they will appear before, particularly for estimates. It should be a non-contentious motion for the chamber, as it assists the operations of the committees. That Senator Brandis and coalition senators are seeking to make this an issue today only indicates again their preference for making every issue a political point-scoring exercise. It also means that the time of the chamber is again taken up by procedural matters. Without using up more time, I hope the chamber will recognise the logic of aligning portfolios with committees.

If there are substantive issues of workload between committees, these should be raised and resolved in the Procedure Committee, which is the appropriate place for such discussions. I have had no indication that this is the opposition's preference, though I am happy to accommodate the discussion after next week's additional estimates hearings using the allocation proposed today.

On the economics committee, my understanding is that extra time has already been apportioned to allow discussion to take place on the Friday morning. But committees are able to take extra time if they think they need it. In response to Senator Heffernan's points about sport and the arts, I say as the sports minister that my ministry is very important to the social fabric of this country. It is an insult for him to say that people in rural Australia would find it insulting that sport sits in the regional affairs committee. Sport is cherished by all Australians, particularly those in regional and rural Australia. The same goes for the arts. I see that day in, and day out when I travel around the country, so I think it is appropriate that those areas lie with the regional affairs committee.

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

[The Senate divided, 11:22]

(The President—Senator Hogg)

Ayes ..................... 36
Noes ..................... 32
Majority ............... 4

AYES

Arbib, MV
Bishop, TM
Brown, RJ
Carr, KJ
Di Natale, R
Faulkner, J
Furner, ML
Hanson-Young, SC

Bilyk, CL
Brown, CL
Cameron, DN
Crossin, P
Farrell, D
Feeney, D
Gallacher, AM
Hogg, JJ
AYES
Ludlam, S  
Lundy, KA  
McEwen, A  
Milne, C  
Polley, H (teller)  
Rhiannon, L  
Siewert, R  
Stephens, U  
Thistlethwaite, M  
Waters, LJ  
Ludwig, JW  
Marshall, GM  
McLucas, J  
Moore, CM  
Pratt, LC  
Sherry, NJ  
Singh, LM  
Sterle, G  
Urquhart, AE  
Wright, PL

NOES
Abetz, E  
Back, CJ  
Bernardi, C  
Birmingham, SJ  
Boswell, RLD  
Boyce, SK  
Brandis, GH  
Bushby, DC  
Cash, MC  
Colbeck, R  
Cormann, M  
Edwards, S  
Fawcett, DJ  
Ferravanti-Wells, C  
Fifield, MP  
Fisher, M  
Heffernan, W  
Humphries, G  
Johnston, D  
Kroger, H (teller)  
Macdonald, ID  
Madigan, JF  
Mason, B  
McKenzie, B  
Parry, S  
Payne, MA  
Ronaldson, M  
Ryan, SM  
Scullion, NG  
Sinodinos, A  
Williams, JR  
Nash, F  
Eggleston, A  
Joyce, B  
Adams, J

PAIRS
Collins, JMA  
Conroy, SM  
Evans, C  
Wong, P

Question agreed to.

BILLS
Tobacco Advertising Prohibition Amendment Bill 2010
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator SINGH (Tasmania) (11:26): I continue my speech from yesterday. Given the decades that we have known that tobacco is deadly, there can be no more excuses about advertising of tobacco in any of its forms when we all know that they are advertising a deadly product. It is interesting that Australia has moved some way when it comes to tobacco advertising, and now the Tobacco Advertising Prohibition Amendment Bill 2010 addresses those mobile devices, tablets and other technological devices that advertising can still filter its way through.

Other countries are not quite up to where Australia is, and that is why a number of countries look to Australia for guidance as to how we move forward when it comes to tobacco advertising. It is quite humorous, I suppose, but interesting and alarming in a sense that recently at a cricket match here in Australia, with India playing, there were some Indian spectators in the crowd holding up signs, some of which we probably thought were supporting their Indian team players, which I am sure they were there for. But actually they were holding up signs written in Hindi supporting tobacco companies and tobacco advertising so that those watching back in India could see certain tobacco products being supported and displayed through the broadcasting that was done here in Australia, which is an interesting take on advertising and an interesting way to advertise tobacco and tobacco products by our Indian friends. However, this is something that is not permitted in Australia, and I understand that as soon as the officials were made aware of this those placards and signs were taken down.

But what we are talking about today is not the advertising of tobacco at our sports fields. We have ended that some time ago, as I talked of earlier. Today is about prohibiting the advertising of tobacco on our other technological devices—our mobile phones, our iPads or tablets and any other kinds of technological devices that come into the
market as we move into this technological age. As we find ourselves ever more relying on the world wide web for increasing amounts of information, we can clearly see the need for a review of rules and regulations pertaining to advertising in such mediums, such as those referred to in this amendment bill.

This bill introduces some very important changes. They will put a stop to big tobacco promoting and advertising their products in our online environment. The President of the Australian Council on Smoking and Health and antitobacco advocate, Mike Daube said: Cigarettes are now being heavily promoted on the Internet, and there are serious concerns that both online advertising and social networking sites are being used to promote tobacco to young people. We must head them off; beat them to the punch. We know that big tobacco are sneaky and we have to continue to play tough. And we have been doing that. We have been going there to win this fight to ensure that we reduce the amount of advertising out there when it comes to this deadly product of tobacco.

This bill will go some way in doing just that. It will take away yet another avenue for this deadly product to be promoted. Let us not forget that when this product is used as intended by its manufacturers it will kill. This is a product that is legal by default. Should a company try and introduce such a product in Australia today, it simply would not be considered, not even for a moment. I commend this bill to the Senate and encourage all my parliamentary colleagues to support it.

Senator XENOPHON (South Australia) (11:31): I strongly support the government's intentions in relation to the Tobacco Advertising Prohibition Amendment Bill 2010. The internet and electronic media are fast becoming the biggest loophole across many areas of government regulation. The internet has stretched to cover every facet of our lives. We email instead of talk. We can share photos and music and movies with the tap of a finger. And we even use the word 'google' as a verb. We can now carry the world in our pocket. But, like the real world, the virtual one has its dangers.

Contrary to what some vested interests say, I am not in favour of a nanny state. I do not support excessive government regulation, and I think most people are able to make up their own minds. But I do not agree that dangerous products should be easily available or that they should be promoted as fun or fashionable. I think Senator Singh in her contribution and Senator Urquhart before her well outlined the health risks involved in smoking and the terrible human toll.

Everyone knows that tobacco is highly addictive. Everyone knows the chemicals in cigarette smoke slowly destroy you from the inside out. According to figures from the medical journal the *Lancet*, over five million people die from tobacco related illnesses each year. It is the world's leading cause of preventable death. I do not think anyone could argue that we should not discourage people from smoking and that we should not regulate the sale and advertising of what is a legal product. We already have measures in place to do this in the real world. It follows that in the virtual world, which is now so integrated with the real world, we should have the same measures in place.

According to the Interactive Advertising Bureau Australia, online advertising revenue in Australia reached $1.256 billion for the six months to 30 June 2011. That represents a growth of 19 per cent compared to the same period in 2010. By comparison, the broader Australian advertising industry grew just 1.1 per cent, using the same time periods. The IAB also predicted that the
online industry would grow exponentially to over $3 billion this year. We should not discount the power of advertising in social networks where word of mouth can spread to literally thousands of people every time someone update their status. The dream endorsement for many companies is no longer a quote from a movie star or sportsman or woman, but from a blogger or even everyday citizens tweeting about how much they like their product. This kind of 'real' promotion is the new gold standard, because people are more likely to believe their friends than advertisers. Of course, some advertisers try to buy in to this promotion, paying well-known bloggers to promote products or by creating what seem to be 'spontaneous' campaigns. People may not believe it comes from advertisers, they may believe it comes from their friends or someone they look up to.

I congratulate the government for recognising the need for reform in this area and for targeting this dangerous product. However, there are other equally important loopholes to close. Online sports betting is now pervading almost every aspect of sport, from advertising on the field and during breaks in the telecast to odds being quoted in the commentary. It is good to see that there is some movement in relation to dealing with that. Unscrupulous operators promoting their games through Facebook or other social networking sites encourage players to buy virtual objects with real money, including gambling chips that can never be cashed out. To paraphrase the Reverend Tim Costello, gamblers can now lose their homes without ever having to leave them.

This sector is urgently in need of greater regulation and protection for consumers. If the government acknowledge that there needs to be greater regulation in internet advertising as part of a comprehensive harm minimisation strategy, they also need to consider the effect of unregulated or poorly regulated gambling activities on the net. This bill constitutes an important reform. I congratulate the government, but I ask them to look further. I will be doing my bit to assist the government by introducing legislation to tighten up the regulations for online advertising for gambling products. That must be the next step. I also look forward to hearing from the government how they will be monitoring the success of these regulations by monitoring tobacco take-up rates, particularly amongst young people. Presumably that information will be available as part of ongoing health surveys. I think this is a good piece of legislation. I hope it is as successful as it is intended to be. I think it will be largely successful. The next step must be online gambling advertising promotion.

Senator BILYK (Tasmania) (11:35): I rise in support of the Tobacco Advertising Prohibition Amendment Bill 2010. The Gillard government is committed to the health of the Australian people. That is why we are investing money in improving health services and we place such a strong emphasis on preventative health. We want to prevent illness and disease because we know that it is cheaper than treating illness and will avoid unnecessary suffering by those with illnesses.

In 2009, the then Minister for Health And Ageing, the Hon. Nicola Roxon, MP launched the National Preventative Health Strategy. This strategy provides a plan for tackling the burden of chronic disease caused by obesity, tobacco and excessive consumption of alcohol. It focuses on primary prevention and uses all relevant arms of policy and points of leverage from both the health and the non-health sectors. The strategy comprises three parts: an overview, a roadmap for action and technical papers focused on the three key areas of obesity,
tobacco and alcohol. The Council of Australian Governments has agreed to attempt to reduce the daily smoking rate among adults to 10 per cent by 2018 and to halve the daily smoking rate among Aboriginal and Torres Strait Islander people. In order to achieve this target, we still have some work to do, and that is why this bill is before the Senate. Approximately three million Australians smoke every day. We know that smoking is destructive. Cigarette smoking is the major cause of lung cancer. It is responsible for causing up to 90 per cent of lung cancer. Smoking is the leading cause of preventable death in Australia. Across the nation 15,000 people die each year as a result of smoking and it costs the Australian economy over $31 billion per annum. The burden of disease and illness resulting from smoking should be regarded as a national public health crisis. This bill is one of a raft of preventive health measures this government is using to tackle this crisis.

The bill will ensure consistency when it comes to tobacco advertising and will achieve a number of positive changes. It will amend the Tobacco Advertising Prohibition Act 1992 to accommodate the changes in technology that have occurred since that legislation was passed. The bill will make it a specific offence to advertise or promote tobacco products on the internet and all other electronic media, including future technologies. We all know how quickly the rate of technological change is occurring. Unless advertising complies with state and territory legislation or Commonwealth regulations, it will be an offence to advertise. It will also allow for regulations of internet tobacco advertising and online sales to be similar to those placed on over-the-counter sales. The legislation will also make changes to online tobacco sales so they are governed by the same rules as the sales made in shops.

This bill will improve the Tobacco Advertising Prohibition Act 1992, the TAP Act, which was introduced by the Keating Labor government. The TAP Act was designed to comprehensively ban tobacco advertising in Australia. Now that we are in the 21st century we have new technology and the current legislation does not cover all advertising media. This is a key area we need to rectify. We know that young people love their technology and this, combined with the fact that modern methods are exempt from advertising prohibition, means that they are exposed to tobacco advertising. We need to have a consistent approach to the advertising prohibition on tobacco to protect people from the temptation advertising often presents. The bill will allow regulations to be made which could cover aspects such as size, content, format and location of internet tobacco advertisements. It will also be possible to regulate for the inclusion of health warnings, warnings about age restrictions on the sale of tobacco products as well as information about fees, taxes and other charges that may be incurred when purchasing the product. Age restricted access systems for allowing people to access tobacco advertising may also be regulated. After all, what parent with a young child wants them exposed to tobacco advertising online?

The bill will ensure that penalties for internet advertising will be consistent with those applied to other types of advertising. The penalties for failing to observe tobacco advertising regulations will be set at a maximum of 120 penalty units, and this is equivalent to $13,200 at present. This is a large amount of money to most people and, hopefully, the prospect of a fine will make most people think twice about disregarding the regulations. The bill will complement other measures the government has
introduced and the ones we are still working to implement.

The Gillard government values the health of all Australians and we want people to make informed decisions about their health and to do what they can to prevent illness. One thing people can do is choose not to take up smoking. Those people already smoking can choose to cut back or, better still, stop altogether. In 2010 this government increased the excise on tobacco by 25 per cent. On its own, this measure is expected to cut the number of Australians smoking by around 87,000. Last year the government offered smokers support to quit by subsidising nicotine patches and the anti-smoking drug known as Champix through the Pharmaceutical Benefits Scheme for the first time. This was just another way to reduce the smoking rate in Australia. We have a history of coordinated plans at federal and state level to reduce smoking. Through historic bans on smoking in workplaces and public areas and through prohibiting advertising, we are making it less likely for people to take up smoking. As has been said, this is particularly important for our young people as we want them to not smoke to begin with. We all know it is better to not start smoking than to become addicted and then have to work hard to give it up. We are also making record investments in anti-smoking social marketing campaigns.

The government also implemented plain-packaging legislation to make tobacco products less attractive to consumers. On 31 May last year I joined the then Minister for Health and Ageing, Nicola Roxon MP, and my colleague Senator Carol Brown, who is in the chamber at the moment, to sign the plain-packaging pledge in Canberra on World No Tobacco Day. On 21 April I joined with Minister Roxon and, once again, my federal parliamentary colleague Senator Carol Brown and the then Chief Executive of the Cancer Council Tasmania, Mr Darren Carr, at the Royal Hobart Hospital to promote plain packaging. The legislation passed through parliament on 10 November last year. The government's plain-packaging legislation means that from 1 December consumers will see cigarette packs with no colours or logos. Instead they will see more prominent health warnings and each time they see these warnings they will be forced to think about the damage that their smoking is doing to their health. They will know that each cigarette is doing damage and that, ultimately, their life will be shortened by smoking. It is estimated that the cost to Australia's economy from the impact of smoking is more than $31 billion per year. The savings we can make by reducing the number of smokers mean that there will be more money available to improve treatment of other illnesses. Our motivation for this legislation, as I said, is a healthier Australia and to avoid costs that a healthier nation will no longer have to meet or that can be redirected to other areas.

Let me recap exactly what this Labor government has done in preventative health since coming to office. We sought to establish a preventative health agency so that we had a national approach to health strategies and research. We have protected people, especially young people, from the dangers of binge drinking by introducing a tax on premixed drinks as well. In our first term in government we invested more money in preventative health than our predecessors, the Howard government, did in their almost 12 years in power. Interestingly enough, the Labor Party no longer accepts political donations from tobacco companies. We decided it was not ethical to accept money from these companies when their products cause such harm to consumers. Because of this, the tobacco companies know that they need to get the support of the opposition if
they are to stop the government from passing our legislation. It seems that those opposite do not have the same problem accepting money from tobacco companies, which is a shame. In the last election campaign, $5 million was spent by the tobacco industry to target the Labor Party. There was one reason for this campaign and one reason only: the industry knew that their profits would be negatively impacted if the legislation was passed.

The coalition does not share the Gillard government's passion for preventative health. It has blocked many health reform bills put before the parliament, including the Australian National Preventative Health Agency Bill 2010. Only recently it tried to block the government's plain-packaging legislation. Fortunately, it did not succeed on this occasion. My colleague from the other place the Hon. Craig Emerson MP, Minister for Trade, recently said, 'The Liberal mantra is why put off to till tomorrow what can be put off forever,' and that does seem to be the approach that those opposite take on a lot of these tough decisions. If we all shared that sentiment, we would not achieve anything in this parliament.

Thankfully, on this side we believe in getting things done. We think this is very important to the future health of Australia, to the health of individuals within our great nation. We do not want to see people unnecessarily ill or, in a worst case scenario, dying. We think it is important that this legislation is passed by the Senate. I commend the bill to the Senate.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (11:46): I start by thanking senators for their contributions to the debate on this Tobacco Advertising Prohibition Amendment Bill 2010. The passage of this bill is another important step towards reducing the national smoking rate to 10 per cent of the population by 2018 and halving the Aboriginal and Torres Strait Islander smoking rate in that time—the goal of our government. Since the passage of the Tobacco Advertising Prohibition Act in 1992, the use of the internet and other electronic means as advertising mediums has become increasingly widespread. Unregulated internet advertising undermines the effectiveness of the Tobacco Advertising Prohibition Act. It can weaken tobacco controls by allowing sales to minors, promoting smoking and permitting the purchase of cigarettes without graphic health warnings.

The amendments we are dealing with today will make it a specific offence to advertise or promote tobacco products on the internet and all other electronic media and future technologies unless compliant with state and territory legislation or Commonwealth regulations. They will also enable the making of regulations in relation to internet tobacco advertising to be similar to those placed on over-the-counter sales and online sales will no longer be different.

I welcome the comment of the member for Boothby during the passage of the legislation through the other place when he said:

The coalition are supporting the passage of this legislation because we recognise there is more to be done in the area of preventative health and there is still more to be done in the area of tobacco control.

The member for Boothby is absolutely correct. There is still more to be done. I encourage him to start by looking in his own backyard. Let him start by getting the Liberal Party to break its own expensive habit with big tobacco. Let us recall that in 2009-10 the Liberal Party accepted over $292,000 from big tobacco in political donations. In 2008-09, the Liberal Party accepted nearly
$300,000 from big tobacco. That is over half a million pieces of silver from big tobacco swelling the coffers of the Liberal Party. Half a million dollars may be the price for this opposition for hire, but what is the price paid by the many thousands of Australians who have died as a result of smoking? Even their own side have been finding them embarrassing. The Premier of Western Australia supports the Labor position of not accepting donations from big tobacco. The position of the opposition on tobacco controls lacks legitimacy and I am afraid is an embarrassment.

Senator Fierravanti-Wells attempted to attack the former Minister for Health and Ageing, Ms Roxon, in her contribution. I thought her attack somewhat hollow. Let us recall the recognition that Minister Roxon has received from the Australian anti-smoking community and internationally as a result of her extraordinary leadership around the question of tobacco control. She received the Nigel Gray Medal, awarded every two years by the Australian tobacco control community to recognise an individual who has made an outstanding contribution to tobacco control. She also received the World Health Organisation Director-General's Special Recognition Certificate recognising Minister Roxon's unwavering leadership in the field of health which described the proposal to introduce plain packaging as a bold and breakthrough approach. They are not awards given lightly and they are awards given to a minister we have had in a government that is committed to preventative health in this nation and particularly through limiting the use of tobacco products.

Our government is committed to implementing comprehensive strategies to further reduce smoking rates in Australia. These reforms put Australia at the forefront of international action on tobacco control and build our commitment to world-first legislation to mandate plain packaging of tobacco products by July 2012; a 25 per cent increase in tobacco excise from 29 April 2010; a record $85 million investment in anti-tobacco social marketing, including a $61 million campaign launched on 30 January showing that every cigarette you smoke brings cancer closer; access to nicotine patches through the PBS; and a $5 million investment in Quitline services. I am afraid the choice could not be starker; the choice could not be easier. I commend this bill to the Senate.

Question agreed to.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Fawcett) (11:52): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the minister.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (11:52): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
the government or the opposition that the very land which the government has offered up as a target for the country's first national radioactive waste dump is in dispute. This is not a mystery to the minister; it is very well known. A number of parties in the Barkly region of the Northern Territory hotly contest that Australia should be dumping radioactive waste in their backyard. They do not understand why they have been targeted, and they dispute the nomination of the Northern Land Council to the federal government of that particular bit of land on Muckaty Station outside Tennant Creek. There is a large number of amendments to get through, so I do not propose to delay us unduly, but I have a couple of general questions about the bill before we start moving through the amendments. My first question to the minister is: why on earth are we debating this today when you do not even know if you are dealing with the people who are appropriate to speak for the land in question? The action that has been brought in the Federal Court is not frivolous or vexatious; it is absolutely deadly serious for the people who are involved. I understand that Senator Evans is here in a representative capacity and this is not his portfolio, but this afternoon it is his problem. Are you able to describe why we are even here debating this bill when you do not even know if the land in question was the Northern Land Council's to nominate?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (11:55): This bill has been in the parliament for more than a year, and the government has made it clear that we think that this legislation is necessary to replace the current legislation. The court case that is occurring currently does not require us to delay or alter the National Radioactive Waste Management Bill 2010. Whatever the court case decision is, the government will of course respect and abide by it. The reality is that this government is committed to making these legislative changes. We believe they are necessary, and we believe they are a vast improvement. I know you have a different view about these matters, but to suggest that the parliament cannot do anything because there are court cases current is a nonsense. There may be further court cases, and there may be other actions taken—the parliament cannot wait until everyone exhausts whatever court cases they might be taking in this area.

We think it is appropriate for this bill to proceed. We have been trying to get it dealt with for some time. It is not affected by any particular outcome from the current litigation. In fact, the bill accommodates any decision the court might make. That was acknowledged by the applicant's lawyer in the Federal Court case, George Newhouse, when he said 'we don't believe that passage will have any effect on the Muckaty nomination, because the government has said that they will abide by the decision of the court'. I think it is broadly accepted that the two can both proceed. Minister Ferguson has made it clear that he will abide by any decision. He has also made it clear that he will engage positively, both before and subsequent to the passage of legislation if it is carried, with all those with an interest in the land.

With respect, Senator Ludlam, we have been trying to get on to this legislation for some time. The parliament has a responsibility to deal with it, and clearly this or other litigation will proceed according to the timetable of the parties and the courts. But this is important legislation and there is no barrier to the parliament's dealing with it.

Senator LUDLAM (Western Australia) (11:58): This is an unusual bill, and I think
that it is worth pointing out that this bill explicitly targets a particular site. This bill explicitly targets the Muckaty site. It is named in the bill as an existing nomination that was carried over from the 2005-06 legislation—the legislation of the former government. It is a little bit disingenuous to claim—although, again, I understand that Senator Evans is here representing somebody else’s portfolio—that the court case can go on with no relevance to this bill and that maybe there will be others and so on. If the applicants to the Federal Court action are successful it will completely rip the rug out from under the government’s strategy of targeting the Muckaty site, and the minister would do well to acknowledge that, if that happens, an enormous amount of time—committee work, the parliament’s time and particularly the people on the front line in Tennant Creek, who did not ask for this thing to be targeted on their country and do not understand why it needs to be going there in the first place—will have been wasted. The bill explicitly names that nominated site and preserves the nomination, which is not what the government said it would do when it was in opposition. The then opposition spoke out in no uncertain terms in ways that were directed particularly at Northern Territory audiences that they would not let the nomination stand. Words such as extreme, arrogant, heavy handed, draconian, sorry, sordid, extraordinary and profoundly shameful were used, not just by the Territory representatives but also by people such as Senator Carr. An action so described is what Minister Ferguson has sent the unfortunate Senator Evans in to defend this afternoon. The Labor Party strongly opposed it on principle when they were in opposition—and for perfectly good reasons.

My question to the minister is whether or not he acknowledges that this bill explicitly targets the Muckaty nomination, which is directly relevant. You could look at it in one of two ways. It is either a complete waste of the parliament’s time to be debating a bill that targets a site which, if the applicants to the Federal Court action are successful, will be taken permanently off the table or it may prejudice or get in the way of that action itself. I am not qualified, and I do not think anybody in this chamber is qualified, to go into the specifics of the question that is being heard in the Federal Court about who has traditional responsibilities for that country, because that is what that dispute is about. The dispute and the applicants in the dispute strongly contest the Northern Land Council’s forwarding of that particular bit of country to the federal government, which has then seized upon it and said, ‘We have a voluntary nomination.’ Therefore this is not coercive but is coming from the community itself.

The people there, for obvious reasons, are absolutely up in arms. They were not asked, they were not consulted and they do not believe proper process has been followed. The minister has never had the good grace to go there and look them in the eye and tell them what the intention is. He is hiding behind the idea that somehow the bill locks in the Muckaty nomination as the only site. There are advisers here today who have been across the table in estimates and who have told us that they are not looking at any other site and have no other nominations, that nothing else has come forward and that Muckaty is all they have. They did not speak not under oath, but obviously they were not lying to an estimates committee. They told us that nothing else is on the table: Muckaty is it. For the minister to say that somehow this is tangential to the matters we are debating this afternoon is completely incorrect.

My primary question to the minister asks him to reconsider the matter and to bring on other legislation for this parliament to
debate, because there are other things that this chamber should be doing. Failing that, perhaps during the MPI and question time periods, the minister could reconsider— noting that we are a week out from the anniversary of former Prime Minister Kevin Rudd's apology to Aboriginal Australia— setting up something here which we are going to be very sorry for indeed. This is setting up a future apology for us: the coercive targeting of a politically vulnerable community in the Northern Territory to host the nation's most dangerous waste. It is a 300-year lease. Senator Scullion, at some point during the debate this afternoon, will be telling us about the $10 million that he has secured, which averages out at about $30,000 a year over a 300-year lease. I am wondering whether that will be dribbled out over the full three centuries or whether it is upfront. It is quite an achievement, Senator Scullion. We will get into that during the course of the debate.

Senator Scullion: Don't verbal me, Scottie.

Senator LUDLAM: There will be time, Senator Scullion—there will be a great deal of time. Will the minister acknowledge that the action being undertaken in the Federal Court is directly relevant to this bill and that the government, effectively, does not have a proposal and is wasting the chamber's time if the action in the Federal Court by the applicants from the Northern Territory is successful?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:03): The simple answer is no. I do not know whether the senator misunderstands or clearly has a political position, which he just advanced and which is a little overdramatic. I am not sure that the apology to the stolen generation and a decision about this site are quite on a par.

The key response to the senator's question is that this legislation will allow us to deal with the Muckaty site or any other site. The legislation can survive any decision that is made in the court case. It is the case that we have an existing deed—a contractual obligation—in relation to Muckaty Station and that we look to honour that. A decision in the court would be binding on the government and would therefore be observed. The act allows us to deal with volunteer sites—Muckaty and others. It is not correct to say that the whole bill is dependent on Muckaty; it is not at all.

The rather emotive arguments about the impact of the decision are quite misplaced. It is the case that people have different views about this, as they will about any site. These issues are always contentious. It is important that people are allowed to pursue their legal rights. Some are doing so, and they will have their day in court. The court will make a judgment, and the government will abide by that judgment. This legislation provides the framework for the government to deal with Muckaty Station or other volunteer nominations, which allow for people to volunteer their interests and land to support us having a site. I do not think anyone contests the fact that we need a waste site and that current arrangements are unsatisfactory.

As the newly appointed science minister I have been briefed on those arrangements, and it has reinforced for me that we need to do better than we currently are in managing that waste. This issue has a long history, and I understand the emotion and the various views about it. This legislation allows the government to get on with resolving this longstanding matter. It allows us to honour the agreement with the traditional owners of
Muckaty Station and to follow the process and assessment through; it also allows us to do so with other sites. The act recognises the existing contractual relationship with the traditional owners of Muckaty Station. A successful action in the Federal Court to remove the nomination of Muckaty Station would not challenge the act and would not prevent us from proceeding with the architecture that is contained in the act.

Senator RHIANNON (New South Wales) (12:06): My colleague, Senator Scott Ludlam, has clearly set out the far-reaching implications of the legislation that we are now considering in committee. I would also like to take it up in the context of the implications for New South Wales, considering so much of the nuclear waste that would be stored at Muckaty would actually come from Lucas Heights, which is a nuclear reactor in Sydney in the outer suburbs near Sutherland. This waste would also be transported through New South Wales to then arrive at Muckaty in the Northern Territory. There are clear safety implications here and it would be useful for the Senate to hear from the minister how this is going to be managed. I think that this is very important when we consider that Lucas Heights will generate 90 per cent of the nuclear waste measured by radioactivity which will go to Muckaty.

As we know—and as has been explained many times—this spent nuclear fuel reprocessing waste is highly radioactive. This is waste that has been stored for a long time at Lucas Heights. The proposal is, as I understand it—and this is what I would like the minister to set out in more detail—to transport it to Muckaty Station. We know from the 2009 report commissioned by the government on possible transport routes from Lucas Heights to Muckaty Station, that it is proposed to send it possibly by road through western or northern New South Wales, or truck it to Cronulla and put it on a train to the site.

This is where we really do need a detailed response to the minister. As we know, the bill has serious implications for the traditional owners and the Indigenous people and all peoples in terms of the actual siting of the waste dump in the Northern Territory. But there are also implications in the transport of the waste, and this needs to be explored in considerable detail.

Taking that first possible transport route, where it would be sent by truck, that would mean that the waste would be going through built-up areas in Sydney, many of those suburbs, as well as regional built-up areas and country areas. The potential for accidents is considerable. We have seen that in the recent floods and in the Northern Territory with some of the accidents there. So how that issue is going to be managed is important, again, for the people of New South Wales whom I have been elected to represent, and also for people along that whole transport route. So I ask the minister to set out how that has been handled and what the government's response is to the potential dangers of moving highly radioactive waste over such a long distance. Thank you.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:10): Thank you, Senator Rhiannon. I will just make two points. One, I think it is important: we are not being alarmist in this debate. I point out to Senator Rhiannon in starting that we currently have waste at hundreds of sites, I think, around Australia—tertiary hospitals, as well as Lucas Heights. So when she talks about floods, it is possible that the current sites might be flooded. I am not suggesting that the current arrangements are
unsatisfactory, but to make those arguments, I think you have to acknowledge the fact that we are dealing with an issue that is already very real and you cannot wish that away. You can either choose to say that we will leave it all where it is, or you have to deal with it—and to move the waste to other sites, yes, you have to transport it.

But the transport of radioactive waste will be a significant part to the regulatory processes. A detailed assessment of the safe and secure movement of radioactive waste to a facility will be required in the course of an environmental impact assessment. That will of course involve consultation with local government bodies, as you referred, along preferred transport routes once the facility location is known.

Transport of radioactive waste to a facility cannot proceed without a licence from the Australian Radiation Protection and Nuclear Safety Agency, which will ensure that the transport arrangements fully comply with the transport code of practice. I am advised that it is estimated that over 20 million packages of radioactive material are safely transported throughout the world each year, over 30,000 of them within Australia already. So we are not going to something we have not had some experience with. It is the case that we have a very strong regulatory process that will have to be followed and that work will obviously flow once the site is determined.

But when one talks about risks, one has to acknowledge, as I say, the existing situation. I am not raising alarm about our current arrangements, but we have multiple sites and this will give us a better management and allow us to have a better focus on the management of the waste. When people talk about floods or accidents or earthquakes, the reality is that we are dealing with those risks in many sites around Australia now.

**Senator RHIANNON** (New South Wales) (12:13): Thank you, Minister, for that response. Minister, I did think that your response was not fully balanced in some aspects of nuclear waste when you spoke about some of the issues to do with floods and transport, when you consider that you are not actually referring to spent fuel. Spent nuclear fuel is highly radioactive. It is very dangerous. There is widespread understanding that it is safest on site. That certainly would have been the wisest thing, and it should have been done with Lucas Heights.

I draw your attention, Minister, to what the public response often is in Europe. When spent nuclear fuel is transported, there are mass protests of thousands of people often taking direct action because of their deep concern about this, and I think that we would all acknowledge that those protests have been critical to the German government and some other governments in Europe revising their policy on nuclear fuel.

Coming back to the transport issue, you set out the ways that the government is going to manage this. I think that what we now need to explore is whether we can be confident in those measures that you have put forward. In the first instance I ask if you are aware of a 2004 New South Wales parliamentary inquiry into the transport and storage of nuclear waste? This inquiry found that the transport of radioactive waste increases the risk of accident, including terrorist intervention. It also identified that moving waste by road can result in it being trucked through accident black spots where, obviously, the risk of accidents can increase.

That report found that moving the waste was not the best option. That report was actually supported by your Labor colleagues in New South Wales, and that position was put forward by them when they were in
government. It is at odds, I believe, with what you are now advocating. So I would just like to ask if you are aware of that report and what your response is to those findings?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:15): I have to say that I am not personally aware of that report. I am not as knowledgeable on New South Wales upper house inquiries as perhaps I should be. I have enough trouble following the multitude of Senate ones. I am not sure, Senator, whether you served on that one and whether you need to declare an interest or not!

Senator Rhiannon: No.

Senator CHRIS EVANS: No? Okay! Nor do I think that anyone would suggest that decisions of the New South Wales Labor government, now deceased, would be binding in any way on this federal government.

This is about finding a practical, safe and appropriate resolution of a problem that has plagued us for a long time now. The Senate would be aware of our current arrangements needing to be addressed, and the prospect of us dealing with return of waste in a few years time. We think this is the best possible response. As I said, there will be significant regulatory arrangements around the transport arrangements and consultation to ensure that the most safe and appropriate measures are in place. The threat of protest action seems to me to be, again, an incitement to alarmist behaviour.

I think we need a calm, rational debate about what is required here. We think this legislation does that. Obviously, when the regulatory framework is in place—if this bill is carried—then those issues all flow and they will have to be dealt with as they have been in this country in the past: in a very measured way and focused on the safe transport of that waste as a priority. We do need a facility and we do need a better option than the ones we are currently utilising. While I am extremely conscious of the need for transport to be done safely and the whole range of other measures, this is the regulatory architecture that allows us to do that. Those things will be developed over time and no doubt senators and others will take a keen interest in those matters, as they should. But we believe we will have the regulatory framework that can give most reassurance about those issues as we find an answer to a very real problem.

Senator RHIANNON (New South Wales) (12:18): Minister, I did note in your response that you spoke about how we need a practical, safe solution. They are significant words; just taking those words, one could not disagree with them. But it is obviously where we find the solution.

I think that where that comment takes us is to what degree, and how, would the government consult with the communities at Lucas Heights and along the possible routes to take the nuclear waste through New South Wales, possibly Queensland, possibly South Australia and obviously also the Northern Territory—whatever route is determined. That is very significant for these communities. They clearly have a right to know.

Could you set out the form that the community consultation will take? Will it be consultation on the possible proposed route? Or will the route be determined secretly, and then will there be that mock consultation that many of us see is used these days to justify projects that governments in fact know are quite unpopular? I think it would be very informative for the debate at this stage to
understand how that form of consultation will play out.

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (12:20): If I could just be of small assistance with regard to the nature of the material that we are actually moving? First of all, there is a dictate of the radioactive repository that there is no particulate matter and that there is no liquid matter to be stored at the repository. This is unlike the yellow cake which goes weekly from South Australia along roads or on the railway line through the Northern Territory—through the suburbs of Alice Springs, then Katherine, then Darwin and then boarded at the wharf.

Most importantly is the notion that there would be radioactive rods. The rods have in previous times already gone overseas for reprocessing. The material that returns is actually being transported in containers that have to have been approved by the International Atomic Energy Agency. I have seen photographs of them and there is a very specific standard under which this material can be carried. That actual container will be used to store them in Lucas Heights and then that same container, which meets the international standards of approval, will be used to move that material from Lucas Heights to wherever the repository may be.

Transport of radioactive waste will require a licence from the Australian Radiation Protection and Nuclear Safety Agency. There is an application for a licence and there is a process, and ARPANSA has made clear that public consultation will need to be a part of that process. I have great confidence that none of this will occur in secret, because there are clearly public interest matters to be taken into account when determining the transport routes.

Senator RHIANNON (New South Wales) (12:23): Thank you for that answer. Could you clarify: will the consultation be on which route is to be used before it is determined how the radioactive waste will be moved? Is it on which route will be used or is it to take place after the route has been determined?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:23): I do not have that level of detail. I will see what I can find for you, but if you are looking at routes and having a debate about a possible route then obviously alternatives will become part of that consultation. I would be misleading you to say I have a detailed briefing on that—I do not. I am happy to see if I can get something further for you, but ARPANSA will have responsibility to ensure that they comply with the transit code. It will require a licence, and those processes will
require that engagement about routes. It seems to me that brings into play the issue of which route is to be used and what the alternatives are. Clearly if one is taking waste from Lucas Heights to, say, the Northern Territory, there are options. I will try to get a more detailed response for you about how that process works.

Senator RHIANNON (New South Wales) (12:24): I believe it would be useful for the chamber to have that information before it, so I look forward to receiving it. You used the term ‘rigorous regulatory frameworks’. I am in no way implying, Minister, that you are like some of the Labor ministers I worked with in New South Wales, but that the term you just used was the regular language that they used. So many of their projects became highly discredited and are now being investigated so that sort of language sounds alarm bells for people who are trying to ensure that we handle this waste safely and that we manage these problems that society is periodically confronted with in a responsible way.

Sticking with this issue about how confident we can be in how various authorities manage this, are you aware of the Payne report? This goes back to May 2002. Christopher Payne was a former Australian Federal Police officer who was asked to look at security issues at ANSTO. This was just after the tragedy of the Twin Towers and before the Bali bombing, at the height of great concern about terrorist attacks. Mr Payne was asked to look at security measures. The Payne report confirmed that ANSTO were more concerned with appearing safe than with protecting the community and the environment. It was quite worrying to see the lacks of commitment there appeared to be from ANSTO.

I raise this because it highlights the lack of confidence that there is when one comes to look at the ways the various authorities manage issues to do with nuclear waste. My question is: are you aware of this report, and what has been learned from ANSTO’s apparent failure to deal with security issues that will be even more relevant if this nuclear waste is moved to Muckaty?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:27): I was not aware of the Payne report, but I can certainly ask to be briefed on that when I am dealing with ANSTO as I am now the responsible minister. From my point of view, I will be making sure that there is a very strong focus on safety and responsible engagement. I am sure that is the case already, but from my own personal view I would certainly expect it to be one of the No. 1 priorities. Having been briefed by the head of ANSTO recently, I am sure that is the case.

Drawing up instances of concern from 10 years ago may not really take this debate anywhere. And while you talk about what New South Wales Labor ministers said, your contributions seem to be leading towards the creation of fear, doubt and uncertainty. Talk of public confidence and public protests and such do not seem to be focusing on the bill or any evidence. We would be better off talking about those things rather than trying to raise concern based on allegations of past behaviour. Our job is to make sure the regulatory framework for the transport of waste that is occurring now, and the transport that will be needed when the disposal site is erected, is of the highest safety standards. That is an issue for the parliament now, and if you have evidence based concerns about that you are free to raise them. It seems to me we ought to be focusing on those things, and I am not sure the debate today will be advanced by me
debating with you reports from 10, 15 or 20 years ago. Obviously the bill is before us, and if you have issues you want to raise about that regulatory framework then I am happy to engage with you. But I am not sure traversing your views of what occurred 10 years ago is all that helpful in advancing the debate. So I will try not to sound like a New South Wales Labor government minister if you try not to sound like someone exciting fear in the community.

Senator LUDLAM (Western Australia) (12:30): I think the direction of some of Senator Rhiannon's questions, and probably one of the really vital links that the government and this particular minister missed when he put together his policy by simply cutting and pasting what the Howard government was up to on waste, is that the nuclear industry in Australia and around the world has a history of telling its host communities that it is safe. 'It's safe. It's safe. It's safe. Oh, no. Evacuate. Get out—because suddenly it's not safe.' We saw that most spectacularly in Japan 10 months ago but we have also seen it in Australia.

I am interested to note Senator Scullion advertising transport of radioactive concentrates through Central Australia on the rail line. Senator Scullion is obviously very aware—because this is right in the middle of his electorate—of the copper concentrate spill that occurred north of Katherine last December when the rail line washed out. If there had been yellowcake in that transport, which is what BHP is proposing, they would still be working out how to clean it all up. We do not have the emergency services personnel or expertise to clean up if a two-kilometre-long set of rail cars with radioactive concentrate in them were washed out. The point that Senator Scullion raised about the material in question—the material which, it is proposed, will be going to this dump at Muckaty or wherever else—is, however, quite correct in that it is not particulate matter. It is not 44-gallon drums full of powder as is exported from uranium mines.

But I would like to pull the minister up on a couple of things he raised in his earlier remarks about the hundreds of sites around the country that currently exist in hospitals and universities. We hear anecdotes about filing cabinets and so on. The minister in the other place has frequently riffed on this theme as well. The minister added the caveat that it is not suggested, heaven forbid, that any of those particular sites are unsafe—otherwise they should not be operated—but I would like to know, firstly, how many of these sites there are. How many places are there around the country for storing radioactive waste of various categories that would notionally be carted across to a central waste dump?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:32): I had myself asked that question five minutes ago when preparing to speak in answer to an earlier question. To get you the precise number, I am going to have to take that on notice. But obviously I am aware, as you are, that there are tertiary hospitals and universities involved in medical and pharmaceutical research and other activities which generate waste. When we come back to the debate later, I will try to get you a precise number. Those things are public and will be public under this regime.

I make the point, though, that I think there is a difference between arguing for nuclear energy, with its associated risks, in this country and dealing with the waste that is generated by what we all accept is very important scientific and medical activity. I have not heard anyone arguing that we
should not be saving lives as a result of that research and treatment. So I take a very pragmatic view of this: we have to find a solution to deal with those things and the waste that will be returned to us. I am not an advocate for nuclear energy in Australia. I do not think we need it. I think we have much better alternatives. Maybe the minister I am representing and I have a slight divergence on this, but I am not an advocate for nuclear energy and I do not think Australia will pursue it. I think that, with the introduction of a carbon price, we can do much better in wave, solar, gas and the other alternatives.

So I do not think we are debating the safety of nuclear power sites. We are debating how Australia manages the waste which will continue to be produced by very important medical and scientific activities which I think are accepted as necessary by the whole of society. We have too long ducked resolving this issue and many people from all sides of politics have not covered themselves in glory in this debate in the past, but this is a serious challenge for the federal government to resolve. We think this takes us forward in doing that. That is why we are seeking the support of the Senate. But I will see if I can get you the precise number of current sites.

Senator LUDLAM (Western Australia) (12:35): Thank you for that answer, Minister. I might load you up with a couple of supplementaries while you are at it since you have the advisers with you. I also take the opportunity to congratulate you on the portfolio reshuffle that happened while I was away and to add that, if you want to check the transcript of the last time that we debated this legislation—it was the third quarter of last year—you will see that we have been protesting very strongly since the 2007 election the rather odd decision to shift the portfolio responsibility for radioactive waste management from the science portfolio across to resources. I think that was a profoundly strange thing for the incoming Rudd government to have done. Minister, even the way that you have approached the debate this afternoon tells me that this particular matter, which is intractable and has provided huge challenges for governments of both political persuasions for decades, would be a lot better in your hands than in those of the person you are representing. I put that to you as a courtesy. If you were to be working behind the scenes to take back responsibility for this portfolio, we in the Australian Greens would certainly support that approach.

To load you up with a supplementary on the question that you have offered to take back—I am not sure that the minister's advisers would necessarily agree with me, so I do not know that you would need to consult with them at this point—I imagine that we are talking about somewhere between a couple of dozen sites to, at the most, something in the low hundreds. I am interested to know how many of those sites will close. What will actually change if this centralised waste dump happens? How many of the university filing cabinets will have to close, will be stood down or will not be needed anymore?

My understanding is that we are not proposing to change the way that we use radiopharmaceuticals, for engineering or whatever it might be. The government says, sometimes quite flippantly, that we have this stuff stored at all these dodgy locations around the country. That begs the question of why we do that if this material is so unsafe. How many of these sites is it estimated we will be able to decommission or stand down if we get a remote dump out in the bush somewhere?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of
the Government in the Senate) (12:37): I am happy to take that on notice and get back to you when we resume the debate. But my layman's response is that, if those sites are continuing to produce waste, there will clearly be waste for some period of time on those sites. The issue then is storage and making sure we are not continuing to accumulate waste in those sites. But clearly the research activities will continue and therefore they will generate waste. One of the issues we are dealing with is the accumulation of waste in Australia, which will only grow—because of both the returns from France and England that are due in a couple of years time and what we continue to generate here. We are one of the leaders in many of these scientific pursuits, which is a great credit to Australia. We have some of the best people in many of the fields that use this material. That is a layman's off-the-cuff response, which is probably wrong. I will get you a more informed response when we come back on the other matter.

Senator LUDLAM (Western Australia) (12:38): We only have a couple more minutes until we suspend the debate until this afternoon—if the government chooses to bring it back—so I have a couple of questions that I would like to put on notice for you. The first one the advisers may be able to tell you about right now. Does the government have any other sites under consideration? Have there been any nominations? This bill, as you have described it to us, provides first of all for locking in the Muckaty nomination—which was against the ALP's policy. Nonetheless, they have done that. Can you confirm for us—and I would like to be a little bit forensic about this if I can—whether the government has accepted any nominations, entertained expressions of interest or spoken to other parties? In terms as broad as I can frame the question, are there any other sites under consideration and, if so, where are they?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:39): I am advised that, under the existing legislation, we cannot take any other nominations. So I think the answer is no, and there is no intention to do that until this legislation is in place. But, technically, we cannot do that under the current legislation anyway. That is my advice: we cannot technically do it under the current legislation. So the broad answer is no, and there is no expression of interest process underway or anything of that sort.

Senator LUDLAM (Western Australia) (12:40): Senator Scullion might jump to his feet and contradict you. My understanding is that the 2006 amendments—which Senator Scullion had a fair bit to do with—to the Radioactive Waste Management Act that was in place from the end of 2005 did allow a land council, and I think it specifically proposed a land council in the Northern Territory, to nominate a site. Can I get some clarity on that? I do not have the bill before me, but my understanding is that other places can be nominated, on a voluntary basis, through a land council—which, indeed, was how the Muckaty nomination came about in the first place.

Senator LUDLAM (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:40): I think that is right—that legislation is what allowed Muckaty to be nominated. But I think the minister has made it clear that he is not entertaining any other nominations. So there is no process in place; there is no encouragement or expression of interest process or what have you. I think you are probably correct in the sense that that is how
Muckaty came to be nominated, but there is no ongoing process or consideration of other sites.

Senator LUDLAM (Western Australia) (12:41): I thought it was important to clarify that it is a policy decision of the current government not to accept or encourage nominations; there is nothing legally preventing others from coming forward. You say you have not been seeking out expressions of interest, but has anybody approached the federal government at any time—either the department or the minister's office—with an alternative proposal for a site?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:41): If this answer is not totally correct I will correct it when I get further advice. Essentially there is nothing serious occurring. I am told that people write in and say we should put it on the middle of the Sydney Harbour Bridge or at Parliament House because they deserve it or what have you. But I do not think there is any serious consideration going on in the government. If that is not totally correct, I will come back and correct the record. My advice is that the minister is not seriously considering anything, but he is occasionally contacted by people with different ideas about how we might respond.

Senator LUDLAM (Western Australia) (12:42): That is a fascinating answer and I look forward to having that fleshed out when the minister has had some time to provide you with a definition of 'serious'. But I understand where you are going and I look forward to your answer. The last thing I would like to get on the record—and perhaps this provides some homework for the advisers to take away before we bring this debate back—goes to the issues that Senator Scullion raised about what exactly we are proposing to store in this dump. My understanding—and I am happy to be corrected if this is wrong—is that there are two very broad categories of material that this dump will host. The first category is low-level material, which I think this dump is designed to host until it has stopped ticking in 200 or 300 years and is no longer a risk to the host population. The second category of waste, which Senator Scullion was referring to, is the reprocessed materials, the spent fuel, that comes back to us from Europe. The dwindling number of countries that do nuclear fuel processing have the plutonium and other fissile elements removed and then we get back a sort of cemented, solidified garbage from reprocessing plants in Europe.

I am interested to know, firstly, if the minister could provide us with an update, after the debate resumes, on how much of that category of material will arrive back here from overseas by 2014 and how much equivalent material of that nature is already hosted at Lucas Heights. The government makes a big deal about how this stuff is on its way back and we need to look after it and have somewhere for it to go. My understanding is that roughly 15 times that volume of material is already parked out the back of Lucas Heights and has been there for decades, and that what we are getting back is a relatively small fraction of what we already host. I would appreciate clarification and quantification. I think the minister has done an admirable job of defending the government's position this afternoon. I cannot say that I look forward to the debate resuming, because I hope it does not. I think all we are doing here is giving life to the adage that you cannot polish a dump, if I can put it that way—you cannot polish the proverbial. The minister is doing his best, but this should not be occurring.
Order! It being 12.45 pm, I call on matters of public interest. 

Ovarian Cancer

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (12:45): I rise today to speak about a health issue that is of the utmost importance to each and every woman regardless of their age or their family history and that is ovarian cancer, a disease that affects far too many Australian women. I take this opportunity to speak briefly about the signs and symptoms of the disease so that we can all be more aware of it. I note that there is a motion on the red today relating to Ovarian Cancer Awareness Month. Most of us were in this place when the late Senator Jeannie Ferris succumbed to ovarian cancer. She was a great advocate for raising awareness. Others in this place are likely to have been touched by this, whether in their family or among their friends or within their community. I sincerely believe that we need to be better equipped, we need more knowledge of the warning signs and symptoms, and women should have these discussions with their friends and families, with their daughters, with their mothers and with their grandmothers.

Ovarian cancer is often a silent disease in its early stages, which means that many women have no symptoms at all or symptoms that are difficult to recognise. Some of the more common symptoms associated with ovarian cancer are unexplained abdominal or pelvic pain, increased abdominal size or persistent abdominal bloating, difficulty eating or feeling full quickly, needing to urinate often or urgently and a change in bowel habit. As women in this chamber and those listening would know, many of those things are fairly common symptoms for many women, but the key point that I would make is that the symptoms that precede ovarian cancer are new to you and different for your body. I urge all women to be aware of the changes and to seek advice from their GP if they are concerned.

When it was brought to my attention I was pleased to learn that Ovarian Cancer Australia provides a freely accessible symptoms diary. This is a document that women can use as a tool to follow any symptoms that they are concerned about and to keep track of how they are feeling daily over a four-week period. The diary gives them a documented history they can present to their GP. I have downloaded a copy of it, and it really is very useful. It is easy to use and I urge women in the community to check out the website. That simple document may well be the first step in saving your life.

Unlike many other forms of cancer, ovarian cancer has no population screening, so it is important that as women we take charge of our health, seek help and increase awareness about the symptoms, because we know that early detection and increased awareness is important in winning the fight against ovarian cancer. It is simply a fact of life that some women will have to fight a personal battle with this disease.

What happens if you are diagnosed with ovarian cancer? From recent discussions, I have been assured that there are some fantastic counselling and support groups that have been specifically set up around the country to help those battling ovarian cancer. Last week I met Karen Campbell, a lady who is instrumental in Tasmania in supporting women undergoing this journey of recovery from ovarian cancer and many other forms of cancer. From the discussion, it was reassuring to learn that these support groups play an enormously important role not only
during the treatment period but more importantly after the treatment has finished. Those of us who have had cancer in one form or another are constantly living with the knowledge that we have had cancer and there is always the threat that it will return. It is not because our loved ones do not understand, do not care or do not want to hear, but all too often it is only in a support group that we are able to open up and articulate how we are actually feeling without the feeling that we are going to burden our family and friends even further. In the lead-up to treatments and when you go back to your specialist to find out whether the treatment has been successful or whether the cancer has spread to other areas, anxiety can heighten. These support groups are so essential. I commend Karen Campbell and her organisation for the work that they are doing.

In Launceston in northern Tasmania, a regular support group meets at Women's Health North, and in Hobart they meet monthly at the Cancer Council. These support groups provide a vital service for those who have been touched by cancer to meet and talk to others who share a similar experience. I think an experience shared and a burden shared are always lightened. I encourage everyone to visit the Cancer Council of Australia's website to find out where these groups are meeting in their local area. Another form of support for women who have been diagnosed with cancer that it has been so impressive for me to hear about is Look Good…Feel Better. This is an initiative that helps women to regain control of the way they look during their cancer treatment. The Look Good…Feel Better organisation characterises itself by saying: Look Good…Feel Better is a free community service program dedicated to helping Australians cope with the appearance related side-effects of chemotherapy and radiotherapy such as hair loss and changes to the skin.

Cancer treatment, and the ensuing appearance changes, can be a very difficult period of time for many of the thousands diagnosed with cancer each year in Australia. The aim of the Look Good…Feel Better program is to help cancer patients manage these side-effects and to help restore their appearance and self image.

Chemotherapy can affect the way we look in many different ways, from a change in skin tone or thinning eyelashes to perhaps the most extreme effect, total hair loss. The key message Look Good…Feel Better conveys to women is that these are temporary changes and there is so much that you can do to restore your appearance to something more familiar and similar to the way you normally feel and look. We all know about those days—and I have them—when you do not feel so great and when you look in that dreaded mirror and you think, ‘Oh, I look as bad as I feel inside.’ So I think anything we can do to help women in this case feel better about themselves and realise that what they are going through is a temporary process with their recovery is very important. That program has helped over 90,000 women already, so I encourage Australian women to keep up with these sorts of programs and be aware that that support is there in your community, because I think it is a great initiative. Its website is www.lgfb.org.au.

The strength of the women who have conquered ovarian cancer was evident to me when I read through their personal stories on the Ovarian Cancer Australia website. The stories are inspiring with their honesty and made me better appreciate the importance of getting the message of ovarian cancer awareness out there. One particular story that really hit home for me was of a women who was initially diagnosed with early menopause. She knew there was something
more to it than that and insisted on having further tests. It was later discovered that she had a one-kilogram cyst on her ovary. The message there is: if you do not feel that your GP or your doctor is listening to you and you are not confident in their diagnosis then seek a second opinion. To me, this simply reaffirms the point that each and every one of us knows our body better than anyone else and that we have to be aware of those symptoms.

As I said, the symptoms diary is a great asset and tool for us to document so we can take it to our doctor. As I said earlier—I am repeating myself—it is so important to talk to your daughters, your mother, your nieces or your friends so that they are aware, because, as I said, these symptoms are so common for a lot of women who experience them during their lifetime that we cannot afford to overlook those symptoms. We need to continue to educate the community so that we can have very early intervention, because early intervention is so critical in reducing the number of women who die from this disease. Statistics demonstrate the importance of that, particularly now. For instance, there has been an increase from 833 Australians dying from this disease in 1982 to 1,266 in 2007.

It is often assumed that a family history of cancer will be the primary indicator of who will be affected. However, 90 to 95 per cent of ovarian cancer is diagnosed in women who have no family history. Ovarian cancer is considered to be in the early stages when it is still confined to one or both ovaries. As the cancer becomes more advanced it may be found in other pelvic organs, such as the uterus or the fallopian tubes. Advanced stage ovarian cancer occurs when the cancer has spread from the primary site—in this case the ovaries—to other distant sites; it can travel to the liver or the lungs. The prognosis for an individual diagnosed with ovarian cancer depends on what stage it has developed to. We know that the earlier we can intervene the better the outcome is going to be. For individuals who are diagnosed with ovarian cancer still in its early stages and confined to the ovaries, the prognosis is good and suggests that 93 per cent of these patients will still be alive in five years.

The greatest risk factor connected to ovarian cancer is considered to be age. Unfortunately there is nothing we can do about getting older; however, there are a number of other risk factors that are thought to influence an individual’s chance of being affected by ovarian cancer. It is important to be aware of these risk factors, which include family history and genetics—this accounts for only around 10 per cent of ovarian cancers, but it is something we should be mindful of—having no or few full-term pregnancies, smoking cigarettes, eating a high-fat diet, and being overweight or obese.

I am very pleased to have been able to speak on this issue here today, because I think it is important to raise the profile of ovarian cancer. We know that breast cancer has had very high public awareness, and I pay full credit to the organisations and public figures that promote that very important battle that we have. Therefore, speaking today about Ovarian Cancer Awareness Month, I would encourage those in the chamber and in our communities to visit the Ovarian Cancer Australia website and to get involved in the events this month. We know that 29 February is Teal Ribbon Day for ovarian cancer. We are holding a morning tea here in Parliament House, and there are other functions around the country that are going to be organised. I would encourage people to get involved. Get a few girlfriends together or get your family members together so you can have a discussion and raise awareness and, at the same time, raise some badly needed funds for this important
battle. In Tasmania we already have registered four or so events where they are expecting to raise $2,000. Every dollar is so valuable in terms of making people more aware and bringing it to the forefront. So together we can raise the profile of ovarian cancer, we can raise awareness and in turn we can help to decrease the devastating effect that this cancer has on Australian women. I was not involved in the notice of motion, but I would like to put on the record once again that we in this chamber have been personally affected, both indirectly and directly, by people with ovarian cancer. I want to pay credit to Senator Ferris for the work she did. It is nice to know that the hard work she put in has not been forgotten. It is back on the Notice Paper, and I am sure there will be other contributions on this important issue during this month. But it is not just about being aware in February. Ovarian cancer, like all cancers, affects Australians every day of every month. Personally, having the experience of family members with cancer, whether they have good news or bad news, I know it is something they live with every day, so we need to support these networks.

Rhiannon, Senator Lee

Senator SINODINOS (New South Wales) (13:00): I rise on a matter of public interest to do with my colleague Senator Rhiannon and ASIO. In preparing for this, I was reminded of a quote from the Spanish-American philosopher George Santayana that those who cannot remember the past are condemned to repeat it.

In March 2010, in two speeches to the New South Wales Legislative Council, the then Lee Rhiannon sought to discredit ASIO's surveillance of and files on her, claiming that they were riddled with errors. Shortly afterwards, the questionable claims in her speeches were reported as fact in a breathless newspaper article entitled 'ASIO spooks spied on little girls'. Thus Lee Rhiannon, who at the time was vying for the Senate, was attempting to inoculate against objective coverage of her 800-page ASIO file which had just been released by the National Archives. In a blog on 3 September 2010 entitled 'Responding to attacks on my family and political background', the now Senator Rhiannon revisited the same theme while giving rose tinted accounts of her early activism.

I have looked at Lee Brown, aka Gorman, aka Rhiannon's ASIO files and I must say I am impressed with their thoroughness and the obvious skill involved in their compilation. While ASIO's intelligence was not perfect, as is to be expected, it was much, much better than Senator Rhiannon has made out. Senator Rhiannon claims that ASIO's 'biggest howler' was 'the assertion that I studied motor mechanics at UNSW'. This is disingenuous. In fact, the ASIO report on the Young Socialist League's Marxist coaching seminar states that, 'Lee Brown made the general remark that she is studying motor mechanics at the University of New South Wales, where she is currently employed as a lecturer'. ASIO were not making that assertion; it was ASIO reporting Lee Brown's own words, a significant distinction I would have thought, since elsewhere ASIO accurately record her university studies.

Recently it was disclosed that on 19 January 1970, as an 18-year-old embarking on a voyage to the UK on the Russian vessel Shota Rustaveli, Lee Brown was appointed to meet one Vladimir Alekseev from the Soviet Embassy in cabin 190 on J-deck, where he would wait for her. An ASIO intelligence file reveals that, when arranging this meeting, Alekseev said that he was calling on behalf of one Ivan Stenin. An ASIO telephone intercept reveals that he was calling on behalf of one Ivan Stenin. An ASIO telephone intercept reveals that the previous month Stenin had contacted...
Rhiannon's father who was intending to travel abroad before his daughter by air to England, Switzerland and Russia. We now know of ASIO's conclusion that Stenin was a senior intelligence officer, and that many believe that Vladimir Alekseev was the KGB station chief or 'rezident' at the Soviet Embassy in Canberra.

It is therefore timely to examine Senator Rhiannon's ASIO file and to test some of her other claims. In her 2010 blog she claimed that there was no expectation she would follow in her parents' political footsteps. But in truth Senator Rhiannon was an in-vitro communist. According to Mark Aarons, he and Lee Brown were 'red-diaper babies', a term by which the Communist Party of Australia members affectionately referred to the children of communists destined to inherit their parents' political genes. Rhiannon has perpetuated the line that ASIO began spying on her when she was seven, because an ASIO precis-history of her activity has a one-line record of her at a Tribune picnic in 1958. I think we can assume that ASIO at the time was more interested in Rhiannon's parents and other communists than they were in Lee, precocious though she may have been.

In fact, the first item in Senator Rhiannon's ASIO file is a clipping from an April 1955 edition of the CPA's Tribune headlined 'Kiddies' big part in May Day', showing three-year-old 'little Lee Brown' dabbling at a sign saying, 'For me—Ban that H-bomb' in preparation for the upcoming May Day march. I am sure that 'little Lee' was oblivious to the Soviet Union's possession of the H-bomb which they had successfully tested two years earlier. Rhiannon also claims ASIO inaccurately noted that she was a founding member of the Eureka Students Organisation, in one stroke glossing over her involvement with this organisation which was the CPA's youth wing, described by her father as being like the Pioneers. In its heyday, the Pioneers was an international organisation for children, operated by the Communist Party, which promoted sports and outdoor skills while teaching communist principles. In actuality, Rhiannon's ASIO files record the application to attend the Junior Eureka League's 1964 summer camp at age 13, her election as treasurer of the Junior Eureka League's South Sydney branch in 1965, her graduation from JEL and her role as a Pioneer of the Souths branch.

By age 14, Lee was demonstrating against the Vietnam War. At 15, ASIO's files show she took part in a rowdy Eureka CPA protest against Prime Minister Holt, participated in other protests, marches and communist social functions, and attended a CPA Sydney district meeting. By age 16, the ASIO files indicate that Lee did clerical work at CPA headquarters during her school holidays. They also show that she was involved in pamphleteering high schools, involved in Secondary Students for International Tolerance and Equality and organising an anti-Vietnam War peace ride to Canberra.

What the headline 'ASIO spooks spied on little girls' overlooks is that the communists of the day did indoctrinate and attempt to use young people and others to further Soviet ambition, a fact ASIO was well aware of. The truth is that by the time Senator Rhiannon was 18, embarking the Shota Rustaveli for the UK and who knows where else, she was a hardened communist. It is easy to forget—and people born since may not even appreciate—that during the Cold War the CPA was part of the Comintern or Communist International which owed its loyalty to Moscow and was dedicated to the revolutionary overthrow of our democratic system. The CPA received funding and took direction from the Soviet Union, senior members regularly travelled to and trained in
Russia, its members infiltrated other organisations and agencies while a few were involved in espionage against their own country, Australia. In this connection I note Laurie Aarons's accusation contained in Mark Aarons's book *The Family File* that Senator Rhiannon's father, Bill Brown, procured spies for Ivan Skripov, the Soviet diplomat who was later declared persona non grata and deported for spying in 1963. I quote:

... he (Skripov) got onto Bill Brown who started to try and get some people, and in fact, he got one or two people. I don't know what happened. It's wrong in principle and also stupid to get involved in that.

After the Soviet invasion of Czechoslovakia in 1968, which the CPA had criticised, the Soviets began courting Dick Dickson, Claude Jones and Bill Brown to overthrow those in the CPA who had deviated from the Moscow line. Dixon and Jones apparently refused. Jones knocked back the usual bribery, saying, 'I was offered any amount of money that I would like to name from the CPSU'—the Communist Party of the Soviet Union. As Mark Aarons put it:

As good punters, the embassy hedged its bets... and had already put money on Bill Brown, who had previously demonstrated his loyalty by assisting the KGB officer, Ivan Skripov.

This was Bill Brown's hour. ASIO documents show that the Soviets—Stenin in particular—had established a clandestine link with Bill Brown outside of CPA channels and that communications increased dramatically after the invasion of Czechoslovakia. Given all the above, but in particular given Bill and Lee Brown's involvement with the KGB agents Stenin and Alekseev at exactly this time, is it any wonder ASIO's director-general asked British intelligence to be apprised if Lee Brown came to notice in the UK.

Let us now examine Senator Rhiannon's initial response to the *Australian*'s story about her rendezvous with the KGB agent Vladimir Alekseev. Firstly, she claimed it was based on 'inaccurate ASIO records'. Contrary to her previous claims, the ASIO records are generally very accurate. Moreover, ASIO's report of the telephone intercept of Vladimir Alekseev's call to her mother, Freda Brown, is quite detailed. Secondly, she claimed the attempt to associate her departure on a Russian cruise ship to potential spy activities was ridiculous. That claim was not made. Thirdly, she said, 'I've never been a spy and no-one ever attempted to recruit me.' Again, no-one made that allegation. The suggestion was that the KGB wanted to cultivate her as a long-term agent of influence. Fourthly, she said, 'Spy reports of me being involved in clandestine meetings on board the ship are wrong.' Did you meet Alekseev or not? Fifthly, Senator Rhiannon played the ingenue, just a young student, who was involved in some anti-Vietnam war protests, embarking on a working holiday. I think we have established she had a much longer rap sheet than that.

Senator Rhiannon may get away with this sort of fudging with her Eastern bloc comrades in the New South Wales Greens; she cannot get away from it here. As the *Australian* noted, Senator Rhiannon dismissed the report of her rendezvous with Vladimir Alekseev as Cold War delusions but did not deny the claim.

Finally, yesterday Senator Rhiannon, in a letter to the editor in the *Australian*, asserted that to the best of her knowledge she had never met a Russian spy and never attended a meeting on the ship—not a totally unqualified denial. There are therefore a number of very serious questions which Senator Rhiannon must answer. What was her involvement with KGB agents Ivan Stenin and Vladimir Alekseev? Did she visit
any Eastern bloc countries in 1970-71? If so, which ones, why and precisely when did she return to Australia? Did she attend the Lenin School during any of her trips abroad?

In 2010 Senator Rhiannon promised that a full report on her ASIO file would shortly be placed on her website. She never did this. I encourage her to do so. It would be helpful to her and to the Senate. Perhaps she could detail the extent of her involvement in plans to raise money for North Vietnam, revealed in ASIO's telephone intercept of 18 May 1972. Senator Rhiannon may also care to confirm ASIO's belief that she authored a caustic letter to the Sydney Morning Herald on 26 February 1974—a fortnight after that giant of letters and human rights of the 20th century Alexander Solzhenitsyn was deported from the USSR and stripped of his Soviet citizenship after the KGB found his manuscript for the first part of The Gulag Archipelago. In the letter, one Lee Brown took issue with the suggestion of Dick Klugman—a former Labor MP and distinguished member of the lower house—that the Canberra street in which the Soviet Embassy is situated be renamed Solzhenitsyn Avenue. She suggested that streets around the US Embassy be renamed Watergate Boulevard, Rosenberg Road and My Lai Memorial Avenue. The Rosenbergs, of course, were executed for giving the Soviet Union atomic bomb secrets.

Lastly, in 2010 Senator Rhiannon said she did not support the Soviet invasion of Czechoslovakia. I quote:

... My recollection is that we marched up New South Head Road to the Soviet Consulate where there were speakers long into the night ... Personally I did not support the invasion and to conclude that when I was first getting involved in politics as a teenager and in my early twenties I backed oppressive violent actions against people in Czechoslovakia and Poland is ridiculous.

Curiously, ASIO's extensive surveillance files of protests disclose no record of Senator Rhiannon protesting the Soviet invasion of Czechoslovakia. They do, however, disclose the existence of a 1975 document for the Young Socialist League detailing planning by one Lee Brown for a forthcoming Czechoslovakian delegation tour to Australia. No doubt she made a personal protest.

I conclude with this question. Senator Rhiannon, if you were not a neo-Stalinist, what were you? Are the Greens just another front for you and your Eastern bloc claque? You owe the Senate and the people of New South Wales and Australia a full and frank explanation of all these matters. I say to the Greens as a whole that in recent times there have been disclosures in a magazine, the Monthly, about a so-called rift within the Greens between the original Greens, who came to the movement out of a conviction that more needed to be done on the environment, and other groups which started to join later on. One of those groups came out of New South Wales. The real issue for the Greens now is the fight that is going on for the heart and soul of the Greens. The Greens are split. The Australian people should know that and they should know that there are people in New South Wales within the green movement who are seeking to subvert the green movement as a whole. Finally, it has come to my attention over time that there have been attempts by people on the Left to ridicule and trivialise the work of ASIO during the Cold War. ASIO did what they needed to do. I am sure they made mistakes along the way, but we should not underestimate the threats that we faced. In an open society we do need bodies like ASIO to help protect us against our enemies.
Rhiannon, Senator Lee  
Australian Year of the Farmer

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (13:14): I rise today to address one of the major issues facing the nation. I wish to note what a contrast that will be to the absolute fall in public standing that Senator Sinodinos has just engineered on his own behalf. There was a lot of expectation when he came into the Senate that he would elevate the coalition to deal with matters of national importance and policy. What we have just seen here today is a complete fall from grace. It was a muckraking exercise in shabby propaganda. It was a personal attack. It may interest him to know that the Cold War is now over. What is more interesting is that his political career is now over, having brought with him the worst part of the coalition—that is, the personal attacks and muckraking that characterises some of its members.

Senator Sinodinos said those who fail to remember the past are condemned to repeat it. That is true. I remember that Senator Sinodinos was the former Prime Minister John Howard's adviser during the worst example of inhumane abuse to children that this country has seen when children were locked behind razor wire, when we had the whole children overboard affair. Senator Sinodinos was an adviser to Prime Minister Howard at the time. Moreover, there was the disgraceful children overboard episode where Prime Minister Howard allowed people to think that asylum seekers were prepared to throw their children in the water when the video evidence showed, quite to the contrary, that they were merely showing they had children on board to alert people to the threat of hurt to children. This was an outrageous moment in history and, if we want to get into people remembering the past, we remember that and the Australian people remember that. The senator spoke about failing to remember the past and being condemned to repeat it. That is why we will not ever allow a repeat of the appalling tactics and politics that came out of Prime Minister John Howard's office at the time when Senator Sinodinos was his then adviser.

However, I came in here today not to engage—as Senator Sinodinos did—in personal attacks on the opposition. Contrary to that, I came in here to talk about the fact that 2012 is the Year of the Farmer in Australia. It is an incredibly important year in a global context because it gives us an opportunity as a nation to reflect on the role of the farmer, the role of agriculture, the role of food policy and to get it right for this nation. I am concerned that what we will hear in discussions surrounding the Year of the Farmer will be meaningless motherhood statements about how we all appreciate farmers, how they are the backbone of the bush, but nothing will change that will actually enable people in rural communities to get a decent and fair return for the work they do and therefore build resilience in rural communities.

I want to move on to what we should be talking about in this Year of the Farmer and in the discussion of a national food plan, which the government has underway and which will undergo, after the discussion
stage, a green paper and a white paper process. I will be urging people in rural and regional communities and in urban communities throughout Australia to engage in the discussion of what a national food plan should look like. At this point I am concerned that the national food plan is just going to be a rehash of existing policy and that it is not going to address some of the major changed imperatives in the production of food.

There are essentially two issues globally. We are living in a time when the global population is at seven billion people and going to nine billion people by mid-century. There is a global challenge of how we are going to sustainably feed, clothe and house nine billion people and how we do that has to be ecologically sustainable and fair and equitable. A recent United Nations report, *Resilient people, resilient planet* says the challenges of this century are ecological sustainability and equality. Food security is about making sure that people have access to enough food. That is essentially what food security means at a global level—enough food.

But we are reaching planetary limits in the land that is available for food production, in the water that is available and in our marine environment. We are facing incredible problems as a result of overexploitation, loss and abuse in those contexts. We are also facing climate change, which means we are getting extreme weather events occurring all around the world. This is leading to uncertainty in crop production and food production, which is leading to food inflation and incredible price volatility. Price volatility is absolutely bad for rural and regional communities and farmers. If you have a time of high prices for food, then you get high consumer prices for food, you get returns investment in the land, then you get overproduction. Or you can have a situation where people have to sell their assets below the price they paid for them and you then have a lot of significant problems. As a result of extreme weather events and the price shocks that came out of the 2007-08 food crisis, we have seen a massive change whereby countries such as China, Qatar, South Korea and the Arab states are now recognising that they cannot produce enough food for their own people. They are recognising that world trade is not going to be able to provide food security—accessible, affordable food for their people—because there will be times when other countries ban the export of food, as occurred with Russia, as a result of extreme weather events.

The upshot is that those countries are now buying land and water resources from around the world with a view to shipping the food back for their own people, which is absolutely against the food security interests of many poor farmers in the countries where those resources are being bought up. In Australia just this week, an academic from Denmark, Professor Pinstrup-Andersen, who is here for an agricultural conference, said that governments in poor developing countries in Africa and Asia are leasing land to foreign governments and companies, often in secretive deals, and kicking small farmers off the land in the process because there is no formal land title. Foreign investors are then developing the land and exporting food back home, which is doing nothing to improve food security in these nations.

It is not just poor nations that are vulnerable to that; Australia is also vulnerable. In an assessment last year, a report that was done for the government, it was revealed that in Western Australia, for example, one-third of water licenses are already partially or wholly foreign owned. A large percentage of the Northern Territory is in the same category. Before the Senate committee we had representatives of the
food company of the Qatari government saying that is their strategy. They intend, as a small, oil-producing nation, to buy up land around the world because they recognise that food will be the oil of this century—that is the reality. The geopolitics of the world in the 20th century was based on oil. The geopolitics of the 21st century is going to be based on land and water for food production, so we are looking at an entirely different cultural context.

But it is not just about supplying adequate levels of food globally; it is also about distributing that food in an equitable way, ensuring that everybody has access to affordable food. That brings up the issue of food sovereignty. Whilst food security goes to the question of where the food comes from, food sovereignty goes to the issue of how it is produced—the agricultural production systems, the values that underpin those systems and the social conditions of the people who produce the food. So we have the issue of farmers making sure that the people who produce food get a fair return. Food sovereignty is about farmers, rural communities, consumers and international trade policies and about countries asserting control over their food production systems. We are talking about where food is produced, how it is produced and the social conditions of the people who are growing it.

Here in Australia, our policies are undermining sovereignty because they are undermining the capacity of farmers to stay on the land. Not only do we have the problems associated with extreme weather events but we are seeing real challenges in Australia in relation to everything from urban expansion taking up agricultural land to the massive assault we have seen from coal seam gas on both agricultural land and water systems. More particularly, the duopoly of Coles and Woolworths is effectively denying farmers a reasonable farm gate price.

We have to start dealing with these issues in Australia. I have on the books of the Senate a motion which goes to this, recognising that what is going on in Australia is doing farmers in in the Year of the Farmer. Let me go to two examples. One is trade policy. If we have an ideological commitment to free trade but not to fair trade, foreign imports can come into Australia at such a low price that a farmer in Australia cannot compete. Why? Because those foreign imports are produced with less environmental compliance and less by far in terms of labour standards and/or wages. No matter how good an Australian farmer is, he or she cannot compete against that, and yet that is what our trade laws permit. The laws permit the ridiculous situation where, on Australia Day, we have cans of Home Brand products in supermarkets with Australian flags on the outside but we cannot guarantee that the product inside the can has not been imported in bulk from another country before being canned and put on the shelf.

There are a range of things that we need to do, and I have a motion on the books which I am encouraging the coalition and the government to support. The motion is to direct the Productivity Commission to look at competition policy in the grocery retailing sector; direct the ACCC to update its report on competition in the grocery industry; direct the ACCC to look at the extent to which the cuts in fruit and vegetable prices initiated by Coles are affecting the price of other goods sold in the supermarket chains, their profits, the prices they pay their suppliers and the farm gate prices received by Australian farmers; and ensure that the ACCC is encouraged and funded to bring matters before the courts.
During the milk war that has been going on, there has been a statement by the duopoly, Coles and Woolworths, that it has not affected producers, that it has been marvellous for consumers. That is not the case. Australian Dairy Farmers came out in the last week showing very clearly that what has happened is a significant change. Milk has been devalued across the nation. Retailers competing with the Coles branded milk have had to drop their prices to try and protect their market share, processors have had to discount their own brands of milk to try and retain sales and dairy farmers who have their prices linked to processor brand sales have seen their milk cheques dropped. In Queensland in particular there is very specific information to show that there has been the loss of some 30 dairy farmers from the industry there since January 2011 and that the latest wave of impact is now occurring, with around half of Queensland dairy farmers that supply Parmalat suffering a cut in income in their new supply contracts for 2012 of $30,000 to $40,000 per annum on average. (Time expired)

Economy

Senator MARK BISHOP (Western Australia) (13:30): Economic matters are rightly the key policy focus for us as we observe the current dire straits of the world economy and our privileged position within it. Today I would like to speak about the resources boom and the Australian economy and society, especially the need to foster urgent structural change, not impede it. In particular I want to draw attention to a report by Port Jackson Partners, issued by the ANZ Bank late last year. That report details the massive potential growth and change facing our economy from the mining boom. It also looks at the roadblocks to the achievement of that growth and change. It echoes the views of many respected economists that we need to make major structural changes if we are to keep our economy thriving, regardless of what is going on in the old world, which is of less significance for us now than it has ever been.

The real question, as Port Jackson Partners imply, is whether we really understand the magnitude of this opportunity that is coming our way. The question is: are we capable of taking full advantage of that opportunity? The report says:

The shift of economic growth from the developed world … is unleashing extraordinary forces in the global economy. Huge low-income populations across the developing world are demanding more basic necessities: minerals, energy, food and fibre. In particular, commodities such as iron ore, copper, coal, aluminium, gas, grain, protein and fibre are the central ingredients in the industrialisation and urbanisation of developing countries. …

The developed countries of the world have already created a middle class of nearly one billion people—yet well over five billion … are still to reach middle class income levels. More to the point, the report said:

This is not the stuff of a routine commodities ‘boom’, but rather a more fundamental global process already well underway that will see billions more people achieve middle class living—and it has decades to run.

That is, for the first time in history, growth is now concentrated in the developing world, not the developed world. That developing world is on Australia's doorstep and that has other flow-on consequences. For example, as with the Japanese economy in its heyday and China today, there are direct benefits to be gained in the future, especially for tourism and education, as this Asian middle class quickly grows.

There are a few key points emerging from this analysis which we as a country and as a society need to heed. First, this entails a significant shift in our economy which we need to be more aware of and which we must
foster urgently. Foremost, it entails a shift from a consumer based economy to an investment based one. With this goes structural change in which the mix of industry we currently have will change to one supporting the new growth areas.

The second key point from this analysis is that the predicted growth, in the mining sector especially, includes support industries. These include, for example, mining services, engineering consultancies, heavy industry construction, plant hire, explosives manufacture, machinery, surveying services, ports, rail and road freight, to name a few.

Mining is already a sizeable sector. The report indicates over half the capitalisation of Australian stock exchanges comprises commodity exports and those supplying them. Port Jackson Partners estimates sales in the supply and services sector will grow to around $200 billion by 2030. That is for the domestic market alone. As the report says, this is a classic example of clustering of new industries where there is significant national advantage. It is about clusters of industries turning comparative advantage into competitive advantage. It is about entirely new world-class firms and industries spinning off from the resources boom in their own right. It is about new firms and industries becoming centres of growth and dynamism within Australia, not to mention the international flow-on.

For example, last year I referred to the huge demand for Australian expertise in the development of the mining industry in Africa. In many developing countries extraordinarily rich in minerals, there is a huge deficiency not just in investment but in the necessary know-how. Many Australian companies—hundreds—are already involved, but the potential for the mining services sector seems unlimited. Importantly, it includes government regulatory models and institutional frameworks. So it is already happening. This sector has the capacity, like the mining industry, to absorb quite quickly the shift of labour and resources from other sectors.

The third point is that, although this shift is inevitable, the consequence for other parts of the economy will be continuing growth as well. Food production, retail and general consumption will continue to be fostered by growth, even though the industry base has shifted. This is simply because national wealth will continue to grow as the result of this shift in investment and production. For example, it is estimated by Port Jackson Partners that, if Australia expands capacity rapidly enough, commodity export revenues could reach $480 billion in real terms by 2030, despite significant price reductions, and direct and support sector employment could double, with at least 750,000 jobs created.

Investment of $1.8 trillion is required over 20 years to support that growth, and that figure is half of Australia's current capital stock. The value of commodity exports could reach 19 per cent of GDP annually on average over the next five years; and the investment required would be on average almost 6½ per cent of GDP annually. These are simply amazing projections, but achievement is dependent on rapid economic structural change. But there are many challenges in the short term. The largest challenge is whether we as a community understand the true nature of this shift; that is, to survive we must seize the chance and run with it.

Unfortunately, there are many who believe that, like the history of mining, the boom will come and go. 'It is temporary. It is nothing more than a transitory phase'. But, as the Port Jackson report tells us, that is not going to be the case. We need to understand
the changing environment in which we are living. Unless we do, we will arguably end up in the same morass as Europe—that is, an introspective, cosseted and indulgent society which consumes more than it produces, has falling productivity and is left with massive debt and little capital for necessary investment going forward.

We are very lucky to enjoy our economic position in the world at present, but the ongoing challenge is serious. We must pass the opportunity for higher consumption and support the economic shift to an investment economy. The report clearly shows that that shift is well underway and is increasingly encouraged and fostered by the current government. For example, mining and energy investment has increased from two per cent to four per cent of GDP in the last six years. As we all know, we have been in government for the last four of those six years. The mining support and service sector has increased employment by 40 per cent in that period—more particularly in the last five years. Hence there were labour shortages elsewhere in less profitable sectors.

The report identifies two other key challenges, apart from the failure of the community to understand the reality and nature of these changes. The first is the need to rapidly develop new skill sets to cope with the new demand from existing and developing support industries. The second is the need for capital markets to come to terms with the new expanding investment that is required and needed. To quote the report:

"Markets and businesses will reallocate economic capacity to the uses with the highest returns. This could lead to some crowding out of non-resource sectors of the economy, such as non-resource related manufacturing, as economic resources move across the economy."

The report then makes a stark choice in policy terms for governments: stall the inevitable growth by protecting other industries which are unlikely to compete for labour and finance and which are exposed to exchange rates and rising costs or proactively build capacity to support that growth, adding supply-side capacity by way of skills, growth finance, and technology. The clear inference is that we have little choice, and probably no choice, but to go with the latter—simply because it is already happening.

The fact is that mining and support industries are shifting our economy dramatically. In the last five years, gross commodity exports were more than 50 per cent of Australia's growth in GDP. Investment in minerals and energy increased by 2½ times. There was also a huge shift in our export focus away from Europe and the USA to our own region. This was all accelerated by the global financial crisis which has enveloped those old economies and spared the new ones in Asia. Moreover, good economic management has resulted in low public debt, stable employment and a strong currency. Terms of trade are, as we know, at a 60-year high.

The single question for me is whether we fully grasp the opportunity or stifle it through inaction. The answer is obvious. The report on that basis goes on to explore the options and the outcomes which flow from the strength of commitment to be made. The best case outcome assumes an optimum response to investment needs, while the worst case is a 'do nothing' response which I hope is inconceivable.

The report also details many implications of this massive opportunity, which I will summarise. Capital investment needs will increase enormously. It has already doubled from $30 billion per annum in 2006 to $60 billion in 2010 and it is likely to climb to $100 billion per annum very quickly. This has clear implications for markets which are
already stressed due to the GFC. It has already prompted a debate about foreign ownership—not unlike our experience decades ago with Japan. Tax and royalty revenue is likely to increase by $34 billion per annum. Capital gains to investors, including superannuation funds, will increase, creating new demand for goods and services. Stronger exchange rates will improve consumer purchasing power, although import-competing business, including some retail, will come under greater pressure. We see some of that already.

While there might be some crowding out of trade-exposed sectors, the impact can be reduced if capacity is added rather than simply shifted. The commodity support cluster of industries is likely to grow faster than the mining and resource industries themselves. It means rapidly-increasing employment opportunities and increased demand for relevant skill sets within industry. The flow-on will be much broader than direct mining and support, to include legal, banking and accountancy, for example. As the strength of this new cluster grows, so will its demand for research and development and tertiary training. There are already new challenges from other suppliers in South America and Africa, but the emphasis will be on high-tech capacity, reliability and quality of supply. Despite price cuts, profitability will be maintained through larger volumes—all possible with adequate investment and infrastructure.

Finally, achieving all of this will be difficult unless there is a whole-of-economy response across governments, business and the wider community. That in turn requires immediate awareness and, most importantly, strategic leadership. Hence the report also poses some challenging questions: if 750,000 jobs could be created, where would the skills come from? How will the technical and tertiary education sector respond? Will the workforce be sufficiently flexible and mobile to facilitate the shift? *(Time expired)*

**Sugar Industry**

Senator BOSWELL (Queensland) (13:45): Today I rise in support of the great sugar industry of Australia. It is Queensland's largest agricultural crop and one of Australia's most important rural industries. It is the ingredient that is in all our pantries and is one of the most natural products in our lives. It is hard to imagine a life without sugar. From apples to muesli, it is an integral part of our lives. Not only is sugar a vital ingredient but it is also vital to the Queensland and Australian economies and supports over 4,000 sugarcane farmers.

Once again, sugar has come under attack. We have just fought and won the battle to stop a system of traffic-light labelling being introduced that would have required a red light on every packet of sugar. Imagine what traffic-light labelling would have done to the sugar industry. Thank heavens common sense prevailed at the FSANZ meeting in December. The traffic-light labelling proposal was rejected.

Now a new battlefront has opened up with an article published in the scientific journal *Nature*. The article attacks sugar and is aimed purely at generating a controversial debate. The February edition of *Nature* features an article titled ‘The toxic truth about sugar’. The report, which is little more than an opinion piece, seeks to demonise sugar by comparing it with alcohol. You can imagine my response when I read that sugar was in the same category as alcohol. This would have to be a first: sugar in the same league as alcohol. It is a ridiculous attempt to grab a headline with some controversial claims—all at sugar's expense.

It appears the sugar has become the new punching bag for some, including these academics from the University of California.
The article has been widely reported by the Australian and international media and makes a number of over-the-top claims. The report claims: sugar consumption is linked to a rise in non-communicable diseases, such as heart disease, cancer, diabetes and obesity; sugar's effect on the body can be similar to that of alcohol; regulation should include tax, limiting sales during school hours and placing age limits on purchase.

Robert Lustig and his co-authors are advocating that the same policies used to curb the supply and demand of alcohol be used to reduce the consumption of sugar. What will we have next—random sugar breath tests? Shame on Nature for publishing this unsubstantiated, nonsensical article attacking sugar. The normally reputable, prestigious journal has really dropped its standards by publishing this article, which was aimed fairly and squarely at causing maximum damage to the sugar industry.

How many more attacks will the sugar industry have to withstand? When you attack the sugar industry it reverberates around the world. You attack the thousands of farmers and workers in the mills and refineries in Australia and third-world countries. The sugar growers have to live with the consequences of this nonsense and the negative publicity it generates—as if they do not have enough to worry about.

Sugar is one of the most volatile commodities. The prices go up and down more than any other commodity. The growers have to contend with extreme weather conditions and, at the moment, a high Australian dollar and international fluctuations. Times may be good for sugar growers but there are have been many lean years they have had to endure. Unlike these academics from the University of California, in their cushy academic lives—where their money is guaranteed every week—these workers and farmers live in the real world. These are the people who suffer when you make outrageous claims not based on science.

Clearly, the authors have no understanding of the real world, with many of their proposals aimed at increasing the nanny state by controlling consumers' intake of sugar. They advocate adding taxes to processed foods that contain any form of added sugars. These would include sweetened fizzy drinks, juice, chocolate milk and sugared cereal. Will they next be suggesting that we put a tax on apples? They contain sugar too. Where would it end if these proposals saw the light of day? The article also suggests controlling the number of fast-food outlets and convenience stores in low-income communities and around schools. So again they are proposing over-the-top regulations for convenience stores to stop sugar consumption.

You can see where this is heading. Convenience stores will need a licence to operate. This is policy gone mad. What's more, the Nature article offers little scientific evidence for the proposed regulation of sugar sales through measures such as a tax and placing age limits on purchases. We have to get some perspective in this debate. Does Lutsig seriously think that it is feasible or sensible to have in Australia and other countries teenagers presenting their photo identification prior to purchasing sugar?

Thank heavens in Australia we have a number of scientists that have debunked much of what the author of this article has claimed. The commentary by Lutsig and his colleagues at the University of California has been condemned by leading scientists, academics and the key body representing dieticians in Australia. They include Jennie Brand-Miller from the University of Sydney, the pioneer of the glycemic index measure of
the effects of carbohydrates on blood sugar. She and other organisations such as Victoria's Obesity Policy Coalition refute the author's science and instead point to a lack of evidence that sugar is the cause of the worldwide obesity epidemic and related lifestyle problems.

In the Australian media recently Ms Brand-Miller was quoted as saying that she was disgusted that Nature would publish this and that because it is published in Nature people assume it has some validity and some basis in science. She goes on to say:

How you can equate sugar which occurs naturally in apples with alcohol beggars belief.

Many nutritionists, dieticians and researchers in Australia have come out and supported her stance. In fact, I was hard pressed to find anyone with scientific qualifications that had come out in support of Lustig's article in Nature.

Professor Peter Clifton who is head of Baker IDI Heart and Diabetes Institute is another academic who has come out against the article. He argues that claims in the Nature article were not based on hard science and that sugar was certainly not equivalent to alcohol. The Dietitians Association of Australia has also come out saying that there is little evidence sugar was the cause of the worldwide obesity epidemic and related health problems. Their position statement, Sugar and Obesity in June 2011 stated:

Sugar has been blamed as the 'root of all evil' in Australia's obesity crisis.

... ... ...

The Dietitians Association of Australia (DAA) believes it is simplistic and unhelpful to blame sugar alone for such a complex issue. Weight gain is caused by eating more energy (or kilojoules) than is used up in physical activity. So to achieve and maintain a healthy weight, the focus needs to be on eating fewer kilojoules (including watching portion sizes) and moving more.

So, as we have always known, moderation is the key. It is important to highlight some interesting facts related to this debate in Australia. According to Alan Barclay from the Australian Diabetes Council and the Glycemic Index Foundation, sugar consumption in Australia has actually dropped by 23 per cent since 1980. Despite this, during that time cases of overweight or obese people have doubled, while diabetes has at least tripled.

A similar inverse relationship between sugar-sweetened beverages and obesity has been observed. The consumption of low- or zero-kilojoule beverages doubled over a 12-year period—1994 to 2006—while sales of sweetened beverages decreased by around 10 per cent. Yet obesity levels have continued to climb during this time period.

In the draft National Health and Medical Research Council Dietary Guidelines for Australians released in December 2011 on sugar and obesity the NHMRC Systematic Literature Review found that the evidence to support advice on added sugar and obesity was 'limited, inconclusive or contradictory'.

Whilst this Nature article has stimulated debate it has unnecessarily and without scientific basis soiled the image of sugar. There is no evidence to suggest that reducing sugar consumption will halt the growth in obesity and other dietary related conditions. To describe sugar as toxic is nonsense. Sugar is the most natural thing in the world. It is safe and suitable for consumption as part of a balanced diet.

Much research and development is currently taking place in the sugar industry. Product development has produced a range of 'better for you' sugar products, including CSR LoGiCane and CSR SMART, as well as a gluten-free icing sugar. The sugar
industry is trying to meet the market with these niche products in response to demands by consumers and healthcare professionals for healthier ways to enjoy sugar. In March 2009, Sugar Australia in partnership with Horizon Science launched the world's first low GI cane sugar with its CSR LoGiCane. The research and product development continues to date.

We need to get behind sugar as it is one of Australia significant industries and has a long history going back to our nation's settlement. Today the annual contribution that the sugar industry makes to the Australian economy is in excess of $9 billion. The sugar industry directly employs about 17,000 people across the growing, harvesting, milling and transport sectors. In Queensland specifically, 85 per cent of the raw sugar produced there is exported, generating up to $2 billion in export earnings for Australia.

As a senator for Queensland I think it is important to set the record straight on sugar. We cannot allow the demonisation of sugar with over-exaggerated claims that could potentially affect the livelihoods of our sugar growers. It seems that whenever there is a problem in the world we just blame sugar. Well enough is enough.

We as consumers need to get behind the sugar industry and support one of Australia's leading domestic and export industries. It is a safe and valuable commodity and we must expose these ridiculous claims made by the Nature article. The Nature article was purely an attempt to grab a media headline. In its wake it has done untold damage to the sugar industry world wide. In Third World countries sugar operators are often the only source of income for low paid workers. There are many Third World countries who rely on sugar as their main industry. This Nature article has had damaging consequences. The authors must be made aware that you cannot peddle unsupported opinion pieces without hurting the thousands of people who rely on sugar for their livelihoods.

The Nature article not only hits the sophisticated Australian industry; it has consequences for the industry all over the world. If Mr Lutsig should get another brain explosion about demonising sugar I hope he will realize the damage he has caused all over the world. Sugar is a worldwide commodity and the implications of this will be felt not only in Australia and America but in countries like Fiji, Mauritius, Indonesia and India.

Rhiannon, Senator Lee

Senator MASON (Queensland) (13:58): I want to reflect on a few remarks made earlier today in the MPI by Senator Milne, whom I always listen to. Indeed, she often says many interesting things and I respect the debate even if I rarely agree with her. But to compare, as she did in today's debate, the human rights record of John Howard and the Howard government with Joseph Stalin, was pathetic and disgraceful—not because John Howard would care and not, quite frankly, because the coalition cares but because it is an insult to the 70 million people that communism killed in the 20th century. The 20th century was a slaughterhouse largely because of communism and the idea of comparing John Howard with Joseph Stalin is a disgrace to the chamber. I just hope in future that the Greens remember that.

QUESTIONS WITHOUT NOTICE

Economy

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:00): Mr President, my question is to the Minister representing the Treasurer, Senator Wong. I refer the minister to the fact
that, under the Rudd-Gillard Labor government, productivity has stagnated so that, last year, for the first time in 20 years, there was no net increase in jobs; $70 billion in net Commonwealth assets has been turned into $133 billion of net Commonwealth debt; and a $20 billion budget surplus has turned into four consecutive budget deficits, the four largest in Australia's history, to a cumulative total of $167 billion worth of deficits. Given Labor's run of budget deficits and economic failure, and the fact that it cannot make a promise without breaking it, why should the Australian people have any confidence that the government's latest promise, to deliver its first ever budget surplus, will not be yet another broken promise?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:01): I am very pleased to take a question on the economy, although I am surprised that Senator Cormann did not have the opportunity to ask that question. I want to remind those opposite of something they really do not like to hear, and it is this: under this government, we have created over 700,000 jobs since we came to government. Under this government, we have come through the global financial crisis with one of the strongest economies of any of the advanced economies anywhere in the world and one of the strongest fiscal positions anywhere in the world. We have an unemployment rate of 5.2 per cent. In the eurozone it is 10.4 per cent. These are the facts that those opposite do not want to hear.

Honourable senators interjecting—

The PRESIDENT: Senator Wong, please resume your seat. I need to hear the answer. When you are ready, we will proceed.

Senator WONG: These are the facts that those opposite do not want to hear. All they want to do is talk down the Australian economy—how irresponsible of you.

I was also asked by Senator Brandis about surpluses. I am very happy to have a discussion about surpluses, but I am very surprised that this got through the tactics committee, because what we have seen in these last days from the opposition's economic team is completely embarrassing. They are a circus over there. One wonders what Senator Sinodinos must be thinking as he watches my counterpart, Mr Robb, say, 'We can't even say we'll come back to surplus, were we elected, in our first term.' He could not even indicate they would come back to surplus by 2017. Mr Hockey today was again all over the place. Remember, Mr Hockey used to say you would come back to surplus earlier. Now you do not even know when you would. (Time expired)

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:03): Mr President, I ask a supplementary question. Given that the budget delivered in May last year forecast a $22 billion deficit, yet by November the MYEFO forecast had blown out to a $37 billion deficit, an upward variation of 68 per cent in just six months, how can the public be expected to rely on the accuracy of any budget forecast made by this government?

Government senators interjecting—

The PRESIDENT: I remind honourable senators on my right that the time to debate these issues is at the end of question time.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:04): Senator Brandis asked me about the mid-year review, and he might recall, if he actually read it, that what that showed was $5 billion less in tax receipts than we anticipated because of what was occurring in the global economy. It also showed that we had to pay $2.3 billion more for natural
disasters, and I would have thought that would not have been an expenditure that would be controversial in any debate in this parliament.

But, if those opposite want to talk about numbers, I suggest they have a look at the $70 billion that they have to find in the budget just to get to the starting line. Their backbench may not know this, but $70 billion is the equivalent of Medicare payments for four years. They are the sorts of cuts you have to find because of your lack of discipline. It is equivalent to two years of the age pension. That is the sort of cut you would have to find because of your lack of discipline. (Time expired)

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:05): Mr President, I ask a further supplementary question. I take it from the minister's answer that she concedes the public cannot be confident. Given that the outlook of the Australian economy is becoming increasingly insecure as the result of the policies and performance of her government, with slower than expected growth, weak retail trade, falling property prices and low business confidence, isn't now the worst possible time to impose the world's biggest carbon tax that will drive up the cost of everything?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:06): When it comes to the economy, we know the opposition only have two things that they can talk about: one is the $70 billion of cuts that they do not want to talk about and, of course, the other is the carbon price. When you manage the economy you do have to make choices. You have to make decisions about what is in the best interests of the nation. We have made our decisions very clear. We do believe in spreading the benefits of the boom to all Australians. We do believe in supporting jobs. We do believe in moving to a clean energy future because we know a first-rate economy has to deal with the issue of climate change and reduce our pollution. The priorities of those opposite are demonstrated by the fact that they put the profits of wealthy miners above the interests of working families and small business. Remember, it is this side of the parliament that wants to give small business a tax cut. The only tax cuts those opposite want to give are for the wealthy mining companies.

DISTINGUISHED VISITORS

The PRESIDENT (14:07): I draw to the attention of honourable senators the presence in the chamber of a parliamentary delegation from Samoa, led by the Deputy Prime Minister, the Hon. Fonotoe Lauofo. On behalf of all senators I wish you a warm welcome to Australia and, in particular, to the Senate. With the concurrence of honourable senators, I would ask the Deputy Prime Minister to take a seat on the floor of the Senate.

Honourable senators: Hear, hear!

The Hon. Fonotoe Lauofo was then seated accordingly.

QUESTIONS WITHOUT NOTICE

Automotive Industry

Senator MARSHALL (Victoria) (14:08): My question is to the Minister for Manufacturing, Senator Carr. Following his meeting with the car workers who have come to petition the parliament today, can the minister inform the Senate what benefit the automotive industry brings to Victoria?

Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:08): I thank Senator Marshall for the question and acknowledge that these workers are part of the many thousands of Australians who have already signed on to the fight against Mr Abbott's $500 million
funding cut for the automotive industry. They have the support of 79 per cent of Australians—that is according to the latest Nielsen poll—and fewer than one in five people actually support the position that the Liberal Party is pursuing on this issue. The reason for that is pretty straightforward: Australians care about the future for working people and they care about the future for the automotive industry—and that includes, of course, Victorians. The automotive industry in Victoria is central to the prosperity—

Honourable senators interjecting—

The PRESIDENT: Senator Carr, you might resume your seat because there is noise on both sides—

Honourable senators interjecting—

The PRESIDENT: I remind honourable senators that the time to debate this issue—

Senator Back interjecting—

Senator Cameron interjecting—

The PRESIDENT: Senator Back and Senator Cameron, debate it after question time.

Senator CARR: Senator Marshall, there are about 24,000 workers who are employed in firms that will be supported by this government's A New Car Plan for a Greener Future. There are workers at Ford in Geelong, workers at Toyota in Altona and workers at Holden in Port Melbourne. But there are also 117 component manufacturers in Victoria who will enjoy the support of that plan. There are of course families who depend upon the success of these policies. These families will be the first to suffer under Mr Abbott's approach.

And it is not just people directly employed in the automotive industry. There are people right through the research community and people working in iron, steel, gas and plastics who are dependent on the automotive industry. These are people who depend on— (Time expired) 

Senator MARSHALL (Victoria) (14:11): Mr President, I ask a supplementary question. I thank the minister for that answer and I ask: has the industry raised with the minister the importance of a return to a bipartisan position on the car industry?

Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:11): Senator Marshall's question goes to the very heart of this matter. Workers are appealing to this parliament to come together and support them at one of the greatest times of difficulty that they have seen in recent years, as a direct result of what has happened to the Australian dollar.

They have heard what Mr Abbott has said. They have seen Mr Abbott front up to factories across this land and appeal to them for support for his campaign. The workers are saying to him, 'Did you mean that, or was that yet another fraud?' It is another fraud, because the policy the Liberal Party is pursuing would see the destruction of the automotive industry in this country. Not only would we see $500 million taken out of the industry but we would also see a further $1 billion go as a result of the policies of the Liberal Party. Mr Loughnane has been going around automotive industries in this country telling people that the policy is going to change. The only one he did not tell was Mr Hockey. (Time expired)

Senator MARSHALL (Victoria) (14:12): Mr President, I ask a further supplementary question. I thank the minister for that answer and I ask: how does the minister respond to claims that car manufacturing has no place in advanced economies?

Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:12): Of course such a claim is nonsense, and it is the sort of ignorant
statement that you hear from the so-called insiders in Canberra who think that manufacturing should be someone else’s problem. We see in the United States that that is not the view that is being pursued. President Obama’s auto package is in fact costing about $264 per person—compared to Australia’s support, which is less than the price of a footy ticket. We see a similar approach has been taken in Germany by their government. In England, we see a conservative government is taking the position that the automotive industry is central to the future of Britain. Yet in this country the Liberal Party have not heard that message. They have not understood the fundamentals—that is, that the future of manufacturing in this country depends on our ability to ensure that we make technologically advanced componentry and technologically advanced products, which of course the automotive industry produces. We know that the future prosperity of this country depends on the ability of manufacturers to— (Time expired)

Mining

Senator CORMANN (Western Australia) (14:13): My question is to the Minister representing the Treasurer, Senator Wong. Can the minister explain why the Gillard government is so intent on keeping its mining tax revenue assumptions secret and hidden from Senate scrutiny? What does the government have to hide?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:14): This is a discussion we have had before, and I think I might have lost count of how many Senate estimates Senator Cormann has been asking these questions for. As officials and as I have explained to him in that context, the government have released an unprecedented amount of information in relation to this policy. We have declined to release some information due to the commercial-in-confidence nature of that information. I am happy to see if I can get any further information to provide the senator, but I think we have explored the reasons for the government’s decision in relation to the Senate order in great detail, both in this chamber and in the Senate estimates.

I do say this, Mr President, it is interesting that Senator Cormann is so passionate about getting information about a policy in relation to which he has already decided to vote no.

Senator Cormann interjecting—

Senator WONG: It does not matter to you what the information is; you have already decided that you are going to oppose it. You need to explain to us, Senator Cormann, through you, Mr President, how it is that it is so important to get information when you made your mind up months and months ago. You made your minds up to put the profits of wealthy mining companies ahead of small business and ahead of working Australians. That is the set of priorities you have adhered to. It says something about the priorities of the coalition that they put small business after the interests of wealthy miners. It says something about the coalition's priorities that they put working Australians' superannuation after the interests of wealthy miners.

Senator CORMANN (Western Australia) (14:16): Mr President, I ask a supplementary question. Given the minister has again claimed commercial-in-confidence, why is it that the three biggest miners, BHP Billiton, Rio Tinto and Xstrata, are the only ones allowed to know what the government’s mining tax revenue assumptions are? Didn’t the government give them enough of a competitive advantage by giving them exclusive access to negotiations about the mining tax deal in the first place? Why,
Minister, are they the only ones allowed to know the revenue assumptions the government has used? Why has nobody else got a right to know— (Time expired)

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:17): Mr President, I suggest that is actually the same question I was asked in the first place. I will see if there is any further information I can provide the senator. We have gone through a very long consultation process, not just prior to the election but subsequently with industry, about the design of the mining tax. It was a consultation process, you might recall, that Mr Argus was involved with and all those interested had the capacity, as far as I am aware, to put their views. The assertions made by the senator, I would suggest to him, are not correct.

It is interesting, Mr President, that Senator Cormann is so interested in revenue figures, because he is not interested in revenue figures when it comes to his own budget balance. He is not interested in the fact that the coalition want to vote against the revenue measures but fund the expenditure measures. He knows— (Time expired)

Senator CORMANN (Western Australia) (14:18): Mr President, I ask a second supplementary question. Whatever the excuse for the non-release of mining tax revenue assumptions, why has the government refused to respond to repeated requests for the costings of all the measures Labor has attached to the mining tax over the current forward estimates? Is it because this would expose the fact, in black and white, that Labor’s mining tax package leaves the budget worse off to the tune of billions and billions of dollars over the forward estimates? Again, what have you got to hide?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:18): Behind every assertion and every falsehood that is said by the opposition lies a $70 billion black hole. Everything they say on the economy is overshadowed by the $70 billion black hole that they know they cannot fill. Senator Cormann comes in here and demands that we put more figures out there. We have our figures, Senator; they are in the budget. They are in the budget and we update them as we should. You have never put figures out that worked. Your arithmetic has never been right. You used a dodgy accounting firm who was found to have acted unprofessionally during your election campaign and now you are using a catering company. Do not come into this chamber, Senator Cormann, and lecture anybody about costings. Ours are in the budget; you have none. You have a $70 billion black hole and you are going to have to cut services for working Australians.

Christmas Island Salvage

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:20): Mr President, my question is to the Minister representing the Minister for Infrastructure and Transport, Senator Carr, and refers to the wreck of the Tycoon at Christmas Island. On 8 January, high seas caused the Tycoon to break its moorings and smash into the cliffs next to the loading facility on Christmas Island. Since then, heavy bunker oil, diesel and phosphate have continued to leak into the ocean, potentially having long-term impacts on the marine environment, the island and seabirds in particular. The ship is now in three parts under the cliff. I therefore ask: has a salvor been identified for the ship? Will the ship, in fact, be salvaged or the intent to leave it there? Who is taking responsibility for ensuring salvage of the ship occurs and who is taking responsibility for stopping oil and phosphate leaking into the sea? What happens, in fact, if a salvor cannot be identified?
Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:21): I thank Senator Siewert for her question. The foundering of the vessel, the *Tycoon*, is a matter of ongoing investigation and is, of course, a matter on which I cannot comment until that investigation is concluded. The salvage operations to remove the wreck have not yet commenced and are expected to take some time to resolve. I can say that the Australian Transport Safety Bureau is investigating the causes of the incident and has issued a preliminary report. Of course, there are separate investigations being undertaken by the Australian Maritime Safety Authority, and the Australian Federal Police are undertaking investigations into whether or not offences have been committed. So in that context, it is difficult to actually report to the Senate on the outcomes of those investigations.

In terms of the government's approach to these questions, the minister has advised me that measures are being taken to protect and monitor the environment, restore the port to full operation and to deal with any other impacts that have arisen as a result of the founding of the vessel in terms of the effects on the community on Christmas Island.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:22): Mr President, I have a supplementary question. Perhaps I can reiterate the question. I have in fact read the preliminary report from the safety bureau so I do not need to be told about that in further response. What I would like to know is: why hasn't a salvor been identified? Is the government facilitating this? While that ship remains in place, oil and phosphate continue to leak into the marine environment. Is this ship going to be salvaged, and how is the government fast-tracking its salvage?

Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:23): The intention of the government is to ensure that there are proper investigations into the event to prevent further occurrences of such events. Clean-up crews removed some 51 bulk bags of oil sand and other waste material from the beach in the days immediately after the incident. Assistance was also given by volunteers to ensure that the clean-up efforts were made in Flying Fish Cove. The advice that I have is that there are no observable signs of environmental impacts beyond the Flying Fish Cove area. That advice has been tendered by marine scientists who are monitoring any other impacts on corals and marine life in the region. So far bad weather has restricted diving and of course they have been unable to survey the eastern side of Flying Fish Cove. (Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:24): Mr President, I have another supplementary question. It is interesting to note that the minister said that there is no 'observable' damage yet divers have not been able to enter the water. So how can he make that statement? How can the government therefore be sure that there is no impact on the marine environment if he has been unable to carry out that analysis? Secondly, is it not true that the oil removed from the beach has subsequently been replaced because of the ongoing leaking of oil and phosphate and that such waste has subsequently ended up back on Flying Fish Cove Beach?

Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:25): I can advise the senator that, on the material I have before me, there is in fact a whole-of-government response to the incident underway—so all the different agencies of government—in terms of
pollution response, wreck response, the maintenance of supplies to the island, and of course longer term environmental monitoring and social and economic impacts being managed are being done in parallel.

There has been some bad weather and there are sections of the cove that have not been able to be closely inspected by diving. However, the report that I have says that there are no observable effects in terms of the impact on the rest of the cove itself.

A marine pollution response incident coordinator has been appointed by the safety authorities and, under the national plan arrangements, one has been on the island since 9 January 2012. Personnel from the Marine Safety Authority— (Time expired)

Defence Equipment

Senator JOHNSTON (Western Australia) (14:26): My question is to the Minister for Defence Materiel, Senator Carr. I refer the minister to the Coles review into the sustainment of the Collins class submarine fleet, which was scathing on the lack of clarity, accountability, authority and responsibility dominating the independent review. Can the minister explain how the government intends fixing this largely non-operational submarine fleet, something ministers Clare and Smith could not do?

Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:26): Perhaps in the process I will get some advice from you as to what your policy is for the purchase of these vessels, Senator. As I understand it, the coalition actually has not reached a position on whether or not we need a submarine.

Senator Johnston: On a point of order, Mr President, I am as flexible as anybody else with respect to flippant answers, but this is not even a vague attempt to answer the question.

The PRESIDENT: Senator, there is no point of order. It is 16 seconds into the answer. Senator Carr, you have one minute and 44 seconds remaining to address the question.

Senator CARR: The government is very focused on making sure that there have been lessons learned from the Collins program both in terms of acquisition and sustainment. We are in the business of acquiring future submarines as part of an ongoing capability development to ensure the protection of this country, and I think I am entitled to seek advice from the Liberal Party as to what their position is in these terms.

Four of the six Collins submarines are based in Western Australia. Two are in deep-level maintenance in Adelaide and the government has been assured by Navy that it is able to meet the requirements for the submarine availability to respond to operational needs. The submarine workforce can sustainably crew three submarines in Western Australia and the terms of the submarine availability, its roles and tasks are not discussed of course for obvious security reasons. But in terms of the approach that is being taken to the Collins fleet, we have a highly capable instrument for the defence of this country.

Collins class is fitted with the same advanced combat systems and torpedoes employed in the United States Navy. We are of course working closely with the United States in terms of the maintenance of that capability and, to maintain fleet proficiency, Australia and the United States submarine forces also work routinely together. So as far as the government is concerned, we are dealing with the issues that have arisen with Collins, we remain confident of the capabilities of the Collins submarine program and we look forward to the future development of the submarine program.
Senator JOHNSTON (Western Australia) (14:29): Mr President, I have a supplementary question. I thank the minister for that answer. Given that one of the key recommendations was that resources should be directed to the provision of spares and rotatables leading to increased availability, can the minister explain whether or not this has been done and, if not, why not?

Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:29): I am not advised that there has been any question about the availability of spares to meet the requirements for the program. This is a program which the government, as is indicated, appreciates the value of. We are learning the lessons of it for our future procurement. All the various options are being looked at in that regard, but in the provision of spares I have not been advised of any difficulty in that particular matter.

Senator JOHNSTON (Western Australia) (14:30): Given that it costs the Australian taxpayer $800 million per year to operate, sustain and upgrade our submarine fleet—more than the level of waste and mismanagement with the pink batt fiasco—please, what is the government's plan to fix this appalling level of waste and mismanagement?

Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:30): I think there are a number of assumptions built into the question which I am not going to concede from this point. What the government has said is that we are learning the lessons of the Collins program.

Australia has particular capability needs which are being addressed through the Collins program. We are looking to the future in terms of the purchase of additional submarine capabilities, and we will draw upon the lessons we have learned in that regard. The advice I have is that the Navy is able to meet the requirements that are set for them in submarine availability and is responding to operational needs in an appropriate way.

Broadband

Senator CAMERON (New South Wales) (14:31): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister please inform the Senate of any recent announcements that will improve broadband for families and businesses in rural and regional Australia?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:31): I thank Senator Cameron for his ongoing interest in this issue. Earlier today the Minister for Regional Australia, Regional Development and Local Government and I joined with the Prime Minister in announcing that Space Systems/Loral was successful in winning the tender for the delivery of two next generation Ka band satellites and associated tracking, telemetry and control systems, worth approximately $620 million. They will deliver a step change in performance for satellite users both in speed and reliability compared with existing satellite services.

For the first time these satellites will deliver universal broadband coverage across the entire Australian continent. When completed and launched, NBN Co. will be able to offer a 12 megabit per second download and a one megabit per second upload service at uniform national wholesale prices to everybody. Regardless of where you live, all Australians can be assured that they will benefit from the NBN. Everyone will get it.
Using these satellites will allow remote communities to consult medical specialists anywhere in Australia by videoconference. They will allow students in the bush to draw on content-rich, high-bandwidth digital resources from all around the world, while rural small businesses will now more easily expand into markets nationally and internationally. The Gillard government is determined to invest in regional Australia, and deploying the satellites is another example of the government's commitment to equip the bush. *(Time expired)*

**Senator CAMERON** (New South Wales) (14:33): Mr President, I ask a supplementary question. Given that the Australian government continues to invest in critical broadband infrastructure for rural and regional Australia, can the minister advise the Senate of any other programs assisting in the provision of broadband?

**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) (14:34): On 20 December last year the Acting Prime Minister marked the completion of the Gillard government's $250 million Regional Backbone Blackspots Program by opening the final link in Darwin.

**Senator Brandis:** The Acting Prime Minister? Julia?

**Senator CONROY:** It was Mr Swan. Despite the unprecedented flooding and cyclones experienced at the beginning of last year, the Darwin fibre-optic backbone link was delivered on budget and with minimal delay in the face of floods and cyclones. The Darwin to Toowoomba fibre-optic backbone link is the fifth link, stretching 3,800 kilometres and passing through more than 30 towns, and it will benefit more than 160,000 people across Queensland and the Northern Territory. The RBBP has now delivered over 6,000 kilometres of fibre backbone. *(Time expired)*

**Senator CAMERON** (New South Wales) (14:35): Mr President, I ask a further supplementary question. Can the minister advise the Senate what would happen to rural and regional communities if the opposition's broadband plan were implemented?

**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) (14:35): Under the policy of the coalition—that is, the Liberals and the Nationals—there would be no fibre delivered to the 70 per cent—seven-zero per cent—of rural and regional premises that will get it under the Gillard government. And as for accessing the satellites that we have just announced, given that Mr Turnbull has said that he will abolish the cross-subsidy there will be few people left that could afford to buy a satellite service.

But do not worry, Mr President, the member for Wentworth will provide you with a voucher. He will give you a voucher! If you live out there in regional or rural Australia Mr Turnbull will give you a voucher, treating families in this country in regional and rural Australia as second-class citizens. So we now have the country Nationals kowtowing once again to the city based Liberals, resulting in the delivery of an inferior network at a greater cost to all families in regional Australia. *(Time expired)*

**Road Safety**

**Senator FISHER** (South Australia) (14:37): My question is to the Minister representing the Minister for Infrastructure and Transport, Senator Carr. Can the minister explain whether there is any empirical and independent evidence upon
which the government relies in claiming that creating a road safety remuneration tribunal will increase road safety by increasing truck drivers' pay rates and, if so, what is that evidence?

Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:37): I am sure everyone in this Senate will be concerned with the fact that 250 people are killed and over 1,000 people are seriously injured due to heavy vehicle accidents on our roads on an annual basis. Most of these deaths come about as a result of collisions with trucks. The road transport sector continues to have the highest incidence of fatal injuries compared with all other industries, with 25 deaths per 100,000 workers. From the latest statistics that have been made available to me, that is about 10 times the rate of all other industries.

The senator asked me what evidence there is that the question of road safety could be enhanced by this. Research by the National Transport Commission shows that low rates of pay can lead to risky work practices being pursued as a result of the people driving these vehicles trying to make ends meet. These risky road practices include dangerous actions such as speeding, working very long hours and using illicit drugs to stay awake. Frankly, this is a practice that cannot continue. One would have thought that everyone in this place would have shared that view. That is why the government has introduced legislation to establish a national road safety remuneration system comprising a tribunal and a separate education and compliance framework. I trust that if the legislation is passed by the parliament the tribunal will begin work on 1 July this year. Then we can test not just the research work that has been undertaken in this area but also the practical application. (Time expired)

Senator FISHER (South Australia) (14:39): Mr President, I ask a supplementary question. Can the minister explain exactly how paying truck drivers more will result in fewer road accidents and say whether the government modelled the benefits of increasing road safety by funding better roads rather than funding a specialist tribunal to increase truckies' pay?

Senator CARR (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:40): Senator Fisher, you asked me whether or not there is any evidence that paying people more improves their performance, in effect. I do not know if you have ever supported anyone getting a pay rise, but I suspect that maybe you have not. All I urge you to do is to check the Hansard for what I have already told you, which is that there is very clear evidence that people who are forced to work on poverty wages take risks they should not have to take. If you are asking people to work for that sort of money, you have to expect that there will be action taken by people trying to preserve the livelihoods of their families. As a consequence, people work longer hours, they take drugs, they speed and they take action which is dangerous to other people. So the fact that we are asking for people to be paid a decent wage is something this government is proud of.

Honourable senators interjecting—

The PRESIDENT: I remind senators that if they wish to debate this the time is after question time.

Senator FISHER (South Australia) (14:41): Mr President, I ask a further supplementary question. Given that the ACTU's Jeff Lawrence says that the specialist Australian Building and Construction Commission should be abolished because 'the ultimate goal must be one set of laws for all workers, regardless of
the industry they work in', has the government asked its ACTU masters to justify how to now create a specialist tribunal and special laws for the truck industry?

Senator Carr (Victoria—Minister for Manufacturing and Minister for Defence Materiel) (14:42): Senator Fisher, you should have sent that question back. I know how hard it is to re-establish your position in this parliament, but you ought to send that sort of rubbish back. You ought to send it back—

Senator Brandis: Mr President, a point of order on relevance: as you are aware, the minister is required to be directly relevant: That requirement applies to the whole of the answer, not just parts of it. Nothing the minister has said so far has been anything other than abuse of Senator Fisher. You ought to have pulled him up before now. Nothing he has said has been within the standing order.

Senator Chris Evans: Mr President, on the point of order: Senator Fisher's second supplementary question could, I suspect, have been ruled out of order because she moved to a different subject matter, but Senator Carr, being the obliging chap he is, is attempting to give her an answer and respond to that question. He is very much on the question and I suggest to you that there is no point of order.

The President: Senator Carr, you have 43 seconds remaining. I draw your attention to the question.

Senator Carr: Perhaps I should reiterate. The government's position is that we want to provide opportunities for truck drivers to be paid reasonable rates so that they can get on with doing their jobs, and to get rid of any economic incentives for them to take unacceptable risks that endanger not just their lives but also other people's lives. It is unacceptable for this parliament to ignore its own responsibilities in this regard, and the government is taking steps to improve road safety. You would have thought those opposite would applaud us rather than seek to undermine what is an appropriate and, I think, long overdue reform.

Aviation

Senator Xenophon (South Australia) (14:45): My question is to Senator Ludwig, representing the Minister for Immigration and Citizenship. Jetstar, a Qantas Group airline, used overseas based crews to fly domestic legs carrying domestic passengers on internationally tagged flights within Australia. A number of these flights can operate outside the standard provisions for international flights as they pick up and drop off domestic passengers at domestic terminals. Can the minister indicate what the appropriate visa would be for the overseas based crews working on these flights given that the cabin crew are working on what are essentially domestic flights? Furthermore, are there any criteria to determine whether a flight within Australia can reasonably be tagged as international, if it is carrying domestic passengers, for the purpose of issuing such visas?

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:45): Thank you for your question. I say at the outset that all foreign airline crew must hold a visa when in Australia. I note there is an exception to that where they are New Zealand citizens, but they still are required to hold a special purpose visa. Foreign crews on wholly domestic flights are required to hold a valid temporary work visa. That is a 457 visa negotiated through a labour agreement. For a labour agreement to be approved the employer should demonstrate a genuine need that cannot be met from the
Australian labour market and make specific commitments to training, wages and conditions. That ensures job opportunities for locals and helps protect foreign workers from exploitation.

In respect of the second part of your question—foreign crews on international services, including domestic legs of that service—they are able to hold a special purpose visa that specifically allows for international air crew travel. Broadly, a domestic leg of an international flight must have the same flight number as the international flight and must include immigration and customs clearance and processes in all domestic ports. Such 457 visas are monitored. The program has a strong monitoring requirement for all approved visas. In addition, employers who are approved as sponsors will be monitored to ensure that they are complying with all their sponsorship obligations. These obligations, of course, govern their use of the program in relation to pay and conditions for overseas workers, recordkeeping and cooperation with authorities. When sponsors fail to satisfy any of those requirements—

(Time expired)

Senator XENOPHON (South Australia) (14:47): Mr President, I ask a supplementary question. If cabin crew working on these flights are indeed operating under crew travel authorities and not 457 visas, has the department investigated whether this is an appropriate use of such authorities and would the Qantas Group be meeting its obligations under the Migration Act?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:49): I thank Senator Xenophon for his second supplementary question. Since the Fair Work Ombudsman investigation that commenced last year on the issue of foreign crews on Jetstar domestic leg flights, can the minister indicate whether the department has requested any information from the ombudsman and whether it has received any requests from the Qantas Group to issue other types of visas to cover cabin crew operating on these flights?

Senator XENOPHON (South Australia) (14:49): Mr President, I ask a further supplementary question. Since the Fair Work Ombudsman investigation that commenced last year on the issue of foreign crews on Jetstar domestic leg flights, can the minister indicate whether the department has requested any information from the ombudsman and whether it has received any requests from the Qantas Group to issue other types of visas to cover cabin crew operating on these flights?
department has sought information from the ombudsman, but I can say in respect of that broad issue that I understand the department has not sought information from the Fair Work Ombudsman in relation to these investigations. I do note, however, that the ombudsman's investigation is still ongoing. On that basis it would be inappropriate to go into any detail in respect of the ombudsman's investigation. That should be able to be done in an open— *(Time expired)*

**Asylum Seekers**

**Senator CASH** (Western Australia) (14:50): My question is to Senator Ludwig, the Minister representing the Minister for Immigration and Citizenship. I refer the minister to an incident that occurred in the wheatbelt town of Northam yesterday in which police officers from Perth were deployed to assist local officers in Northam to bring the fighting under control. I also refer to the fact that the government has stated that it will not be basing Australian Federal Police in Northam to police the new Yongah Hill Immigration Detention Centre, leaving local police, whose resources are already stretched to capacity, to respond to any emergencies that may arise. Given that Northam is approximately 100 kilometres from Perth, what guarantees can the government give to the people of Northam that their safety will not be compromised in the event that detainees at the detention centre engage in riots similar to those engaged in at other detention centres around Australia and local police do not have the capacity to deal with such a disturbance?

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:51): These matters are always taken very seriously. The government remains committed to ensuring greater clarity around the command structures and the roles and responsibilities of the department, detention centre service providers, Australian Federal Police and state and territory law enforcement agencies. Why? Because the Department of Immigration and Citizenship is working with the Australian Federal Police and all state and territory law enforcement agencies to ensure appropriate policing responses are provided throughout the detention network. So it is not only limited to particular incidents. I note that the senator has isolated one incident, but it is dealt with on a broader scale than that. This will be facilitated through a memorandum of understanding currently under development. The decision to develop an MOU was made before these issues came to prominence in the Villawood riots in April 2011. As a result, the department is actively progressing the MOU as a matter of priority with state and territory law enforcement agencies. Once finalised, the MOU will address issues concerning jurisdictional responsibilities and implement specific protocols for the responsibilities of the various state and territory police forces and the Australian Federal Police. Discussions to progress an MOU between DIAC and the various state and federal police services—but specifically New South Wales—are ongoing. There are interim measures— *(Time expired)*

**Senator CASH** (Western Australia) (14:53): Mr President, I ask a supplementary question. Given that the Yongah Hill detention centre at Northam will house 600 single adult male detainees, what security measures have been put in place to ensure we do not see riots like those that occurred at other detention centres around Australia, including Christmas Island, Villawood, Shergar, Curtin and Northern detention centres to name but a few?

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on
Queensland Floods Recovery) (14:54): In respect of the detention policy of this government, while the government believes mandatory detention is essential, our border protection processes also include health, security and identity checks. We are, of course, concerned about the health and welfare of people in immigration detention. Like those opposite, and like refugee advocates and others, we want to see people remain in detention for as little time as possible. And while they are in those detention centres—

Senator Cash: Mr President, I raise a point of order in relation to relevance. While I appreciate that the minister is only new to this portfolio, my question was not in relation to mandatory detention itself; it was in relation to the Northam detention centre specifically. I would ask you to ask the minister to be directly relevant to the question.

Senator Arbib: Mr President, there is no point of order. The question was broader than just the Northam detention centre. Minister Ludwig is being directly relevant and should be allowed to continue.

The PRESIDENT: There is no point of order.

Senator Ludwig: What is important is that there are protocols in place to deal with incidents that arise in detention centres. These are matters on which the Australian Federal Police are developing an MOU with the states and territories to ensure that there are appropriate responses to issues that arise. Those discussions focus on protocol relating to incidents of handover— (Time expired)

Senator Cash (Western Australia) (14:56): Mr President, I ask a further supplementary question. I refer to the DIAC website page for the Yongah Hill detention centre, which states:

The department and IHMS will work with the local hospital, ambulance service and state government to ensure that the department's operations do not affect access to health services for the local community.

Given that this centre will soon open, can the minister please advise what work and consultation has been undertaken by the government with the local hospital and ambulance service at Northam to ensure the department's operations do not affect access to health services for the local community?

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:57): With that further supplementary question, clearly we have now moved from incidents in detention centres to a much broader subject. I will seek Minister Bowen's input in relation to this but, at the hazard of having to correct the record, I am positive that all of those issues, particularly those about ensuring the health and welfare of persons in immigration detention, are managed in an appropriate way within the detention centre and do not impact adversely on the community at large. In fact, in many instances the community at large obtains employment and other opportunities because of the detention centre. The relationship between the detention centre and the community is one that DIAC would take very seriously and look at carefully to ensure that there were no adverse impacts within the local community. If I am wrong about that—which is what is being— (Time expired)

Small Business

Senator Bilyk (Tasmania) (14:58): My question is to the Minister for Small Business, Senator Arbib. Can the minister please outline to the Senate what the government is doing to support small businesses? In particular, what benefits will the government's minerals resource rent tax,
introduced into the Senate yesterday, provide for small businesses?

Senator ARBIB (New South Wales—Assistant Treasurer, Minister for Small Business, Minister for Sport and Manager of Government Business in the Senate) (14:58): I thank Senator Bilyk for her interest in small business. I also thank Senator Conroy for his answer today on the NBN and the support it will provide for small businesses across the country, particularly in remote and regional areas. It will provide big support for small businesses to compete with other businesses across the country but also globally. There are over two million small businesses in this country. Small businesses are important to the Labor Party because they employ five million Australians, or 96 per cent of the Australian workforce, contributing 20 per cent of our GDP. That is why we are so supportive of small business and small business people.

This year the government is helping Australia's two million small businesses by making the tax system simpler and providing tax relief to reduce compliance costs and improve cash flow. From 1 July this year, small businesses can immediately write off multiple new assets valued at under $6,500, an increase from the current threshold of $1,000. There is no limit to the number of items that can be written off in a financial year. If a small business buys assets under $6,500 like computers, printers, desks—you name it—then in the next tax return they can write off the full value of each item. Many farmers are small business owners and it is important to note that they can access the write-off for multiple assets they buy in a year, such as water pumps or trailers. This change to the instant asset write-off threshold is worth $1 billion to small businesses in 2013-14 alone. For small businesses this means increased cash flow, which the Labor Party understands is vital for their success and vital to them employing Australians.

Senator BILYK (Tasmania) (15:00): Mr President, I ask a supplementary question. Recognising that red tape is a key concern for small businesses, can the minister please outline to the Senate what the government is doing to reduce regulation for people running small businesses?

Senator ARBIB (New South Wales—Assistant Treasurer, Minister for Small Business, Minister for Sport and Manager of Government Business in the Senate) (15:00): Motor vehicles are also capital items for many small businesses, so the extra tax relief will help them. The government is providing relief for an instant asset write-off of up to $5,000 for motor vehicles worth over $6,500. We are also reducing red tape, reducing the regulatory burden for small business. Just last night in the other place, the government introduced the Government Excise Amendment (Reducing Business Compliance Burden) Bill and the Customs Amendment (Reducing Business Compliance Burden) Bill, which are worthwhile steps in reducing the burden on small businesses. What did the shadow minister for small business, Mr Billson, say? He said it was a:

... worthwhile step by this government in reducing red tape and compliance burdens, particularly on small business.

So the Labor government is acting; it is working. This is just one of the things we are doing. Another thing is a superannuation clearing house. (Time expired)

Senator BILYK (Tasmania) (15:01): Mr President, I ask a further supplementary question. On 1 January the government introduced its historic Paid Parental Leave scheme. Can the minister outline how this scheme is supporting small businesses and is he aware of any alternative policy proposals that exist to provide paid parental leave?
Of course, we have introduced the Paid Parental Leave scheme and over 100,000 families have benefited. It is also working well for businesses, but there is a threat. The Liberal Party have tried to hide their own paid parental leave plan, because they know that by putting it into place they will tax businesses 1.5 per cent, which will be passed on to medium-sized businesses and small businesses, increasing their costs without any compensation whatsoever. The losers under the Liberal Party's scheme will be small businesses. Using the opposition's $5 million company income threshold that they want to introduce, 400 businesses with fewer than 20 employees will be forced to pay while massive businesses who can reduce down their profit will get off scot-free. That is the future of Liberal Party: taxation on our businesses. (Time expired)

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Trans-Pacific Partnership

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (15:03): I seek leave to incorporate an answer to a question taken on notice from Senator Di Natale on 22 November 2011.

Leave granted.

The answer read as follows—

Senator DI NATALE (Victoria): Mr President, I ask a further supplementary question. Can the minister indicate whether the next major round of negotiations for the Trans-Pacific Partnership will take place in March in Melbourne, Australia?

Answer

Australia will host the next full TPP negotiating round from 1-9 March 2012 in Melbourne.

The TPP negotiations aim to establish a comprehensive, ambitious FTA that eliminates tariffs and other barriers to trade and investment.

In the Trade Policy Statement the Gillard Government made clear that Australia will no longer seek investor-state dispute settlement in trade agreements—including the TPP.

Nor will Australia support provisions in the TPP that would constrain our ability to regulate legitimately on important public policy matters, including in relation to the pharmaceutical benefits scheme or to our health system more generally.

Tasmanian Wilderness World Heritage Area

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (15:04): I seek leave to incorporate an answer to a question taken on notice from Senator Bob Brown on 7 February this year concerning protection of the Tasmanian wilderness heritage.

Leave granted.

The answer read as follows—

Response:

Australia's State Party report update on the Tasmanian Wilderness World Heritage area, which was prepared in consultation with Tasmania, was provided to the World Heritage Committee on 1 Feb 2012. The report was prepared in response to a request, from the World Heritage Committee at their 2010 meeting, to submit an updated report on the state of conservation to be considered at their meeting in 2012.
The wording in the Australian Government's State Party Report to the World Heritage Committee which states that 'significant iconic areas adjacent to the Tasmanian Wilderness World Heritage Area will be given interim protection from logging activities...' is correct. Significant parts of these iconic areas have been given interim protection under the legally binding Conservation Agreement I signed with the Tasmanian Government and Forestry Tasmania on 13 January 2012.

The Independent Verification Group will assess and provide advice on the high conservation values areas within the 572,000 ha, nominated by the environment non-government organisations, that are compatible with wood supply guarantees.

The areas being assessed are located across Tasmania, and do include areas adjacent to the Tasmanian Wilderness World Heritage Area. As a result of the agreement with the Tasmanian Government and the work of the Independent Verification Group the report to the World Heritage Committee states that: "The findings of the Independent Verification Group will contribute to any assessments of World Heritage values and possible future boundary modifications."

**Mining**

**Senator CONROY** (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (15:04): I seek leave to incorporate an answer to a question taken on notice from Senator Siewert on 22 November 2011 concerning protection of sites in the Pilbara in Western Australia.

*The answer read as follows—*

Questions

1. When did the minister become aware of the skeletal remains on this site?

2. Was he aware of them before he received that emergency application?

3. If he was not aware, what processes did the department or the minister use to understand his portfolio and those very important heritage related issues?

4. The Yindjibarndi Aboriginal Corporation recently publicly released a letter from the principal archaeologist hired by FMG raising concerns about the veracity of a March 2011 archaeological report. Is the Minister aware of this letter?

5. If so, what steps, if any, is he taking to address the issues raised in the letter?

6. How effective are the Western Australian heritage system and our national heritage system if mining can take place and actually disturb sites?

The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable Senator's questions:

**Answer**

1. The Federal Department of Sustainability, Environment, Water, Population and Communities advises that information on this matter was included in the application made under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 on 18 November 2011.

2. No.

3. All applications under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 are processed in accordance with the Act.

4. The Federal Department of Sustainability, Environment, Water, Population and Communities advises that this letter was included in the application made under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984.

5. The Minister has met with applicants, another group of Aboriginal people who oppose the application and Fortescue Metals Group Ltd. He has asked the Department to provide its advice as soon as possible.

6. Under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 the Minister must consider applications to stop activities that could injure or desecrate areas and
objects that are of particular significance in accordance with Aboriginal tradition.

**ANSWERS TO QUESTIONS ON NOTICE**

**Question No. 673**

**Senator ABETZ** (Tasmania—Leader of the Opposition in the Senate) (15:04): Pursuant to standing order 74(5), I ask the Minister representing the Minister for Immigration and Citizenship, Minister Ludwig, for an explanation as to why an answer has not been provided to question on notice No. 673, asked on 30 May 2011.

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (15:05): I thank Senator Abetz for the question.

Question No. 673, asked on 30 May, related to contraband and weapons in immigration detention centres since 1 January 2008. The answer to this question was due to be tabled on 30 June 2011. The question seeks detailed information on a number of complex and sensitive issues; the details are contained within narrative reporting prepared by officers of the Department of Immigration and Citizenship's detention service provider.

It has been necessary for departmental officials to go through and closely examine all situation reports dating back to 1 January 2008. As a consequence, these situation reports are produced after each relevant incident and cover details of major, minor and critical incidents. Every single one of these reports is examined fully and with appropriate care to ensure that the Senate receives an accurate and full answer. At this juncture the response is being carefully checked to ensure that all information provided is current and addresses the matters raised by Senator Abetz in his question.

Even though the department has not yet provided the answer to Senator Abetz, it remains fully committed to providing an answer to the question as soon as possible. As a consequence of Senator Abetz raising it today, I will again let Minister Bowen know that this issue has been raised, that Senator Abetz is seeking a response to the question and that we should encourage the department to provide the answer as early as possible.

**Senator ABETZ** (Tasmania—Leader of the Opposition in the Senate) (15:07): I move:

That the Senate take note of the explanation.

The question that I asked was as follows:

What measures and/or procedures are in place to prevent contraband or weapons being brought into detention centres.

This is pretty straightforward, I would have thought. The second question is:

Since 1 January 2008, have any contraband or weapons been detected in detention centres …

I would have thought this would be another pretty simple question. It continues:

… if so, can the following in relation to each detention centre be provided: (a) what items were found; (b) where those items were found; (c) on what date they were found; and (d) what action was taken against the person or persons identified as being involved.

That was asked on 30 May 2011. Patient fellow that I am, I waited until 19 July to write to the minister, Mr Bowen, indicating that the answer was now 50 days outstanding, almost twice the Senate's 30-day rule. There was no answer to that letter. So I wrote again on 1 September 2011 advising the minister that these questions had now been outstanding for 90 days, three times the Senate's 30-day rule. I therefore advised the minister's office that I would be raising this in the Senate, and I did so on 19 September 2011 using the mechanism that I am using today. The then Minister representing the Minister for Immigration and Citizenship, Senator Carr, told us on 19
September, virtually word perfect, that which Senator Ludwig has just read out to the Senate all these months later.

In my response at that time, I indicated that the questions, with respect, are not that complex. If there are aspects of questions that are complex then by all means tell us which parts are complex and which parts might take longer to answer than others. But I would have thought that by now the Department of Immigration and Citizenship under this incompetent government would have had measures and/or procedures in place to prevent contraband or weapons being brought into detention centres. That is a complex question for this government. This is a question that the government now needs some nine months to come to grips with. Are we to believe that there are no protocols, measures or procedures in place to prevent contraband or weapons being brought into detention centres? But that was the issue I raised in my speech on 19 September last year.

Finally, 105 days after I first wrote to Mr Bowen, Mr Bowen finally responded, apologising for the delay but saying that these were complex issues. We received that letter on 2 November, and it would appear that our letters crossed, because I wrote to Mr Bowen again on 2 November asking him to respond and noting that these questions had been on the Senate Notice Paper for 156 days. Today they have been on the Senate Notice Paper for 204 days.

So what we have, on top of the government's failed border protection policies, is failed administration by the minister. That is why this government is in the hopeless position it is in. It has hopeless policies combined with hopeless administration. What is the excuse that it takes a minister 105 days to respond to a letter and say, 'We are not going to answer your question'? Here we are now, 204 days later, on an issue that is clearly of national significance. The border protection policy of this country is clearly a national interest policy. It is a policy that most people who are serious about national politics have a view on. As a result of the government's failed border protection policy, we now have all these detention centres scattered from Christmas Island, in the most north-westerly corner of Australia, right through to my home state of Tasmania, in the most south-easterly corner of Australia. They are scattered all around the countryside, bursting at the seams with excessive numbers of detainees. So, if ever you wanted a proof of the failed border protection policies of this government, just look at the numbers in the detention centres.

Given that we have had riots, given that we have had assaults such as Senator Cash was referring to and given that we have had detention centres burning down, it does make good sense to ask what measures are there to stop contraband and weapons being brought into detention centres, and we cannot be told. It is too complex a problem for Mr Bowen. Well, if that is too complex a problem for Minister Bowen, he should not be a minister and, quite frankly, he should not even be in the parliament if it is such a complex issue for him. Indeed, one would wonder how he could hold down a job. Surely there are protocols and measures in place to try to at least limit contraband and weapons coming into our detention centres. But what the Australian people have been told by this non-answer—now for 204 days—is that the government not only has no idea on border protection but has no idea on the significant issue of how to deal with detainees in the detention centre. Given the sort of environment in which the detention centres operate, I would have thought the No. 1 priority would be ensuring that weapons and
contraband do not get into those detention centres. But it would seem they have no policy. They have no guidelines, they have no protocols on how to deal with it. Why is that and why is it that the government is so anxious to ensure that we are not told about the assaults, about the injuries? Because it will embarrass the government even further; that is the reason. We would see failed border protection policy, failed detention centre policy combined with maladministration by this minister and by this government.

I would have thought that a genuine response, rather than the arrogant treatment that the Senate is being subjected to, would have been to say: ‘There are a number of issues’—if we are to believe what the minister tells us at face value—‘these are the aspects that are complex, these are the aspects that are not and here is a preliminary answer to those matters that we can provide an answer to.’ But to deliberately obfuscate and deny for 204 days shows the arrogance and the contempt with which this government treats the opposition.

It is noteworthy there is not a single Australian Greens in the Senate. It is noteworthy that for the Australian Greens this sort of contempt for the parliament— and, might I say, for the Independents in the other place—does not make them concerned, albeit they signed up with Ms Gillard to a policy of transparency, accountability and we were told sunlight was good, if you remember that wonderful line. ‘Sunlight is a good disinfectant; we should open everything up and allow the people to see.’ Two hundred and four days of nonresponse is keeping the drapes closed; it is not allowing the sun to shine in in any way, shape or form.

Sure, the government is embarrassed by its border protection policies, as it ought to be. Sure, the government is embarrassed by its detention centre failures, as it ought to be. It now seems that the government is also embarrassed by its administrative failures through its minister, Minister Bowen, as it ought to be as well. But you do not overcome that embarrassment, you do not overcome those failures by simply stonewalling. You do not overcome these problems by simply not providing an answer. You actually have to man-up and provide an answer and treat the parliament with the courtesy it deserves; 204 days for outstanding answers is completely and utterly unacceptable. We look forward, as a matter of urgency, to getting the answers, I say to Minister Ludwig. I know he is not personally responsible, but when you have made contact with the minister's office courteously, not once or twice but now five times over a period of nine months, that is administrative failure writ large.

The sad thing is, Minister Bowen is now being talked about as a potential running mate to become the Deputy Prime Minister of Mr Rudd.

**Senator Cormann:** And Treasurer!

**Senator ABETZ:** And the federal Treasurer of this country. He cannot run border protection. He cannot run detention centres. He cannot sign letters. He cannot answer questions. And here we have Mr Bowen potentially becoming the Deputy Prime Minister, albeit he will be hip-and-shouldered out of that by Senator Bob Brown, because we know Senator Bob Brown is well ensconced in that role. Really Mr Bowen's failure in policy and administration is unacceptable. I indicate to the government I will be pursuing this, not every two months but now on a weekly basis.

**Senator IAN MACDONALD** (Queensland) (15:19): Clearly the government is embarrassed by its whole border protection regime and the fiascos we
have seen under the Rudd government and the Gillard government. But that is no reason for this government deliberately withholding from this chamber answers to questions that have been properly asked. This chamber, as a representative of the Australian people, has the right to ask questions and to have those questions answered in a timely fashion. This government is so embarrassed by its border protection policy that it refuses to give any information which will make it even more embarrassed and which will cause the Australian people to be even more concerned about the fiasco that is border protection. I think all of that is fact. As Senator Abetz has very clearly and concisely pointed out, the questions are not all that difficult to answer. They concern information which any department of state would have practically at their fingertips. It is an abuse of the parliamentary process that this government deliberately withholds from the chamber information to which the Australian public is entitled. I say to those who might be listening that this again demonstrates the absolute hypocrisy of the Greens political party. They are not an independent political party; they are simply the ultra left wing of the Australian Labor Party. They always have been and those of us in this chamber know that. But I think the general public, who do not follow politics perhaps as closely as those of us in this chamber do, are now beginning to understand that in the Labor Party you have a right wing, you have a decreasing number of moderates and you have a left wing. You have people like Senator Sherry. Clearly he is the best minister that has been in this chamber from the Labor Party for many years, but he is a man who swung in the breeze by himself. He did not have a real faction to support him.

Senator Cormann: That sounds like Senator Feeney.

Senator IAN MACDONALD: He did not have Senator Feeney to support him on that side. He did not have Senator Arbib to support him. He did not have Senator Carr to support him—not that Senator Carr's support would be worth much; he could not even look after himself. You do see how the Labor Party is so factionalised. But there is this other faction, this quite shadowy faction, that Senator Sinodinos mentioned today and I draw senators' attention to that very good speech in case they missed it. You almost have that ultra left wing of the Labor Party masquerading as the Greens, which is in effect a de facto communist party in Australia. The Greens are not here to keep Senator Feeney on track and are not here to keep Senator Arbib up to the mark because they are part of that same left-wing, ultimately socialist government—a government that believes Big Brother is better able to direct me on how I should conduct my life than I am, that believes Big Brother is better able to spend my money...
than I am and that believes Big Brother should take my money and help the disadvantaged rather than allow me to help the disadvantaged as I and most Australians do with our own money. That is the shame of this. The Greens, who should be in here demanding that the parliament have supremacy over the executive government, disappear. I think, I hope and I trust that the Australian public are rapidly understanding that the Greens are no more than a hypocritical wing of the Labor Party and therefore part of the current government.

Question agreed to.

**BUDGET**

**Consideration by Estimates Committees**

**Senator CORMANN** (Western Australia) (15:25): Pursuant to standing order 74(5) I ask Senator Arbib, the Assistant Treasurer, for an explanation as to why 293 questions that were taken on notice by Treasury and its associated agencies more than three months ago during the last Senate estimates remain unanswered 78 days after the answers were due. Given that we are now less than a week away from the next estimates, I am really interested to know what the government's explanation is for that.

**Senator ARBIB** (New South Wales—Assistant Treasurer, Minister for Small Business, Minister for Sport and Manager of Government Business in the Senate) (15:26): I am happy to consult with Treasury and provide an answer to Senator Cormann as soon as possible.

**Senator CORMANN** (Western Australia) (15:26): I move that the Senate take note of the minister's nonexplanation. That attitude is just not good enough.

**Senator Marshall:** Mr Deputy President, on a point of order: I think Senator Cormann has moved to take note of something that does not exist in the standing orders. I suggest you sit him down and we move on with the business.

**The DEPUTY PRESIDENT:** Thank you, Senator Marshall. I was just taking advice from the Clerk and that is correct. There is no information to take note of, Senator Cormann. Consistent with the precedents of the Senate, that cannot take place.

**Senator CORMANN:** Mr Deputy President, on the point of order—I seek clarification from the chair: consistent with standing orders, it is my understanding that I can take note of the government's failure to provide an adequate explanation to the Senate as to why the answers have not been provided. I understand there is capacity to do that.

**The DEPUTY PRESIDENT:** That is absolutely correct, Senator Cormann. You can now move a motion in light of what you have just discussed. If you care to move that way, you then have the right to speak.

**Senator CORMANN:** I move:

That the Senate take note of the minister's failure to provide either answers or an explanation.

This government is just not serious when it comes to the economy. The Prime Minister, because this is the latest fad in her political strategy, thinks she has got to find a way of shifting the debate to the economy—not because she has got something to say, not because the government's record stands up to scrutiny but because one of her advisers, one of her spin doctors, has told her that is what she has got to do. Whenever the government is asked questions about its economic performance, its taxation plans or its spending plans, it ducks and weaves, it goes for the cover-up and it keeps things in hiding.

One of the issues that we pursued during the last Senate estimates, where Treasury
took a whole series of questions on notice related to the mining tax, was the government's proposal to impose a mining tax and spend a lot of money on a whole series of related promises. When there is a proposal to introduce a new tax and when there is a proposal for new spending attached to that tax, the Senate is entitled to know whether the revenue estimates are credible, whether the revenue estimates stand up to scrutiny, whether the spending that is attached to that revenue is sensible and whether the spending estimates stand up to scrutiny. We have been going around this for the last 18 months. The Minister for Finance and Deregulation, Senator Wong, today said this has been going on for a long time, that we have had this discussion for a long time. It is true that since July 2010 we have been trying to get answers from this government about its mining tax revenue assumptions and what its mining tax revenue estimates are based on. The answer has been one big deafening silence. The government has not provided a single answer about the mining tax revenue assumptions. Why? Very clearly they have something to hide: the mining tax revenue estimates are entirely dodgy, like the mining tax deal was dodgy. Because there is something to hide, they go for the cover-up. That is why they are refusing to provide answers to entirely legitimate questions.

As we have had this sort of cat-and-mouse game over a procession of Senate inquiries and Senate estimates hearings, I thought I would try a new trick in the lead-up to the last Senate estimates. I wrote a letter a week before the last Senate estimates to the Secretary to the Treasury, Dr Parkinson. I listed in detail all of the areas related to the mining tax where I wanted to ask questions. It was a courtesy, and the purpose of it was to ensure that Treasury officials would be in a position to assist the committee and to provide answers. But, true to form, even though they clearly knew the questions we were going to ask about the cost over the forward estimates of the various promises Labor has attached to the mining tax and even though the Secretary of the Treasury was well aware of these, when it came to estimates a week later they were not able to provide a single answer. This meant that they took all of these questions on notice. So here we are, more than three months later, and we still do not have any answers. We have been pursuing these things for the last 18 months, not getting any answers whatsoever. We gave notice before the last estimates that we would ask these particular questions about mining tax revenue assumptions and the cost of all the related promises. At the hearing the questions were taken on notice, and three months later we still do not have any answers. So we are going around and around in circles.

Next week we are going to have another Senate estimates week. Presumably we are going to ask the same questions again and they are going to be taken on notice again, and in 12 months we might still be going around and around. In the meantime, the Senate will be expected to pass judgment on the mining tax bills without that information, which is completely and entirely unreasonable in the circumstances.

If the government is so confident that the mining tax will raise the revenue it says it will raise, why will it not release the assumptions? The Queensland state government releases these assumptions as a matter of course as part of its budget papers. The state government in Western Australia releases these sorts of assumptions as a matter of course as part of its budget papers. They do so because their revenue is sensitive to variations in commodity price, production volume and exchange rate assumptions. They do it transparently. The Labor state government in Queensland and the coalition
state government in Western Australia do this—it is a non-partisan observation. But this secretive government here in Canberra, in the context of putting in a massive new complex tax on the mining industry, which is a very important industry for Australia, are refusing to be as transparent as state governments in Queensland and Western Australia.

The reason for this is that the government know that their mining tax revenue estimates will not stand up to scrutiny. They know that they have fiddled the figures. They are saying, 'The information is based on commercial-in-confidence data provided by BHP, Rio and Xstrata, so we can't share it with you.' The implication of what the government is saying is that they are prepared to do a deal that is negotiated exclusively and in secret with three big commercial operations in Australia, excluding all of their competitors from the process. Treasury was excluded from the process. This was Prime Minister Gillard, Treasurer Swan and Minister Ferguson with some of their personal staff, together with the managing directors of BHP Billiton, Rio Tinto and Xstrata, doing a deal on the design of a tax. There were no officials in the room. All of their competitors were excluded. State and territory governments were excluded from the process. They did a deal.

Now the government is telling us that, because the revenue estimates are based on data which these companies have provided to them, these are the only companies allowed to know the government revenue assumptions. That is not right and proper. The Australian people deserve to know, and the Senate deserves to know so that we can scrutinise it—quite frankly, everybody deserves to know. It is completely and highly improper and inappropriate that the government would give such a competitive advantage to the three big miners at the expense of all their competitors in the marketplace.

Why do you think the government is desperate not to release the costings of all the related promises? The answer is very simple: the government has realised that the mining tax package is a fiscal train wreck in the making. The reason for that is that the cost of all of the promises that Labor has attached to the mining tax is much higher than the revenue it will raise. That has finally dawned on them. That is why they are so reluctant to provide answers to these questions, which we have asked for some time now. They know that, once that they provide the answer, it will be there in black and white for all to see that the mining tax package is a fiscal train wreck in the making. Minister Wong again very dishonestly today made reference to this so-called $70 billion black hole—

**The DEPUTY PRESIDENT:** Order, Senator Cormann! I think you should withdraw that remark about Minister Wong.

**Senator CORMANN:** I withdraw in relation to Minister Wong.

**The DEPUTY PRESIDENT:** Thank you.

**Senator CORMANN:** I was not referring to Minister Wong so much as to the reference she made today.

**The DEPUTY PRESIDENT:** You did implicate Minister Wong. You have withdrawn that.

**Senator CORMANN:** The reference that Senator Wong keeps making inaccurately to a supposed $70 billion black hole in the coalition costings is completely wrong. There is, dare I say it, a dishonest use of a figure out of context by the Labor Party which I will now explain. What the Labor Party does is accumulate all of the revenue estimates from its various new taxes and then assumes that, when you get rid of the tax,
you press ahead with all of the related spending. We have found out in recent times that the Labor Party is the only party in Australia that can come up with a new tax which actually leaves the budget worse off, because the spending attached to the various Labor Party taxes is higher than the revenue it will generate. The carbon tax package leaves the budget worse off to the tune of $4.3 billion according to the government figures themselves. The mining tax package, in our view, leaves the budget worse off—

Senator Marshall: Mr Deputy President, I rise on a point of order. I appreciate that sometimes these discussions get wide-ranging, but there is a question before the chair and the senator is going nowhere near it.

The DEPUTY PRESIDENT: I draw Senator Cormann's attention to the question, although he has been broadly relevant. Senator Cormann, just keep in mind the motion before the chair.

Senator CORMANN: My comments to the Senate are entirely relevant because I am explaining the motivation of the government in refusing to answer these questions. Treasury is able to answer these questions. Treasury would have been able to answer these questions on the spot during the last Senate estimates. The reason Treasury had to take these questions on notice is that, at the political level, this Labor government did not want Treasury to provide answers. It is an absolute disgrace that, more than three months down the track, the Senate still does not have access to that information. Of course, this is the modus operandi of this government. They stuff up because they are an incompetent, divided and deeply dysfunctional government. They stuff up, and after the stuff-up they go for the cover-up. If there were an easy answer to provide, I am sure they would have provided it to us long ago.

No wonder they are trying to hide all of this information. We have to remember that Senator Wong, as finance minister, presided over a $25 billion deterioration in our budget position in one year. From December 2010 to December 2011, the budget position for the 2011-12 financial year deteriorated by $25 billion in one year, Senator Arbib.


Senator CORMANN: So here we go. The minister should go out of his way to see Treasurer Swan and say, ‘Listen, Wayne, this is the new era of openness and transparency that the Prime Minister has promised, and we had better start answering some questions.’ You had better start answering some questions about the mining tax revenue estimates and the cost of all the promises that you have attached to it, because you are not going to be able to get away with it. People inside Treasury know that the mining tax is a fiscal train wreck in the making. People inside Treasury know not only that there is a serious question mark around the mining tax revenue estimates but also that it is highly volatile revenue which is downward trending over time. Treasury know that these are the best terms of trade in 140 years and that it is likely that over time the revenue from iron ore and coal production will trend downwards—it will be volatile, but it will trend downwards. They also know that all of the promises that Labor have irresponsibly attached to that revenue source are fixed and upward trending. All of the costs that Labor have attached to the mining tax revenue, which is volatile and downward trending, are fixed and upward trending. This is an absolute fiscal train wreck in the making.

This is typical Labor. These are the reasons that, more than three months after
Treasury took these questions on notice, we still do not have any answers. The government is too embarrassed to come clean with the Australian people about the absolute disaster and dog’s breakfast that is the dodgy mining tax deal negotiated between the Prime Minister, the Treasurer, the Minister for Resources and Energy and three managing directors of major companies in an absolutely unprecedented fashion. To get herself out of a political bind at the time, the Prime Minister went through an absolutely inappropriate process that should never be allowed to stand as a precedent for tax policy development in our great country.

The DEPUTY PRESIDENT: Just before I put the question, I will clarify for Senator Cormann and other senators. We have been debating the two provisions 74(5)(b) and (c). It is (b) that relates to whether the minister provides an answer, while (c) relates to when the minister fails to provide an answer. So you were correct, Senator Cormann, in your assumption, but you commenced on the wrong section. That is fine now. The question is that the motion moved by Senator Cormann be agreed to.

Question agreed to.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Economy

Senator HUMPHRIES (Australian Capital Territory) (15:42): I move:

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

In case senators have forgotten what this is about, Senator Brandis asked about delivery of a budget surplus, the carbon tax and the accuracy of budget forecasts. In answer to the question, Senator Wong was happy to reaffirm that the Gillard government intended to deliver a budget surplus in 2012-13. It is good that they are determined to deliver this budget surplus. They have wavered a bit in the last few months. It was an aspiration at various stages, but they seem to be back on track now. ‘We’re going to deliver a budget surplus,’ they tell us.

I think we are justified in asking the question: why the big deal about this? The Howard government delivered 12 budgets, and almost all of them were budget surpluses. It did not seem to have so much trouble doing it. The reason delivering a budget surplus under this government is such a big deal is that, in trying to deliver a surplus, the ALP is fighting its nature. It is fighting its history and it is fighting its very DNA as a political party, because Labor governments do not like to deliver surpluses. It is not what they do. It is not their modus operandi. I know that because I look back over 20 years of political history, and at the federal level I do not see a single Labor budget surplus—not one. I look back over 20 years, even at state and territory Labor government level, and I see very few budget surpluses, because it is not what the ALP does. The ALP does certain things very predictably in office. It offers support for trade unions, it increases government spending, it increases taxation levels—preferably through introducing new taxes—it runs up deficits and it runs a debt. That is what Labor governments do. But right at the moment the ALP has a particular problem, particularly at the federal level, because the electorate is now much more sensitised to the question of budget surpluses. They want to see governments running balanced budgets. They want to see budget surpluses, probably because under the Howard government they saw how effective those surpluses were in delivering important social and economic outcomes—tax cuts, more spending on health and education, a stronger defence
force, and so on. They want to see governments which can sustainably offer support for important social and economic goals in this country, and they are judging governments by their ability to offer surpluses. This government are huffing and puffing over delivering a $1.5 billion surplus next financial year. That is less than half of one per cent of total Commonwealth outlays projected for 2012-13. A budget surplus half of one per cent is miniscule and wafer thin. It is because it is so thin that the government are in all sorts of trouble right now, when basic economic conditions and assumptions are not working out for them. They planned a deficit for the present financial year of $22 billion but, unfortunately, it has blown out to a $37 billion deficit—a 68 per cent variation in just six months. That is pretty much the case for all the deficits they have brought down in the last four years. They do not work out as the government plan them to. Perhaps they are hoping that, if their deficits are inflating each year beyond expectations, maybe the surpluses will as well after 2012-13. Unfortunately, the more your deficits inflate, the less large your surpluses are likely to be. At $1.5 billion you do not have much of a margin for error.

This government are desperately trying to defeat their own history—their own legacy—of mistakes and extravagant spending. We know that they took a $70 billion net positive position in the Commonwealth in terms of assets and money in the bank and turned it into $133 billion of net debt in just the last four years. That is what the Labor government are fighting, not the global financial crisis as Minister Arbib just said and not other extraneous things. They are fighting their own history of being unable to contain spending, reduce taxes and return budgets to surplus. That is why we are entitled to say that we are sceptical about this government's capacity to deliver a surplus. People do not need to be sceptical about the coalition's ability. We showed it in almost every budget we brought down. We delivered surpluses, we delivered them strongly and they grew and grew. Under this government you simply cannot make the assumption that the same thing will happen.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (15:47): I rise to take note of answers given by Minister Wong. It is noted from time to time that, unfortunately, the Senate and senators are not adequately consulted by our brothers and sisters in the House of Representatives, and it does seem that this is one of those occasions when the opposition Senate team did not get the memo from their team in the House of Representatives. You may not be aware of this, Senator Humphries, but your party, the coalition, is presently embarked on a process of crab-walking away from its own commitment to a surplus. You say that we are fighting our past; I say that you are fighting your present. But, from the Labor Party's point of view, no matter how hard any day gets we know we always have Joe Hockey working hard for us. As you would be well aware—

The DEPUTY PRESIDENT: Order! Senator Feeney, before we go any further there are two matters. Please direct your remarks to the chair and refer to people in the other place by their correct name, title or by the salutation of mister.

Senator FEENEY: As this parliament is well aware and as has been discussed extensively in the public debate, the opposition's policy proposition is teetering on the brink of ridicule and destruction. I admire the courage of the opposition for dragging it in here for us to survey today. The opposition's very own documentation was leaked to the press and revealed the frenzied mutterings of its razor gang as they...
sought to come to terms with the fact that their very own future prescription for this country was $70 billion short.

Here we have the spectacle of Senator Humphries condemning us for a real surplus that is not large enough when the coalition's imaginary surplus is going to be $70 billion in the red. How is it that it is $70 billion in the red? That number deserves some study. It will cost the opposition $27 billion to axe the carbon tax. As part of that $27 billion expenditure we find the economic vandalism of those opposite exemplified by Tony Abbott, the Leader of the Opposition, recommending that Australian business neither purchase carbon permits nor participate in the scheme. Of course, $3.2 billion of that $27 billion will fund the opposition's direct action plan. It is a direct action plan which, as you know, Mr Acting Deputy President, was inspired by the public policy offerings of 1980s East Germany and 1970s Romania—a command economy model whereby Labor's market is swept aside so that the tsars of the coalition can sit in council and decide which of their friends around Australia receive plans and moneys to abate carbon.

But wait; that's not all! We find that there is $24 billion in the coalition's imaginary budget which is required to refund big polluters for carbon permits. It will be an extraordinary spectacle to see a future coalition government handing $24 billion back to the companies whose carbon emissions, the coalition tells us, its own policy is trying to abate. But we should not be too shocked at the spectacle of the coalition handing back government revenues to big polluters. In fact, $11.1 billion of a future coalition budget would be lost revenue because of the coalition's resolve to hand back moneys raised through the minerals resource rent tax. We will see the extraordinary spectacle of would-be Prime Minister Abbott handing a cheque for billions of dollars to some of the wealthiest people in Australia—in fact, as has been revealed recently, perhaps the wealthiest person on the planet. The Liberal Party insist that their resolve to hand back these moneys is a matter of virtue when every Australian can see that pulling $11 billion out of the federal budget to reward those who are already billionaires serves no public policy process and amounts to no public virtue. It is simply a dogmatic resolve by those opposite not to accept the moneys raised by the minerals resource rent tax and to zealously protect and preserve their friends. In addition to all of this, the coalition is maintaining its commitment to $8 billion in pledged tax cuts. How is it that those opposite have the gumption to come in here and dare cast aspersions on our real surplus when their own imaginary and shadow budget is $70 billion in the red? Of course the answer is: they dare not have their own numbers studied.

If they were to have their own numbers studied, then two possibilities reveal themselves. The first possibility is that these nonsensical utterances in opposition will not be honoured, that the $11 billion will not be handed back. That is, perhaps, what I hope for, but I cannot underestimate—(Time expired)

Senator EDWARDS (South Australia) (15:52): I rise to take note of answers given by Senator Wong and I cannot avoid addressing some of the issues that Senator Feeney has just raised. The budget surplus is maths; it is not science. You have manipulated science to create a revenue with your carbon tax. We know how you can manipulate things.

The finance minister has only one response when she is questioned on anything in relation to this—just slag the opposition.
Senator Feeney has just made an art form of addressing my colleague in the lower House, the shadow Treasurer, Joe Hockey—blame the opposition for everything. It is as if Senator Feeney and Senator Wong think that we actually are the government. I remind the minister that the coalition has been out of office since November 2007—4.25 years ago—and they are still referring to it.

Minister, take responsibility for your own actions and the actions of the Labor-Greens government you represent. Stop bagging all those on this side of the chamber for your mismanagement of the economy. We have not had the treasury bench for 4.25 years! As a finance minister, you have direct responsibility for the spending in other portfolios of the Gillard-Brown administration. How about directing your attention to curbing the spendthrift impulses of your ministerial colleagues? The problem is that Labor and the Greens believe the only way to govern is by spending the money of taxpayers. It is not your money. It is raised from every Australian that pays taxes. You would not run your own bank account by spending more than you earn, so adopt the same approach to the finances of government. It is very simple.

I know that a surplus in the budget is not a concept that the Rudd-Gillard governments are familiar with. My colleague, the member for Longman, Wyatt Roy, reminded me only last night that he was not even alive when the Labor Party delivered its last surplus, and he is in his 22nd year. It is called a balance—you have got to find a balance—and for the sake of all Australians you have got to get back to it.

Senator Feeney talked about ‘crab-walking’. It is economics 101. Hands up on the other side those who have ever run a private company that has done a capital raising. Let the record show that no hands go up! Hands up on the other side those who have ever had to have a repayment—

**The DEPUTY PRESIDENT:** Order, Senator Edwards! Again I have to remind you, as I did Senator Feeney, to direct your remarks to the chair. You cannot ask questions of the government across the chamber. Please continue, Senator Edwards.

**Senator EDWARDS:** It would be interesting to know how many hands would go up if I was able to ask any on the other side if they had ever gone back to a banking institution with a capital repayment program. I notice no hands go up, Mr Deputy President.

We are a party that understands business on this side. As my good colleague, Senator Humphries, referred to, it is endemic and enduring in the Labor Party that they cannot understand, and do not understand, what surpluses are. A surplus, for the edification of those opposite, is where you have an operating profit. That is what it is termed in private practice, an operating profit which you can then return to your shareholders in this case, the people of Australia, in the way of more services. However if you deliver a deficit, that means you have to borrow more. In the case of Australia, that means that you have to compete with Australians for borrowings from offshore, putting the price of money and capital for the small businesses that you protest you are looking to protect, beyond reach, doing them great harm with these deficits. The capital raising that you are doing out there to fund this project, the $37 billion debt that you talk about, will come at a great cost to all Australians.

**Senator MARSHALL** (Victoria) (15:57): I assure Senator Edwards that no-one on the side of the chamber thinks that the opposition is the government and he would be well served not to believe their rhetoric. This government does not believe that the
economy is a shambles. This is a myth that you are trying to promote.

Australia's economy is the envy of the developed world. It is now in its 20th consecutive year of economic growth, a record unmatched by any other advanced economy. Senator Edwards, do not go—you should stay and you should listen to this. Australia's GDP is significantly higher than its pre-GFC level, while many advanced economies are still struggling to make up lost ground. The unemployment rate has fallen to around five per cent and is now lower than all but one major advanced economy, and Australia has lower government debt and lower budget deficits than any of the other major advanced economies and will return to a budget surplus sooner than any other advanced economy. So I really find it quite puzzling that the opposition would come in here and take note of this particular question.

I suppose that it is a symptom of predetermining before question time which question you will take note on, because Senator Wong simply wiped the floor with the opposition in respect of the economy. And she said, behind every falsehood and every wrong assertion lies a $70 billion black hole of the opposition. I understand why Senator Edwards struggled so much in any defence of the position put because he must have been well and truly embarrassed by his side in their feeble attempts to actually score any points on economic grounds against this government—this government, that has done more to defend this economy than any other. If we had done what the opposition wanted to do at the beginning of the global financial crisis this country would still be deep in recession. We would have hundreds and hundreds of thousands more people unemployed. They would not care about that; they would rip the guts out of this economy. That was their plan: to let the market rip, and no Australian should ever forget that.

This was the government, this was the Treasurer and this was the team that actually defended this country from economic ruin—something that you opposed, and that the Australian people will remember. As I said earlier, we enjoy and are the economic envy of the rest of the developed world, and we will continue to maintain that position. We will bring this budget back to surplus—something that Senator Humphries finally got around to agreeing with, even though he started by saying that we would not bring it back to surplus, but that when we did, it would only be wafer thin because it would only be $1½ billion. By the time he ended his contribution he had actually talked himself into the position of accepting that we would in fact be in surplus.

But here we are, this is the Liberals; they want to pretend that there was no global financial crisis, no turmoil in Europe, no natural disasters last year and no high dollar. It is the same economic team whose advice would have sent Australia into recession and would have sent unemployment skyrocketing. The Liberal Party has failed the budget test countless times, and their credibility is in absolute tatters.

Only recently we saw the Leader of the Opposition saying that they may not get a budget surplus in the first year or anywhere after that if they are elected. After giving previous commitments that they would move into a budget surplus quicker than the Labor government, they are now walking away from that promise. In fact, it is an aspiration. A budget surplus for the Liberal Party has become an aspiration. Why is it an aspiration? Because they know they can never get there. They can never get anywhere near there because behind all their rhetoric and behind all their promises is a $70 billion black hole of commitments and promises they have made which they know they cannot fund. They know they cannot
fund them. But in order to try and buy their way into an election victory they will promise everything. They will promise a spend of $70 billion at the moment, and the election campaign has not even started for them. We know that that $70 billion will continue to grow. They are economically irresponsible. *(Time expired)*

**Senator KROGER** (Victoria—Chief Opposition Whip in the Senate) (16:02): I have to say that Senator Marshall really lives in his own little world over there. To suggest that Senator Wong wiped the floor with her responses to questions on the economy just defies belief. I do not know where he was during question time, but he clearly was not listening to Senator Wong's responses.

To the suggestion that this government has saved the country from economic ruin, all I can say to Senator Marshall is, 'Thank goodness you had a coalition government that handed you a large surplus so that it bankrolled the government spending for its first few years in office'. Not all governments are so fortunate.

I also just have to pick up for a moment on a couple of comments and observations that Senator Feeney made earlier on. He seemed to talk about the opposition only. He was given an opportunity to talk about the government's response—Senator Wong's response—to questions and all he could talk about was the opposition; what our vision was for the country and what we would do if we were in office. I was sitting back thinking that it really was not surprising that he did not want to talk about what the government had achieved because what they have done is indefensible.

Since the election in November 2007 they only have a record of incompetence, spending and increasing debt. So what could he talk about? Why would he not want to deflect attention away from the government's track record and focus on the opposition's? So I am not surprised that he talked about the coalition's vision and plans, which he did, because to talk about the government's achievements would be incredibly embarrassing for him.

We do live in a great nation, but it could be so much better. We could be world leaders in industry and innovation, but what is holding this country back is the incompetence and the ineptness of this Gillard government. We have raised before and during questions—and Senator Wong would not address the fact—that the Treasurer, Mr Swan, said last year that this year, the year ahead, would be all about jobs, jobs and more jobs. But only last week we heard that another Australian bank has reported 1,000 jobs being lost over the last few months. This is on top of the reports from Westpac and the ANZ in relation to other job losses in January.

Only today, at an aluminium smelter near Geelong—the Port Henry aluminium smelter—the operators have announced that they are conducting a review of that smelter that is essentially putting the jobs of 600 people there in limbo. They will be very, very concerned as we speak now about what their job security is and what this next 12 months holds for them. And for good reason: the Prime Minister and those on the other side continue to ignore the fact that the carbon tax is going to cost more jobs. She continues to ignore the fact that it will reduce economic growth in Australia and is just going to hurt us more and, in particular, hurt real wages.

In the 2010-2011 financial year the Gillard government said that their budget deficit would be $12 billion, and yet we saw MYEFO estimate that the budget deficit would be $25 billion. And what do we see? The actual deficit was $37 billion. They are
not particularly good at managing. The last few years have been another demonstration of what an ALP government actually delivers when in office, and economic strength and viability of the country is not one of them.

This government has turned $70 billion in net Commonwealth assets into $133 billion of net Commonwealth debt. To the people of Australia I say: bring on an election; get rid of the Prime Minister you have because this country will be in a crisis if you keep with it.

Question agreed to.

Christmas Island Salvage

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:08): I move:

That the Senate take note of the answer given by the Minister for Manufacturing (Senator Carr) to a question without notice asked by Senator Siewert today relating to the Tycoon ship wreck at Christmas Island.

As I outlined in my question, the incident started on 8 January and resulted in the Tycoon being wrecked on the cliffs just tens of metres away from Flying Fish Cove. That ship has now been there since 8 January and has subsequently broken into three parts. Diesel, bunker fuel and phosphate continue to leak from that ship. The minister was partly right in his response to my question in that, yes, there was a cleanup of Flying Fish Cove the day after the initial load of oil and phosphate ended up in the cove. Subsequently, because of bad weather and because that ship is still there beneath the cliff, according to local updates Flying Fish Cove has continued to be contaminated. In fact, I understand that those living in Kampong, which for those who know Christmas Island is just off flying Fish Cove, have subsequently been inundated with very strong oil fumes. Because the authorities keep saying this is temporary, locals are loath to move out because they think it is going to finish.

The point here is that the government appears unwilling to appoint a salvor for the ship or to seek to remove that ship until after the investigation takes place. The Australian Transport Safety Bureau, in a preliminary report last Friday, outlined the events in the lead-up to the ship ending up under the cliff and highlighted at least five areas of further investigation. The minister also outlined that the AFP is now undertaking an investigation as well. That is all very well, and of course that is essential, but it is not essential to wait until those investigations are finished to remove that ship. While the ship is there, it is continuing to contaminate the environment. Moving it also presents a threat to the environment, and the government needs to articulate a plan to ensure that any further large impact from the removal of that ship is dealt with.

However, to get back to the point of contamination, that ship is continuing to contaminate Flying Fish Cove. It is completely inaccurate for the minister to say it is having no impact on the marine environment. Some monitoring has been done on the eastern part of the island and—surprise, surprise!—there is no impact. The ship is impacting around the environment of Flying Fish Cove, and this is particularly important because it is the time that the robber crabs, which is a threatened species, and the famous Christmas Island red crabs have been emerging from the marine environment with their eggs.

We have no idea what impact either the smothering of the reefs by the phosphate contained in that ship or the contamination from the oil and diesel is having on the marine environment. The minister simply should not be standing there saying, 'There's no observable environmental impact,' when
people have not been in the water. I understand that, due to some of the bad weather, divers have not been able to enter the water. I have seen no evidence of a comprehensive monitoring plan being put in place to deal with this. The government has not appointed a salvor for that ship. In fact, I understand it is still a matter of conjecture as to who is to take responsibility. In the meantime, what suffers is the marine environment and the residents of Christmas Island.

It has been suggested to me that it is unlikely that a salvor will be appointed because the ship has broken up into three parts and that, because of the complex nature of the salvage that would have to occur, there is no profit in it. Therefore, my question following the minister's response today is whether the government is interested in ensuring that this ship is removed because it is afraid that it is going to bear the cost. Perhaps, therefore, it is in the government's interest to ensure that no salvor can be found and that the ship is not salvaged and is left there to continue to contaminate the marine environment.

The minister also said that a coordinated process and plan is being set up. We are a month down the track. It is 8 February today and this occurred on 8 January—a month ago—and yet the plan is just being set up. What happened to the government's very thorough response to the Montara inquiry, saying that from now on we are going to have coordination across government agencies to deal with spills of this nature? I have seen very little evidence of this coordinated plan—in fact, it is only being set up a month down the track. This is not good enough. The environment of Christmas Island is being contaminated. (Time expired)

Question agreed to.

NOTICES

Presentation

Senators Rhiannon, Senator Arbib and Senator Joyce to move:
That the Senate—
(a) notes:
(i) the sad passing of Arthur Beetson who died on 1 December 2011 at age 66, and
(ii) the extraordinary contribution that Arthur Beetson made to rugby league and to Australian sporting life as a player and coach, including:
(A) having represented Australia on 47 occasions,
(B) in 1973 becoming the first Indigenous player to captain Australia in any sport,
(C) being awarded an Order of Australia in 1987 in recognition of service to the sport of rugby league,
(D) being inducted into the Australian Rugby League Hall of Fame in 2003,
(E) being named in the front-row in the rugby league 'Team of the Century', and
(F) becoming the seventh post-war 'Immortal' of the game; and
(iii) the powerful and tireless leadership that he showed to his sport, as a mentor to young people and to the Indigenous community;
(b) extends the deepest sympathy of all members of the Senate to the family and friends of Arthur Beetson; and
(c) calls on all members of the Senate to support initiatives to pay tribute to the contribution and achievements of Arthur Beetson to his sport and to Australian public life, such as the establishment of the Arthur Beetson scholarship for young Indigenous Australians.

Senator Bob Brown to move:
That the following bill be introduced: A Bill for an Act to amend the Environment Protection and Biodiversity Conservation Act 1999 to require the monitoring of whaling activities by foreign whaling vessels. Environment Protection
and Biodiversity Conservation Amendment (Monitoring of Whaling) Bill 2012.

Senator Wright to move:
That the Senate—
(a) notes that:
(i) the Register of the National Estate (RNE) is a list of more than 13,000 natural, Indigenous and historic heritage places throughout Australia, created in 1975 and currently maintained by the Australian Heritage Council, and
(ii) as of 19 February 2012, all references to the RNE will be removed from the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) and the Australian Heritage Council Act 2003;
(b) recognises that:
(i) Australia's historic heritage makes a critical contribution to our national identity, community and economy,
(ii) the RNE was frozen on 1 January 2007, and a 5 year transition period was given for the Commonwealth, states and territories to assess and enter eligible places within their respective jurisdictions onto the appropriate heritage registers, and
(iii) if the transition process is not completed by 19 February 2012, thousands of heritage places will potentially be left without legislative protection; and
(c) calls on the Government to:
(i) extend the 5 year transition period for phasing out the RNE as a statutory list by a further 12 months, from 19 February 2012 to 19 February 2013, as recommended by the Hawke Review of the EPBC Act, and
(ii) collaborate with the states and territories to ensure that the transition process is completed within that 12 month period.

Senators Crossin, Back and Xenophon to move:
That the following matter be referred to the Joint Select Committee on Gambling Reform for inquiry and report:

The prevention and treatment of problem gambling, with particular reference to:

(a) measures to prevent problem gambling, including:
(i) use and display of responsible gambling messages,
(ii) use, access and effectiveness of other information on risky or problem gambling, including campaigns, and
(iii) ease of access to assistance for problem gambling;
(b) measures which can encourage risky gambling behaviour, including:
(i) marketing strategies, and
(ii) use of inducements/incentives to gamble;
(c) early intervention strategies and training of staff;
(d) methods currently used to treat problem gamblers and the level of knowledge and use of them, including:
(i) counselling, including issues for counsellors,
(ii) education, and
(iii) self-exclusion;
(e) data collection and evaluation issues;
(f) gambling policy research and evaluation; and
(g) other related matters.

Senator Bob Brown to move:
That the Senate—
(a) condemns the appalling human rights abuses and escalating violence in Syria, that has seen thousands of innocent civilians killed; and
(b) calls on President Assad to step down, to finally put an end to the intolerable bloodshed of the Syrian people.

Senators Di Natale and Xenophon to move:
That there be laid on the table by 27 February 2012 by the Minister representing the Minister for Families, Community Services and Indigenous Affairs (Senator Evans) any advice or documentation received by the Government regarding the cost of implementing $1 bet limits on poker machines, particularly in relation to the
$1.5 billion figure referred to by the Minister in public comments.

Senator Bernardi to move:

That the Senate agrees with Senator Rhiannon who was reported in the official notes of an October 2000 SEARCH Foundation seminar commemorating the 80th anniversary of the foundation of the Communist Party of Australia (CPA) as arguing 'that the Green's Party is closest to the best of the CPA's politics and methods'.

Senator Bob Brown to move:

That the following matter be referred to the Committee of Privileges for inquiry and report:

Having regard to Senator Cash's shares in Woodside Petroleum and her speech to the Senate on 23 August 2011 and questions without notice, on 28 August 2008 and 3 December 2008, regarding Woodside's proposal for a gas hub in the Kimberley:

(a) whether any person, by the offer or promise of an inducement or benefit, or by other improper means, attempted to influence a senator in the senator's conduct as a senator, and whether any contempt was committed in that regard; and

(b) whether Senator Cash received any benefit for herself or another person on the understanding that she would be influenced in the discharge of her duties as a senator, or enter into any contract, understanding or arrangement having the effect, or which may have the effect, of controlling or limiting the senator's independence or freedom of action as a senator, or pursuant to which the senator is in any way to act as the representative of any outside body in the discharge of the senator's duties.

Senator Bob Brown to move:

That the following matter be referred to the Committee of Privileges for inquiry and report:

Having regard to Senator Joyce's acceptance of hospitality from GVK and Hancock Group and the subsequent purchase by GVK of $1.2 billion assets from Hancock Group, including assets in Queensland's Galilee Basin, and Senator Joyce's opposition to the Minerals Resource Rent Tax and the Clean Energy Bills:

(a) whether any person, by the offer or promise of an inducement or benefit, or by other improper means, attempted to influence a senator in the senator's conduct as a senator, and whether any contempt was committed in that regard; and

(b) whether Senator Joyce received any benefit for himself or another person on the understanding that he would be influenced in the discharge of his duties as a senator, or enter into any contract, understanding or arrangement having the effect, or which may have the effect, of controlling or limiting the senator's independence or freedom of action as a senator, or pursuant to which the senator is in any way to act as the representative of any outside body in the discharge of the senator's duties.

Senators Pratt and Hanson-Young to move:

That the Senate expresses grave concern:

(a) regarding discriminatory legislation against lesbian, bi, gay and transgender people currently before the Legislative Assembly of Saint Petersburg in Russia; and

(b) that these proposed laws undermine the human rights of lesbian, bi, gay and transgender people and breach human rights treaty obligations to which Russia is signatory.

Senator Rhiannon to move:

That the Senate—

(a) notes:

(i) that the final report of Sri Lanka's Lesson Learnt and Reconciliation Commission (LLRC) was released publicly on 16 December 2011,

(ii) the Minister for Foreign Affairs (Mr Rudd) stated that the Government would wait until the LLRC reported before taking any further action regarding allegations of war crimes committed during the final stages of the Sri Lankan civil war,

(iii) the Australian Government is yet to respond to the LLRC's final report,

(iv) Alistair Burt MP, the United Kingdom minister with responsibility for Sri Lanka has said that 'The British Government is, on the whole, disappointed by the report's findings and recommendations on accountability',

CHAMBER
(v) the Canadian Foreign Affairs Minister, John Baird has said:

'I) Canada remains concerned that the report does not fully address the grave accusations of serious human rights violations that occurred toward the end of the conflict.

(II) Canada continues to call for an independent investigation into the credible and serious allegations raised by the UN [United Nations] Secretary-General's Panel that international humanitarian law and human rights were violated by both sides in the conflict.

(III) the government of Sri Lanka must demonstrate the principles of freedom, democracy, human rights and the rule of law',

(vi) the Tamil National Alliance, the democratically elected representative voice for the Tamil people in Sri Lanka has called on the international community to institute measures that will advance accountability and encourage reconciliation in Sri Lanka, in keeping with the recommendations of the UN Secretary-General's Panel of Experts,

(vii) the report of the UN Secretary-General's Panel of Experts on Accountability in Sri Lanka has said 'the LLRC fails to satisfy key international standards of independence and impartiality, as it is compromised by its composition and deep-seated conflicts of interests of some of its members', and

(viii) Human Rights Watch, Amnesty International and the International Crisis Group have said the LLRC does not adequately address the issue of alleged war crimes and crimes against humanity committed during the final phases of the conflict between the government and the Liberation Tigers of Tamil Eelam;

(b) expresses disappointment that the Federal Government has not issued a public response to the LLRC final report; and

(c) calls on the Government to:

(i) acknowledge that the LLRC fails to adequately address the issue of war crimes and crimes against humanity committed during the Sri Lankan conflict, and

(ii) support calls for the UN Secretary-General and the UN Security Council to establish an independent international mechanism to investigate the issue of war crimes and crimes against humanity committed in Sri Lanka, as recommended by the report of the UN Secretary-General's Panel of Experts on Accountability in Sri Lanka.

Senator Cash to move:

That the Senate notes the reflections of the Leader of the Australian Greens (Senator Bob Brown) on the President of the Senate, the Prime Minister (Ms Gillard), the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), Senator Boswell, the Leader of The Nationals in the Senate (Senator Joyce) and Senator Cash.

Senator Fifield to move:

That the Senate notes the mismanagement of economic and fiscal policy by the current Government.

Senator Colbeck to move:

That the Select Committee on Australia's Food Processing Sector be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 29 February 2012, from 11.30 am to 12.30 pm.

Senators Moore and Siewert to move:

That the Community Affairs Legislation and References Committees be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 9 February 2012, from 5 pm.

Senator Stephens to move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold public meetings during the sitting of the Senate, as follows:

(a) on Monday, 27 February 2012:

(i) from 10 am to 11.30 am, to take evidence for the committee's inquiry into Australia's trade and investment relationship with Japan and the Republic of Korea, and

(ii) from 5.30 pm to 6.30 pm, to take evidence for the committee's inquiry into Australia's overseas representation; and
(b) on Monday, 19 March 2012, from 10 am to 11.30 am, to take evidence for the committee's inquiry into Australia's trade and investment relationship with Japan and the Republic of Korea.

Senator Siewert to move:

That the following bill be introduced: A Bill for an Act to promote the supply of Opal fuel and control the supply of other fuels in certain areas, and for related purposes. **Opal Fuel Bill 2012.**

Senator Siewert to move:

That the following bill be introduced: A Bill for an Act to amend the **Native Title Act 1993** to further the interests of Aboriginal peoples and Torres Strait Islanders, and for related purposes. **Native Title Amendment (Reform) Bill (No. 1) 2012.**

Senator Siewert to move:

That the Senate—

(a) notes that the Australian Year of the Farmer 2012 is a year-long celebration of the vital role farmers play in feeding, clothing and housing people – both here and overseas;

(b) acknowledges that:

(i) agriculture plays an important role in Australia's economy and prosperity, injecting more than $405 billion into our economy per year, and

(ii) Australian farmers greatly contribute to global food security and supply; and

(c) calls on the Government to support and provide funding for the initiatives of the Australian Year of the Farmer 2012.

Senator Waters to move:

That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 22 August 2012:

(a) the economic, social and environmental impacts of Australia's domestic and export coal seam gas (CSG)/liquid natural gas (LNG) industry on:

(i) surface and groundwater and future water licensing arrangements,

(ii) agricultural land and food production,

(iii) the coast and marine environments, including impacts on the Great Barrier Reef World Heritage Area and industries relying on these environments, including impacts from pipelines, ports, dredging and shipping,

(iv) the property rights and values of landholders,

(v) rural, regional and urban communities, and the effective management of relationships between mining and other interests, and

(vi) other related matters, including health impacts;

(b) the greenhouse gas emission intensity of Australia's domestic and export CSG/LNG industries across their lifecycle, and the adequacy of accounting, monitoring and compliance of greenhouse impacts;

(c) the potential impacts of other unconventional gas industries developing rapidly across Australia, including shale and tight gas;

(d) the adequacy of existing and proposed state, territory and Commonwealth regulatory regimes to manage the above issues, including cumulative impacts and the appropriateness of 'adaptive management' in regulating the industry; and

(e) any other related matter.

Senator Bishop to 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, 9 February 2012, from 3.30 pm.

Withdrawal

Senator WRIGHT (South Australia) (16:13): Pursuant to notice given on the last day of sitting, I withdraw business of the Senate notice of motion No. 1, disallowance of the Health Insurance (Allied Health Services) Amendment Determination 2011 (No. 2).

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:14): Pursuant to notice given on the last day of sitting, I withdraw general business notice of motion
No. 622, authorisation for the Community Affairs References Committee to meet during the sitting of the Senate on 9 February 2012.

COMMITTEES

Rural Affairs and Transport Legislation Committee

Reporting Date

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (16:14): by leave—At the request of Senator Sterle, I move:

That the time for the presentation of the report of the Rural Affairs and Transport Legislation Committee on the provisions of the Illegal Logging Prohibition Bill 2011 be extended to 27 February 2012.

Question agreed to.

Meeting

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (16:15): by leave—At the request of Senator Sterle, I move:

That the Rural Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4.30 pm, to take evidence for the committee’s inquiry into the provisions of the Illegal Logging Prohibition Bill 2011.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of Senator Di Natale for today, proposing a reference to the Community Affairs References Committee, postponed till 28 February 2012.

General business notice of motion no. 615 standing in the name of Senator Cormann for today, relating to the consideration of legislation, postponed till 9 February 2012.
(a) the report and findings of the 2011 Community Affairs References Committee inquiry into medical devices; and
(b) any action the Government and TGA has taken or intends to take in relation to the 2011 report and recommendations.

Question agreed to.

Legal and Constitutional Affairs Legislation Committee
Reference

Senator HANSON-YOUNG (South Australia) (16:17): I move:
That the Marriage Equality Amendment Bill 2010 be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 25 May 2012.

Question agreed to.

MOTIONS

World War II

Senator RONALDSON (Victoria) (16:18): I seek leave to amend the motion standing in my name and Senator Scullion's name relating to the 70th anniversary of the fall of Singapore and the bombing of Darwin.

Leave granted.

Senator RONALDSON: I, and also on behalf of Senators Scullion and Bernardi, move the motion as amended:
That the Senate—
(a) commemorates the 70th anniversary of the fall of Singapore on 15 February 1942;
(b) remembers the bombing of Darwin on 19 February 1942, which marked the beginning of an 18 month campaign of bombings across northern Australia; and
(c) in commemorating these events of national significance, pays tribute to the thousands of Australian men and women who were taken prisoner of war following Singapore’s fall, the 251 civilian and military personnel killed in the bombing raid on Darwin, and the many thousands more who served in the defence of Australia following the first ever enemy attack on our homeland on 19 February 1942.

Question agreed to.

Wind Farms

Senator MADIGAN (Victoria) (16:19): I, and also on behalf of Senator Xenophon, move:
That the Senate—
(a) notes that on 23 June 2011 the Community Affairs References Committee tabled its final report, Social and economic impact of rural wind farms containing seven recommendations, including recommendations calling for studies on the effects of wind farms on human health; and
(b) calls on the Government to:
(i) immediately act on the committee's recommendations in the report, and
(ii) support a moratorium on the construction of further wind turbines until the recommendations have been satisfactorily addressed.

Senator BIRMINGHAM (South Australia) (16:20): I seek leave to move an amendment to the motion.

Leave granted.

Senator BIRMINGHAM: I move:
That the Senate—
Omit subparagraph (b)(ii), so that paragraph (b) now reads:
(b) calls on the Government to immediately act on the committee's recommendations in the report.

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:20): I would like to be really clear because there has been some confusion around this motion. Are we amending the motion that was circulated that was actually in the Notice Paper? It is not the one that Senator Madigan was subsequently talking to people about?

The DEPUTY PRESIDENT: We are dealing with the motion that would appear on
the Notice Paper as No. 616. There is an amendment moved by Senator Birmingham to that notice. We cannot deal with a motion that we do not have before us, so it must be the one that is in the Notice Paper.

**Senator SIEWERT:** So all we are doing now through this motion is supporting the implementation of the recommendations of the Community Affairs References Committee? I want to be really clear about what we are voting on.

**Senator BIRMINGHAM** (South Australia) (16:21): That is correct. This would delete and omit part (b)(ii) of motion No. 616 in the Notice Paper. That would leave the remaining part calling on the government to immediately act on the committee's recommendations in the report relating to wind farms.

**Senator MADIGAN** (Victoria) (16:21): Mr Deputy President, I seek leave to make a brief statement.

**The DEPUTY PRESIDENT:** Leave is granted for two minutes.

**Senator MADIGAN:** The Senate inquiry into the social and economic impact of rural wind farms received more than 100,000 submissions and made only seven recommendations. It is now 7½ months later and not one of these recommendations has been implemented. I have been holding wind farm forums across the country and have been overwhelmed by the stories of families living close to turbines. I am calling for the government to act on the recommendations given by its own inquiry chaired by Senator Siewert. The motion also calls for a moratorium on the construction of any new wind turbines. This call is identical to the moratoriums that other parties have called for when the adverse health effects of new technologies have been raised. If there is no moratorium, there is no incentive to act. I am not a scientist. Perhaps the severe debilitating effects of wind farms can be solved by a simple engineering solution. I do not know. We need to stop the construction of any further wind turbines until we can study any problems and implement the recommendations that the Senate inquiry itself has made. Personal and community health need to be at the top of our concerns as elected representatives. Protecting and serving people is our prime reason for being in parliament.

**Senator BIRMINGHAM** (South Australia) (16:23): I seek leave to make a very short statement.

**The DEPUTY PRESIDENT:** Leave is granted for two minutes.

**Senator BIRMINGHAM:** On behalf of the coalition—and I have explained what this amendment seeks to do—I say that we are very sympathetic to the issues that Senator Madigan has raised through this motion and that we do understand his concerns. Indeed, coalition senators—in particular, Senator Adams—have championed a number of these issues and concerns. We share Senator Madigan's concerns, and those of many in the community, that the government has not acted swiftly enough to implement the recommendations of this report. We hope that the Senate will pass the motion, brought forward by Senator Madigan in the amended terms, to try to increase the pressure on the government to do so. However, we do recognise that significant investments which have already been made and are in play would be impacted by a moratorium, and that would create a degree of business uncertainty. Unfortunately, that is why we find ourselves moving this amendment calling for the omission of a section of the motion.

**Senator XENOPHON** (South Australia) (16:24): I seek leave to make a brief statement.
The DEPUTY PRESIDENT: Leave is granted for two minutes.

Senator XENOPHON: I support the remarks of Senator Madigan. I make it clear that I think wind farms are an important part of the renewable energy mix. But there are genuine community concerns, as witnessed by the Senate inquiry into this. There were seven unanimous recommendations which seem to be reasonable and measured. They take a precautionary approach to the concerns of communities about wind farms and to addressing these concerns by ensuring that the health effects and other matters are dealt with. I think they are quite reasonable recommendations. I think it makes sense that, if you think that the government should act on these recommendations—such as the recommendation that the NHMRC be involved in monitoring the health effects—then it is not unreasonable that there be a moratorium until the recommendations are acted on. The moratorium would not necessarily have to last very long, but it would be an incentive to ensure that the recommendations are acted upon and community concerns comprehensively dealt with once and for all. That is why I think it is important, given the context of the inquiry, for the moratorium to be supported as well as the recommendations.

The PRESIDENT: The question is that the amendment moved by Senator Birmingham be agreed to.

The Senate divided. [16:30]

(The President—Senator Hogg)

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

AYES

Abetz, E
Bemardi, C
Boswell, RLD
Brown, RJ
Cash, MC
Di Natale, R
Ferraranti-Wells, C
Fisher, M
Heffernan, W
Johnston, D
Latham, S
Mason, B
Milne, C
Payne, MA
Ronaldson, M
Seullion, NG
Sinodinos, A
Williams, JR (teller)

Fifield, MP
Hanson-Young, SC
Humphries, G
Kroger, H
Macdonald, ID
McKenzie, B
Parry, S
Rhiannon, LJ
Ryan, SM
Siewert, R
Waters, LJ
Wright, PL

NOES

Bishop, TM
Cameron, DN
Collins, JMA
Farrell, D
Feeley, D
Gallacher, AM
Ludwig, JW
Marshalling, GM
McLucas, J
Polley, H
Sherry, NJ
Stephens, U
Thistlethwaite, M
Xenophon, N

Brown, CL (teller)
Carr, KJ
Crossin, P
Faulkner, J
Furner, ML
Hogg, JJ
Madigan, JJ
McEwen, A
Moore, CM
Pratt, LC
Singh, LM
Sterle, G
Urquhart, AE

PAIRS

Adams, J
Brandis, GH
Eggleston, A
Fawcett, DJ
Joyce, B
Nash, F

Evans, C
Arbib, MV
Lundy, KA
Conroy, SM
Wong, P
Bilyk, CL

Question agreed to.

The PRESIDENT: The question now is that the motion, as amended, be agreed to.

Question agreed to.

BUDGET

Consideration by Estimates Committees

Senator ABETZ. (Tasmania—Leader of the Opposition in the Senate) (16:33): by leave—I move:
That when the Education, Employment and Workplace Relations Legislation Committee meets in February 2012 to consider additional estimates in relation to Fair Work Australia, Mr Tim Lee appear before the committee to answer questions relating to his previous work as General Manager at Fair Work Australia.

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

The Senate divided. [16:38]

(The President—Senator Hogg)

AYES

Abetz, E
Bernardi, C
Boswell, RLD
Bushby, DC
Colbeck, R
Edwards, S
Fifield, MP
Heffernan, W
Johnston, D
Macdonald, ID
Mason, B
Parry, S
Ronaldson, M
Scullion, NG
Williams, JR (teller)

Back, CJ
Birmingham, SJ
Boyce, SK
Cash, MC
Cormann, M
Fieravanti-Wells, C
Fisher, M
Humphries, G
Kroger, H
Madigan, JJ
McKenzie, B
Payne, MA
Ryan, SM
Sinodinos, A
Xenophon, N

NOES

Waters, LJ

Bishop, TM
Brown, RJ
Carr, KJ
Crossin, P
Farrell, D
Feeley, D
Gallacher, AM
Hogg, JJ
Ludwig, JW
McEwen, A
Milne, C
Polley, H
Rhiannon, L
Siewert, R
Stephens, U
Thistlethwaite, M

Brown, CL (teller)
Cameron, DN
Collins, JMA
Di Natale, R
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Sherry, NJ
Singh, LM
Sterle, G
Urquhart, AE

Question negatived.

MOTIONS

North Korea

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (16:41): I move:

That the Senate congratulates the House of Representatives in the United States of America (US) for passing, on 13 December 2011, the following resolution (376) relating to the repatriation of South Korean prisoners of war still alive in North Korea:

(a) recognizes that there are South Korean prisoners of war (POWs) and civilian abductees from the Korean War who are still alive in North Korea and want to be repatriated;

(b) takes note of the U.S. – North Korean agreement of October 20, 2011, on resuming operations to search for and recover remains of American POW/MIAs and calls upon the United States Government to continue to explore the possibility that there could be American POW/MIAs still alive inside North Korea;

(c) recommends that the United States and South Korean Governments jointly investigate reports of sightings of American POW/MIAs;

(d) encourages North Korea to repatriate any American and South Korean POWs to their home countries to reunite with their families under the International Humanitarian Law set forth in the Geneva Convention relative to the treatment of Prisoners of War;

(e) calls upon North Korea to admit to the abduction of more than 100,000 South Korean
civilians and reveal the status of the abductees; and

(f) calls upon North Korea to agree to the family reunions and immediate repatriation of the abductees under the International Humanitarian Law set forth in the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

Question agreed to.

COMMITTEES

Foreign Affairs, Defence and Trade Joint Committee Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:43): At the request of Senator Furner, I move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 28 February 2012, from 5.30 pm, to take evidence for the committee's inquiry into the review of Defence annual report 2010-11.

Question agreed to.

Finance and Public Administration Legislation Committee Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:43): At the request of Senator Polley, I move:

That the Finance and Public Administration 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, 9 February 2012, from 10 am.

Question agreed to.

Migration Committee Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:43): At the request of Senator Singh, I move:

That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 29 February 2012, from 10.30 am to noon.

Question agreed to.

Public Accounts and Audit Committee Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:43): At the request of Senator Bishop, I move:

That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sittings of the Senate, from 11 am to 1 pm, on Wednesday, 29 February, Wednesday, 14 March and Wednesday, 21 March 2012.

Question agreed to.

Community Affairs Legislation Committee Reporting Date

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:43): At the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), I move:

That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the Social Security Legislation Amendment Bill 2011 and the Stronger Futures in the Northern Territory Bill 2011 and a related bill be extended to 13 March 2012.

Question agreed to.

Community Affairs Legislation Committee Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:43): At the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), I move:

That the Community Affairs Legislation Committee be authorised to hold a public meeting
during the sitting of the Senate on Thursday, 1 March 2012, to take evidence for the committee's inquiry into the provisions of the Social Security Legislation Amendment Bill 2011 and the Stronger Futures in the Northern Territory Bill 2011 and a related bill.

Question agreed to.

Rural Affairs and Transport References Committee

Meeting

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (16:43): At the request of the Chair of the Rural Affairs and Transport References Committee (Senator Heffernan), I move:

That the Rural Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 9 February 2012, from 4.30 pm to take evidence for the committee's inquiry into the examination of the Foreign Investment Review Board national interest test.

Question agreed to.

Treaties Committee

Meeting

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (16:43): At the request of the Deputy Chair of the Joint Standing Committee on Treaties (Senator Birmingham), I move:

That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Monday, 27 February 2012, from 10 am to 12.30 pm.

Question agreed to.

Corporations and Financial Services Committee

Meeting

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (16:43): At the request of the Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Boyce), I move:

That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 11.30 am to 12.30 pm, on Thursday, 9 February, Thursday, 1 March, Thursday, 15 March and Thursday, 22 March 2012.

Question agreed to.

BILLS

Migration Amendment (Removal of Mandatory Minimum Penalties) Bill 2012

First Reading

Senator HANSON-YOUNG (South Australia) (16:44): I move:

That the following bill be introduced: A Bill for an Act to amend the Migration Act 1958 to remove mandatory minimum penalties for certain offences, 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) (16:44): I move:

That this bill be now read a second time.

I seek leave to table an explanatory memorandum relating to the bill and have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

This Bill will remove the mandatory minimum sentencing provisions which currently operate over certain Commonwealth people smuggling
offences under the Migration Act 1958. Under the current mandatory sentencing regime, a person who is convicted of one of these four offences must be sentenced to imprisonment for a minimum five years with a non-parole period of three years. There is no scope for the presiding Magistrate or Judge to take into account the circumstances of the offence and sentence the accused accordingly.

There are very few instances of mandatory minimum sentencing for Commonwealth offences because it is – correctly – widely accepted to be an infringement of judicial independence and separation of powers. Mandatory sentencing is regarded globally to be a breach of civil and political rights, and for that reason is subject to various international covenants which seek to discourage it in the criminal laws of signatory nations.

**Background**

The arguments against mandatory minimum sentences were clearly raised when Federal Parliament toughened Commonwealth regulation of people smuggling sentencing in 2010. At that time, the Australian Greens opposed the enactment of the mandatory minimum sentencing regime. Contrary to the rhetoric of the current and previous governments, there is no justification for the legislature enforcing minimum jail sentences for people smuggling offences. There is nothing exceptional about these offences that make it worth going against our commitment to fair legal process because, as the past two years of Commonwealth prosecutions have demonstrated, the imposition of minimum five year sentences has had little or no impact on deterring people smuggling. The five year sentences have been principally borne by impoverished boat crew who are the least culpable link within people smuggling operations.

This Bill affects the mandatory minimum sentences that apply to the offences of: aggravated people smuggling, that is, the bringing to Australian of at least five non-citizens who have ‘no lawful right to come’; smuggling a person in such a way that a person will be exploited, or subject to cruel, inhuman or degrading treatment, or exposed to risk of serious harm or death; presenting false documents or misleading information to an Australian official in the context of the immigration of five of more non-citizens; and dealing with documents that may be used by unentitled persons to come to Australia.

This Bill removes the key section that imposes a mandatory minimum sentence in respect of the aforementioned offences. It is a simple amendment but it will have a significant impact in returning fairness and justice to this area of the law.

**Punishing boat crew rather than organisers**

The Australian Greens are opposed to mandatory sentencing on principle. The punishment meted out by the state must fit the crime and the fettering of judicial discretion amounts to a breach of the separation of powers. However, the urgent need for reform in this area arises from practicality as well as from principle. Submissions to an inquiry into related legislation in 2011 elicited compelling evidence from the lawyers who are working at the coalface of people smuggling prosecutions. So far, charges against people smuggling organisers have only made up around 2% of all prosecutions. The Senate inquiry was advised that, instead, it is asylum seeker vessels’ boat crew who are bearing the brunt of the five year minimum sentences.

Evidence from the legal representatives of boat crew suggests that these individuals are generally from traditional fishing villages in the Indonesian archipelago. They tend to be impoverished, ill-educated, and unaware of Australia’s preoccupation with border security. The crew are recruited from their community by the ‘kingpin’ people smugglers – the organisers – with offers of lucrative fishing work or even sightseeing. Sometimes the boat crew are unexpectedly transferred from the fishing trawler onto a leaky asylum seeker vessel while out on the open water. If the asylum seeker vessel safely reaches Australian waters it is intercepted and the boat crew taken into Australian immigration detention. Meanwhile their families at home are deprived of a breadwinner while the boat crew member, often a young person now convicted as an aggravated people smuggler, serves out a grossly disproportionate five year sentence in Australia.
Little deterrence impact

This Bill does not soften or affect Australia's border security, nor does it seek to encourage the practice of seeking asylum in Australia by unauthorised boat arrival. The Australian Greens recognise that arrival by boat poses a significant risk to the personal safety of asylum seeker passengers. Under this Bill, people smuggling remains illegal. The relatively high maximum jail sentence of 20 years attached to the offences affected by this Bill reflects the fact that this is a serious public policy issue. The 20 year maximum indicates the significance of the Commonwealth offence to the sentencing judge, and the court is empowered to impose a length of imprisonment up to that maximum and arrived at on the basis of well-established sentencing principles.

There is nothing in this Bill that seeks to tie the hands of any court that decides to impose a significantly long sentence on a convicted people smuggler, including where the offender is an organiser and profiteer from the enterprise. Similarly, there is nothing in this Bill that stops the court from appropriately punishing a boat crew member who has been convicted of people smuggling.

This Bill seeks to restore the ability of courts to sentence people smugglers for less than five years if that is deemed appropriate in the view of the sentencing judge. Many Australian judges have expressed their preference to sentence for less than the mandatory minimum. In doing so, it is unlikely to result in a sudden influx of boat arrivals. It was made clear to a Senate inquiry in 2010 that the mandatory minimum sentences, falling as they do on the shoulders of impoverished boat crew, have little or no general deterrence effect on stopping the arrival of boats. Desperate people seeking Australia's protection will continue to arrive here in any way they can and at risk to themselves. More significantly, the boat crew are not in a position to understand the legal ramifications of their involvement. As a member of the Northern Territory Supreme Court recently commented in handing down an minimum sentence "but for the mandatory minimum sentences which I am required to impose, I would have imposed a much lesser sentence than I am now required by law to do ". A NSW District Court member commented "deterrence needs to be considered in the context of illiterate and poor fishermen from remote islands of the Indonesian archipelago where there is no electricity, no television and no radio". It is apparent that the current system of mandatory minimum sentencing is not working – it is not cost effective, it leads to crowded prisons, it is not supported by the legal profession or the judiciary, and it is discriminatory and unjust.

Support for reform

The lawyers who are appearing in people smuggling prosecutions told the Senate inquiry in 2011 that, of the 353 people smuggling prosecutions on foot around Australia at that time, only six were cases mounted against organisers. Evidence was given to the Legal and Constitutional Affairs Legislation Committee inquiry into the deterring people smuggling bill last year that of the 493 individuals arrested between 2008 and 2011, only 10 were accused as organisers. The overwhelming majority of the people charged with people smuggling in Australia are those whose were recruited on to the boats to steer, crew or cook. It was said by Victorian Legal Aid to a Senate inquiry in 2010 that the boat crew are as dispensable to the organisers of people smuggling as the boats that get burnt off the coast of Christmas Island and Ashmore Reef.

This Bill takes action to address the problem identified publicly by the judiciary: that the current regime is out of kilter with sentences handed down for offences with much greater moral culpability such as violent or sexual crime.

In introducing this Bill, I am acting on principle and in accordance with the Australian Greens' commitment to fair judicial process, the rule of law and the independence of the courts. But I am also acting in response to growing momentum from the community, particularly the legal community and the judiciary. The mandatory minimum sentences set out in the Migration Act do not allow for differentiation between serious and minor offences or for consideration of the particular circumstances of the individual. Under Article 9(1) of the International Covenant on Civil and Political Rights
Rights, this renders the minimum sentence of imprisonment as arbitrary. This Bill unshackles the Court and restores due discretion for the sentencer to apply crucial sentencing principles which take into account things like mental illness, remorse, hardship, age, lack of prior offending, degree of involvement and level of culpability. Judicial discretion is crucial to natural justice and the rule of law.

Conclusion
In the development of this Bill I have spoken to lawyers, barristers and human rights advocates and I thank them all for their assistance.

I look forward to these reforms proceeding as they are necessary to put an end to the unfairness and disproportion of the current system of mandatory minimum sentences. This Bill provides a way for the Federal Parliament to reinstate a fairer model of dealing with convicted people smugglers, recognising that most of them are less culpable boat crew, by allowing the court to take into account the facts and circumstances of each case. I commend the Bill to the Senate.

Senator HANSON-YOUNG: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MOTIONS
Havel, Mr Vaclav

Senator MASON (Queensland) (16:45): I move:

That the Senate—

(a) notes the passing and recognises the inspirational life and achievements of Vaclav Havel, the dissident playwright and first post-communist President of Czechoslovakia, who:

(i) as Warsaw Pact tanks invaded Czechoslovakia in August 1968, improvised resistance by setting up a clandestine radio station and distributing leaflets,

(ii) resisted the corruption of communist rule with plays and essays dedicated to human dignity and independence,

(iii) co-authored the human rights charter, called Charter 77, which brought him international recognition as the leader of opposition in Czechoslovakia,

(iv) endured years of persecution and imprisonment,

(v) in writings, for which he was jailed, warned communist leaders that by attempting to stifle the human urge for freedom, they were dooming their own system,

(vi) led his nation through the bloodless Velvet Revolution that toppled the brutal Soviet-backed communist regime in the then Czechoslovakia,

(vii) was elected President of his country on 29 December 1989, the day after Alexander Dubcek was elected speaker of its federal parliament,

(viii) presided over his country’s transition to a free economy, steered his country into the North Atlantic Treaty Organization and prepared the way for its entry into the European Union,

(ix) guided his nation through the slow and difficult process of recovery from the spiritual damage caused by four decades of communist totalitarian rule,

(x) received the United States Presidential Medal of Freedom, the Philadelphia Liberty Medal, the Order of Canada, the Freedom Medal of the Four Freedoms Award, the Ambassador of Conscience Award and many other distinctions,

(xii) was a founding signatory of the Prague Declaration on European Conscience and Communism that proposed the establishment of the European Day of Remembrance for Victims of Stalinism and Nazism, and

(xii) advocated collective action to end ethnic cleansing in Bosnia and Kosovo and supported democratic activists in Cuba, Zimbabwe, China, Burma and elsewhere; and

(b) conveys its condolences to the people of the Czech Republic.

Senator MASON: I seek leave to make a short statement.

The DEPUTY PRESIDENT (16:45): Leave is granted for two minutes.

Senator MASON: Vaclav Havel, the first president of post-communist
Czechoslovakia, was one of the most remarkable freedom fighters of the 20th century. He was a playwright; he was a writer; he was a poet; and he was an intellectual. He was imprisoned, beaten and brutalised by the communist dictatorship. Unlike far too many in the West, he never romanticised or made excuses for communism. I hope all senators, including the Greens, understand that. Havel understood from painful personal experience communism's horror, degradation and the cancer it is to the human spirit.

I had the good fortune to meet President Havel in New York in 2006. I handed him a copy of a book he wrote called Living in Truth. He was good enough to sign it for me using a green pen. Then he took out a red pen and he drew a little red heart underneath it. He winked at me and he said one word: 'Love'. I thought we had made some connection. What struck me was his apparent innocence, an innocence that even communism could not belt out of him. But his innocence was truly luminous. It lit his face, his smile, his native Czechoslovakia and all of central Europe and all those who love and yearn for freedom.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (16:47): I seek leave to make a short statement.

The DEPUTY PRESIDENT (16:45): Leave is granted for two minutes.

Senator BOB BROWN: I very much support this motion. I was invited by a number of news organisations to respond to the president's death and did so nationally. I agree with the senator moving this motion that Havel is another example of a great soul who can inspire all of us. But he would not have wanted his death used for political or petty pointscoring in the Australian Senate. I thought the mover of this motion, a good motion and a good point of view to be put, demeaned this occasion by his comment on the Greens. It was very unworthy of him and he should have done better than that. Havel would have blown the whistle on that.

Question agreed to.

 Senator BIRMINGHAM (South Australia) (16:49): I, and also on behalf of senators Bernardi, Edwards, Fawcett, Fisher and Cash, move:
That the Senate—
(a) notes:
(i) February is Ovarian Cancer Awareness Month, a month to both raise awareness of gynaecological cancer as well as ensure all women know the symptoms of this silent killer,
(ii) Ovarian Cancer Australia invites the community to raise important funds for support programs and resources for women affected by this cancer and for a national program for ovarian cancer,
(iii) 2012 Teal Ribbon Day is 29 February 2012, a day when all Australians are encouraged to wear a teal ribbon to support Ovarian Cancer Australia’s research programs, and
(iv) on Valentine’s Day, Ovarian Cancer Australia encourages Australian women to KISS (Know the Important Signs and Symptoms of ovarian cancer), recognising the important symptoms of this cancer helps in early detection, which is critical as all too often this disease is only detected in its advanced stages;
(b) recognises:
(i) more than 1 200 women will be diagnosed with ovarian cancer in 2012, three women every day,
(ii) approximately 800 Australian women will lose their battle with this disease in 2012, one woman every 11 hours, and
(iii) that early detection of ovarian cancer is critical as 70 per cent of ovarian cancers are advanced at the time of diagnosis and are difficult to treat at this stage; there is no detection test for this disease, and pap smears do not detect it;
(c) commends the work of the late Senator Jeannie Ferris, whose courageous and tenacious work to raise awareness of ovarian cancer, as well as cervical and other gynaecological cancers, was also a deeply personal cause:

(i) after being diagnosed with the disease in October 2005, Senator Ferris was instrumental in launching a parliamentary inquiry into gynaecological cancers,

(ii) this inquiry culminated in the 2006 report, Breaking the silence: a national voice for gynaecological cancers,

(iii) the findings of the report received unanimous support for increased awareness of, and resources for, gynaecological cancers across both major parties,

(iv) as a result of the report the then Minister for Health and Ageing, Mr Tony Abbott, and the Howard Government also agreed to provide a federal government grant of $1 million for the establishment of a National Centre for Gynaecological Cancers in 2007, and

(v) although Senator Ferris succumbed to her illness in April 2007, her significant legacy was celebrated, and continues to be remembered, by her family, friends, colleagues, the medical community and others who are touched by ovarian, cervical and other gynaecological cancers; and

(d) notes that today the Jeannie Ferris, Cancer Australia Churchill Fellowship in Gynaecological Cancers is an annual fellowship aimed at reducing the effect of gynaecological cancers on those who are touched by it, whether they be a health professional, a sufferer themselves, a family member or carer.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE
Health Services Union

The DEPUTY PRESIDENT (16:50): I inform the Senate that, at 8.30 am today, Senators Fifield and Siewert each submitted a letter in accordance with standing order 75 proposing a matter of public importance. The question of which proposal would be submitted to the Senate was determined by lot.

As a result, I inform the Senate that the following letter has been received from Senator Fifield:

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

The debacle of Fair Work Australia's investigation into the Health Services Union.

Is the proposal supported?

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

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (16:50): There is no doubt that Fair Work Australia's investigation into the Health Services Union is a debacle. It is like that long-running TV program Blue Hills; just when you thought there surely could not be another episode or another twist in the saga, yes, there was. This reflects very poorly on Ms Gillard who established Fair Work Australia, and appointed the personnel to Fair Work Australia and the administration of Fair Work Australia. People now know the salacious allegations in relation to the Health Services Union, allegations made by other union officials not the coalition. The allegations are that about $100,000 worth of union funds were expended in an inappropriate manner, to put it mildly. The suggestion is, and it is not disputed, that the union's funds were used for, amongst other things, the procurement of prostitutes.

The Health Services Union in particular is allegedly an organisation that looks after the interests of workers who, in general terms, are low-paid workers. These people, looking after their interests, seek to make a contribution to the Health Services Union only to find that their trust in their union has
been abused in this sordid manner. As a result—

Senator Jacinta Collins: You've determined it, have you?

Senator ABETZ: No. Isn't it amazing how the Labor Party just so readily interject and come to the defence of the Health Services Union? And that a female Labor senator could seek to support the allegations against the member for Dobell using union funds for the procurement of prostitutes is another example that the Labor Party will stop at nothing in defending the member for Dobell.

Senator Ronaldson: It probably explains the shovel on the front doorstep too.

Senator ABETZ: Senator Ronaldson is right, the shovel that was left on the front doorstep of the person who blew the whistle was a none-too-subtle manoeuvre. But this investigation has been going on for three years. Let us just cast our mind to the allegations that President Nixon, no less than a president of the United States, faced. Watergate, from beginning to end, was wrapped up in 18 months. They were dealing with the President of the United States. But here we have an investigation into the activities of a trade union official taking twice as long, a period of three years. I am not going to make any allegations here. There is a stark choice. I am not sure which choice we should take. Either we have a display of gross administrative incompetence or an institutionalised go-slow, and what motivates that is another question.

But there is no doubt that something is wrong in Fair Work Australia. Indeed, the former industrial registrar, Mr Doug Williams, has taken the unprecedented action of going public to indicate that under his stewardship such an investigation would not have taken so long and would have been concluded by now. So if a former industrial registrar can come to that conclusion, why can't Fair Work Australia?

Senator Jacinta Collins interjecting—

Senator ABETZ: We have Senator Collins interjecting, asking was he an appointment by a certain person? The problem, Senator Collins, is this: the member for Dobell is allegedly also complaining as to why this is taking so long. Ms Jackson is complaining as to why it is taking so long. Indeed, yesterday, we had the Australian editorialising that possibly this is worthy now of a royal commission to get to the bottom of this terrible go-slow.

In our own experience in dealings with Fair Work Australia on this issue, given the reluctance and deliberate obfuscation by the minister at the table at Senate estimates and by the then manager of Fair Work Australia, Mr Tim Lee, we undertook an FOI, a freedom of information request. It was completely denied by Fair Work Australia, categorically rejected. They would not even tell us what documents they would not give us access to. They just would not tell us anything. So what did we do? We had to go to the Information Commissioner. The Information Commissioner basically forced Fair Work Australia to finally disclose some documents. What do those documents reveal? Well, no wonder they did not want to tell us about them. One of them is an email to Fair Work Australia. It says:

I am the Acting Commander, New South Wales Police Fraud Squad.

I have left messages throughout the day with both—

name deleted and name deleted. I am deleting these names because I do not think they should be on the public record at this stage—

from your office requesting that you contact me. I have been told by—

name deleted—
that the best way to contact you is to send an email.

So here we have the commander of the fraud squad in New South Wales reduced to emailing the manager of Fair Work Australia to get his telephone calls returned. Not one, not two, but numerous calls on that day were not responded to. I simply pose the question—chances are Senator Collins would agree with this, but I am sure all the listeners would—that if any of us in our offices or in our homes got a call from the commander of the New South Wales Police fraud squad, would we ignore it? You know what? I reckon that would get priority for a return phone call. I think most people would react like that. But, no, not Mr Tim Lee, the manager of Fair Work Australia. 'We'll ignore that. We'll ignore that. We'll ignore that.' So he reduced the acting commander of the fraud squad to sending an email.

After three years of this obfuscation, knowing that this was about to blow and that the coalition and the public were about to pursue this, what does Labor do? This manager of Fair Work Australia quietly gets appointed as a commissioner of Fair Work Australia to make sure that he can no longer appear before the Senate estimates committee process to account for these three years of delay. That is why, just moments ago, I put a motion before this place to have Mr Lee brought before Senate estimates to explain his behaviour of the past three years. Isn't it interesting the parties that say they are always for openness and transparency, namely the Greens and the ALP, voted en bloc as their Green-Labor alliance to deny access. We had the real representative of the Labor Party, the Democratic Labor Party, and Senator Xenophon voting with us. At least the Democratic Labor Party knows how to look after Labor voters, unlike the Australian Labor Party, which is now engaged with the New South Wales Right and the Australian Greens in deliberately obfuscating, deliberately not answering questions and deliberately seeking to avoid the issues. We know what is at stake here. If you can keep the member for the Dobell on political life support, he in turn will keep the Gillard government on political life support, and everything is being done by the government to delay this and ensure that it drags out until the next election. This is a matter of great public interest and great public concern. When you have former industrial registrars saying this is highly inappropriate, when you have the *Australian* newspaper editorialising for a royal commission and when you have the person that laid the complaint complaining, this is a matter that needs to be taken seriously, and we in the coalition do so.

**Senator JACINTA COLLINS**
(Victoria—Parliamentary Secretary for School Education and Workplace Relations)
(17:00): This proposal is about the opposition's appalling attempts to interfere in and politicise an independent inquiry by Fair Work Australia into the Health Services Union. Fair Work Australia is currently investigating possible irregularities in the financial accounts of the Health Services Union. These investigations are ongoing and, I stress, completely independent from the government. I find it entirely inappropriate that the Senate is debating an ongoing investigation by an independent authority and that the opposition is labelling it a debacle.

It follows opposition attempts in estimates to pre-empt and compromise an appropriate outcome by exposing details of the investigation. It would be entirely inappropriate for the parliament to second-guess Fair Work Australia or to interfere in any way. The allegations being investigated are serious. These are public servants—professionals—trying to do a job which can only be done
without political interference. The government recognises that it is important that unions and employer organisations remain accountable to their membership for how the funds of the organisations are expended. These are important matters. But I stress that the provisions in the Fair Work Act remain the same as those which were introduced under the current Leader of the Opposition, Tony Abbott.

There are financial reporting requirements set out the Fair Work (Registered Organisations) Act 2009. These are modelled closely on laws applying to company directors in corporations law and are the same now as they were when introduced by Tony Abbott when he was the minister for workplace relations. Let us be clear here: these laws are the same as the laws of the coalition.

On another matter of consistency, I note the former Prime Minister John Howard’s attitudes to similar matters. When he was questioned regarding three MPs facing investigation back in 2007 by the AFP, his response was:

A lot of people who are under investigation end up having nothing to answer for.

It is a police investigation and the appropriate thing for me to do is to let the police investigation run its course and then, if it is appropriate, I will have something to say.

The opposition’s actions here are quite absurd. One day they baselessly accuse the government of interference, and the next day they demand intervention. On the matter of interference, the government has nothing to hide. There has been no interference in any way by the government in this matter. A detailed account has been given which the coalition has chosen to ignore. If the opposition has any evidence backing up their claims they should provide it, not simply refer to one person or another.

*Senator Brandis interjecting—*

**The ACTING DEPUTY PRESIDENT (Senator Pratt):** Order, Senator Brandis!

**Senator JACINTA COLLINS:** If you have evidence, you should provide it rather than recycle old claims. At the moment all we see are baseless and recycled allegations.

Fair Work Australia officials were examined through Senate estimates processes, and, as recently as December last year, they confirmed there had only been two contacts, neither of which could possibly be construed as inappropriate interference. The first of these contacts was detailed in Senate estimates back in April 2010. The opposition alleged inappropriate contact between Fair Work Australia and the government. I refer you to Senator Arbib’s explanation in the Senate of 13 May 2010 on page 3192 which details and explains that no inappropriate information concerning the investigation was conveyed to the minister or to the office of the Prime Minister.

The only other communication between Fair Work Australia and the government has also been explained. Fair Work Australia was contacted by a ministerial media adviser following inquiries about the accuracy of a Channel 7 news report back in August last year. In October last year, the minister provided a detailed explanation of these events to a Senate estimates hearing. This information was also provided to the opposition in answers to questions on notice, but again they recycled old and dealt-with allegations. It is entirely reasonable for the staff of ministers to contact relevant agencies for the purpose of establishing facts when responding to issues raised by the media. To suggest otherwise is laughable.

The opposition today was seeking that Mr Tim Lee, the former general manager at Fair Work Australia, appear before the Education, Employment and Workplace Relations Legislation Committee. While he was the
general manager of Fair Work Australia, Mr Lee was present at a number of Senate estimates hearings and therefore has already answered opposition questions. We have detailed on more than one occasion any communication between the government and Fair Work Australia during Mr Lee's time as general manager. There is now an acting general manager who is available to answer questions at estimates. Let us make today's stunt very clear: Senator Abetz made no case at all for his motion. It had not even been addressed by the Senate committee. It was simply a timely stunt.

The opposition's claims overall are similar: they are simply bizarre. As stated previously, they have criticised the government for interfering while also demanding intervention on timing or intervention on the public release of the report. Let me deal with the issue of timing. I appreciate that the investigation involving the HSU has been long-running—although it has not been three years, as Senator Abetz exaggerates—but it is important that Fair Work Australia be allowed to conduct a thorough investigation free from interference and commentary. When Fair Work Australia investigations into the Health Services Union matter are complete, the investigating officer will deliver their final reports to the general manager of Fair Work Australia. The time frame within which this will occur is—

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT: Order! There is a conversation going on to the left of me that is a little bit too loud.

Senator JACINTA COLLINS: When the investigation is finalised, the report will be given to the general manager of Fair Work Australia. This is entirely a matter for Fair Work Australia. I note that they released a public statement on 27 January to confirm that the investigation was nearing its conclusion.

In answer to the questions about incompetence, I highlight that this is a complex investigation about the financial reporting of a large organisation. Fair Work Australia has publicly said there are over 6,000 documents involved. We know that other independent investigatory agencies, such as the ATO and ASIC, have on occasion taken long periods to work through complex investigations.

I turn now to the question of the release of the report. It is for Fair Work Australia to decide whether its report should be made public based on proper administrative law principles. Fair Work Australia will no doubt consider all relevant legal matters in deciding whether to release its report and whether such a release may be prejudicial to any further proceedings. Although there may be an expectation that Fair Work Australia's investigation will lead to sanctions for any individuals who have been found to have misused union funds, such sanctions may flow from related criminal investigations conducted by the police. Doesn't the opposition realise they could potentially prejudice this case if Fair Work Australia's investigation leads to a criminal investigation? Is this what you really want?

The principle of natural justice requires that a fair and proper procedure be used when making a decision. It is entirely appropriate for an independent authority such as Fair Work Australia to be able to conduct their investigations free of political pressure. They are an independent authority and should be allowed to conduct their investigation accordingly. It is time that the opposition stopped grandstanding on this matter and let Fair Work Australia do their job. It is appropriate to let this investigation conclude. The opposition should stop throwing mud and instead focus on what is important to the Australian public.
Senator RONALDSON (Victoria) (17:10): What an utterly duplicitous piece of government spin written by the Prime Minister's office to defend the indefensible in this matter. It continues the behaviour of the Prime Minister and senior government ministers in protecting one of their own, because the demise of one of their own would mean the potential demise of this illegitimate government.

I will go through a number of matters again today, and then I will finish on what I think is another extremely serious allegation about this government's behaviour. I think it has been in the press that this inquiry started in April 2009. Today I looked at the evidence of Mr Nassios. Senator Jacinta Collins interjecting—

Senator RONALDSON: The parliamentary secretary herself does not know, because she said 'March'. Indeed, back on 10 February last year, Mr Nassios, the investigator, admitted that this inquiry started in January 2009. What honourable senators may not be aware of is that there was a pre-inquiry inquiry which went for nearly 15 months—there were nearly 15 months of a preliminary inquiry before they moved to the formal investigation. That is an outrageous time delay. The explanation by Mr Nassios was straight out of an episode of Yes, Minister. It said:

The Fair Work Act is structured in a way that requires me as a delegate to inquire as to whether there are reasonable grounds for me to actually proceed to an investigation. I am actually not at the moment investigating, and it may be that there will be no investigation. I am inquiring.

It was 19 months. To Mr Nassios I said:

Mr Nassios, you have now had this matter for 13 months and you are telling us you still actually have not decided, so it is an investigation into whether you are doing to investigate the matter. Is that what you are telling committee?

This is absolutely outrageous. There were 15 months of a pre-investigation inquiry, and two years later it has not been finalised. But what is open to the Australian community and what is open to everyone involved in this matter is to see what some of those involved have said about this inquiry.

My colleague Senator Abetz quite rightly quoted some comments from Mr Doug Williams, the former industrial registrar, who started this investigation and wrote a memo that the government refused to release just prior to his departure—which happened the end of June 2009, according to my recollection. They refused to release that memo. Mr Williams criticised Fair Work Australia for its unaccountably protracted investigations into the allegation of the use of Thomson's HSU cards. Mr Williams warned that Fair Work Australia's reputation could suffer because the investigation of the HSU and Thomson was taking too long. It was 'unaccountably protracted', according to the man who commenced this investigation back in early 2009. Let us consider the comments of Kathy Jackson. The behaviour of some in the Labor Party towards this woman has been an utter disgrace. When did the last Labor woman stand up and say, 'We do not think it is acceptable behaviour for a woman from the union to have a shovel shoved on her front door step in the middle of the night'? The utter cowardice of those opposite on the question of the defence of this woman is extraordinary. The Australian newspaper reported recently that Kathy Jackson said:

... that while she had no direct evidence, she suspected there had been government interference in the Fair Work Australia investigation into the HSU. "I suspect it because of what I am hearing around town. Just watch this space," ... 

What was she suspecting? What did she allege? She alleged that there was government involvement with the Fair Work
Australia investigation into the HSU and Craig Thomson.

Kathy Jackson went on to say that she told Doug Williams when he was the industrial registrar of the AIRC that there might be political interference in the inquiry. It is alleged that Mr Williams said:

I know that the allegations against Craig Thomson can bring down the government and that there are powerful people in the ALP who might make an attempt to nobble the investigation from the inside after I leave …

When talking about nobbling, you need go no further than the behaviour of the former minister who is in the chair at the moment and is indeed the acting general manager.

Mr Nassios has control of this investigation. Mr Nassios was quite happy, in the early part of last year and the later part of the year before, to answer matters that were not going to interfere with his inquiry. He was quite circumspect about this, but he was prepared to at least answer questions. As soon there was a change over to the acting general manager, the acting general manager refused to allow Nassios to answer a single question. She nobbled him. What I want to know, what this parliament wants to know and what the Australian people want to know is: on whose direction was Nassios nobbled? Who in the government spoke to the acting general manager and demanded of her that she nobble Mr Nassios? That is the question that is outstanding.

There is one further question which I raise now in the limited time left to me. Back in October, I said to the acting general manager, ‘Are you going to release publically the findings of Mr Nassios, as it was referred to you, and the public information surrounding it?’ At that stage, the acting general manager refused to answer the question and took it on notice. We now know from AAP reports on 3 February that the final report on Craig Thomson may not be publically released—what an absolute outrage.

I will go through some of the things that I think should be immediately released. We believe that the sworn statements which were taken from Mr Thomson and others should be released, because we want to see what Mr Thomson said on oath about Fair Work Australia and what he said in his statement about the defamation proceedings he took against Fairfax, which he dropped in the most cowardly of fashions. We want to compare the evidence he gave in the Fairfax matter to the evidence he gave to Fair Work Australia. We want to see the BDO Kendall report which the government and Fair Work Australia refuses to release. We want to see all the information from the Fairfax defamation proceedings so we can again compare what was said in that civil case with what was said to Fair Work Australia.

This Prime Minister can run from this matter, but she can no longer hide. It goes to the core of this government’s integrity. It goes to the core of this government's claim about openness and transparency. It has taken fourteen months for an inquiry to decide whether there would be a further inquiry and an investigation. This investigation has taken over two years. We were told in the middle of last year that the investigation would be finalised by the end of 2011. We were then told it would be finalised by the middle of January 2012. We are now told it will not be finalised until March this year.

This government must own up to the fact that this inquiry has taken far too long. This government has to own up to the fact that it has nobbled a senior member of Fair Work Australia for its own cheap political purposes. There is not one person in this country who does not believe that the government is actively involved in ensuring...
that Craig Thomson remains the member for Dobell for as long as possible in order to prevent what would otherwise be inevitable. This Prime Minister tried to cover up for what may potentially be the forced retirement of Mr Thomson by going to Mr Slipper and getting him to cross sides. It shows just how desperate this government is. You must immediately acknowledge that every single document must be released to the Australian community and that it must be done now.

Senator FURNER (Queensland) (17:21): I rise this afternoon to contribute to this motion about the alleged debacle of the Fair Work Australia investigation into the Health Services Union. I think we should be reminded that this is a new year when those opposite will try to prosecute this conspiracy theory. They go out there and try to scare the public. They run a scare campaign around something that has no substance. They have not been able to provide any substance or any proof here this afternoon or in the past. I imagine that will remain the case in the future.

We should always remind ourselves that Fair Work Australia is an organisation we should never second-guess. It is independent. We should not interfere with the investigations in any shape or form. That goes for the opposition as well as for the government. That is why we have not interfered. It is quite absurd when you listen to the argument of the opposition on this matter, where we have the opposition accusing the government of interference one day and then the next day demanding intervention over the timing of the public release of the final Fair Work Australia report. You cannot have your cake and eat it. You have to work out what you want in this outcome.

With respect to timing in the matter of Fair Work Australia, the short answer is that they want to be thorough. As most of us would realise, certainly all of us on this side, Fair Work Australia is a professional organisation. I had some experience with the industrial relations system for 20 years before I began my career here as a senator for Queensland, and I realise the complexity, the workload and the timing of decisions of the industrial relations system in our country. And here we have the opposition trying to fast-track it and get bits of pieces of evidence, whether it be statements or correspondence, prior to a decision being made. That is not the way it operates. It operates on a conciliatory and professional basis that all of us on this side know will be thorough, complete and delivered in a timely manner.

Oddly enough, you never hear the opposition talking about the good things that Fair Work Australia does—or the good things the industrial relations system delivers to our society, to our working-class families and to people who are vulnerable. I refer to the equal pay decision recently involving 150,000 mostly female workers who, in many circumstances, look after the most vulnerable people in our society. You never hear the opposition championing those sorts of outcomes when they come in here. It was not that long ago when Senator Abetz, I think it was, sought to move a disallowance notice on a regulation that would have awarded those pay increases last year. This is the approach they take when it comes to looking after vulnerable workers in our society. It is not a case of embracing them and making sure their conditions are guaranteed and safe. It is a case of pushing them away.

Senator Abetz interjecting—

Senator FURNER: We know your form on industrial relations, Senator Abetz, and your form is well known throughout this country. That form was repeated in question
time today when an opposition senator from South Australia questioned the government about what we are doing about making sure our roads are safe, making sure that the drivers who drive those vehicles along our highways do not end up in circumstances where they will, unfortunately, one day if the circumstances permit, end up in a terrible accident. The senator questioned why we are looking at awarding those people fair and reasonable wage increases and conditions of employment whilst they drive those heavy vehicles along our highways. That is an example of what is ahead of us should this opposition ever gain government again.

As for other circumstances that Fair Work Australia deal with, we know that the Fair Work Ombudsman ensures that workers get the pay they are due, and we know about Fair Work Australia’s proactive education and compliance campaigns. Hundreds of thousands of employees and employers in every state in the country bargain, negotiate and reach outcomes that are suitable and agreed to in their workplaces. When it comes to the policy position of the opposition on industrial relations, you will find them wanting, because they have not and they will not—up until the next election—table any form of policy on industrial relations. Why won’t they do that? We know what happened last time they had their hands on industrial relations and they brought in Work Choices. It was the most terrible type of legislation and we know of the insidious effects that it had on workers in our society and how it stripped away the conditions of the most vulnerable people in our working class families. More than four million workers lost basic protections and more than a million suffered real pay cuts of up to $90 a week through one of the most instrumental parts of Work Choices—Australian workplace agreements.

Many Australian workplace agreements cut penalty rates, overtime, public holidays, shift allowances and rest breaks. Young workers, women and casuals were worst affected, and 2.8 million Australian workers lost protection against unfair dismissal. That is where the opposition want to return to; that is what they spoke about today in question time when they questioned the government about why we were looking at protecting workers who drive heavy rigs down the highway and awarding them pay increases. They do not care for blue-collar workers—

**Senator Brandis:** Yeah, we do! Most of them vote for us!

**Senator FURNER:** That is not the case at all. You might dream that or wish that, but that is not the case, Senator Brandis.

When it comes to the arguments the opposition has used when questioning the competence of Fair Work Australia or why this is dragging out, we only need to look at some of the history and certainly the recent annual report of Fair Work Australia to understand their workload. A lot of this annual report has to do with Work Choices, because we had to come in here and fix a history of concerns about things like unfair dismissals, and we had to make sure that workers were allowed a fair go—a fair go is one set of words you will never hear coming out of those opposite—in their workplaces and that they were protected from unfair dismissals. If we look at one circumstance here in the annual report: as a result of bargaining and agreement-making back in the days when Work Choices was in place, only 189 agreements were approved or varied. Come 2009-10, there were 24,053. It demonstrates that there were a whole heap of people wanting to get out of Australian workplace agreements and it also demonstrates the ability of workers and their
employers to make agreements. That is one capacity that has been resolved and granted through the introduction of the Fair Work Australia Act. This is an act we have been proud of, to make sure there is fairness in the workplace.

Returning to the MPI today, we should also remember that it is important that unions and employer organisations are accountable, and that is the framework of the Fair Work Australia Act—to make sure that accountability exists. I am sure that at the end of the day, when Fair Work Australia comes down with an outcome on this particular examination, there will be a concise and competent response in respect to its investigations. That is why there are financial reporting requirements in the act, the Fair Work (Registered Organisations) Act 2009. They are modelled closely on the laws that apply to company directors of corporations. They are the same now as they were when introduced by Tony Abbott, when he was the industrial relations minister. We should remind ourselves that they are something he introduced.

It is something we have adopted and carried on to make sure that transparency exists for these sorts of issues. We should remember that in the allegations we are talking about here—these are the words Senator Abetz commenced with—no one has been found guilty. You opened your address here, Senator Abetz, admitting these are allegations and the true purpose of the law should be completed before anyone sledges anyone or claims that someone has done anything wrong in the circumstances of this particular case.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (17:31): Labor senators who have spoken in this debate are obviously very proud of the Fair Work Act.

Senator Furner: Yes!

Senator BRANDIS: Thank you, Senator Furner. Let me refer you, Madam Acting Deputy President Pratt, to section 577 of the Fair Work Act of which they are so proud. It lies in that part of the act which establishes Fair Work Australia. This is what it says:

Fair Work Australia must perform its functions and exercise its powers—in a manner which:

(a) is fair and just; and
(b) is quick, informal and avoids unnecessary technicalities; and
(c) is open and transparent; and
(d) promotes harmonious and cooperative workplace relations.

I defy anyone to assert in good faith that the investigation by Fair Work Australia into the affairs of the Health Services Union and the involvement in those affairs of its former professional officer Mr Craig Thomson has been either quick or open and transparent.

As Senator Abetz and Senator Ronaldson have pointed out, this investigation began in January 2009—more than three years ago—and now, in the fourth year of the investigation, there is still no end in sight. On no view is that a quick, open and transparent investigation and it is nonsense for Senator Jacinta Collins to assert that by criticising the obvious delay that has beset this investigation the opposition is in some manner seeking to politically interfere with an independent agency. Fair Work Australia is not a court, it is an agency, and as an agency of the executive government it is entirely answerable to the scrutiny of the parliament and the committees of the parliament, including the Senate estimates committees.

It is also, as an agency of the Commonwealth, answerable to a writ of mandamus under section 75 of the Constitution if it fails...
to discharge its statutory obligations. So for the parliament to insist that a statutory agency which is evidently delaying the performance of a statutory function—in breach of the requirements of its own act, that it proceed with those functions in a quick and efficient manner—is nothing more than this parliament and this Senate doing its job is nonsense, as is saying that to criticise a defaulting, non-compliant statutory agency is to do other than what the parliament is meant to be doing.

As we know, at the core of the Fair Work Australia investigation lies the role of the man who was, at the time, the national secretary and is now the member for Dobell—Mr Craig Thomson. And as we know, if Mr Craig Thomson were to forfeit his seat in parliament, on conviction for an indictable offence, the Gillard government would fall. Does anybody in Australia seriously believe that the delay in concluding the investigation into Mr Craig Thomson is not related to the fact that he is the one vote upon whom the fate of the Gillard government depends? You would have to be very gullible to believe that.

Senator Abetz has already said so but let me repeat it: the Fitzgerald inquiry in our state, Mr Acting Deputy President Furner, which you will remember, subjected the entire political and policing system of the state of Queensland to what was effectively institutional open-heart surgery. It examined hundreds of thousands of documents. It examined hundreds of witnesses. It was the most complex commission of its kind, certainly the most consequential commission of its kind, in Australian history. It did not take three years.

The Wood royal commission in New South Wales, which examined the police force of that state and dealt with numerous transactions and an extremely complex web of criminal activity, did not take anything like three years. And yet this is essentially the audit of expenses engaged in by one individual over the course of a few years in the discharge—‘discharge’ is perhaps not the best word to use in the circumstances—of his obligations as a senior union official. Senator Collins showed her naivety about these matters when she said, 'There are 6,000 documents.' Six thousand documents in a large piece of litigation or a complex inquiry is as nothing. It does not take three years to examine 6,000 documents. If it were being done industriously and with the proper dedication of resources to it, it would take about three weeks.

We have had inconsistent evidence to Senate inquiries by Mr Nassios, to whom Senator Ronaldson referred, and other officers of Fair Work Australia, about both the conduct of the investigation and the likely completion date of the investigation. And, now, scandalously, there has been a suggestion that if the investigation—well into its fourth year—were to come to a conclusion, that report would not be made public. Because the fate of the government depends upon this man, the delay in the prosecution of justice is a political scandal. Those concerned in this delay will not escape with their reputations intact if, on a careful review of their activities, it appears—as has been credibly alleged by Ms Kathy Jackson, the person who, other than Mr Craig Thomson, knows more about the affairs of the Health Services Union than anyone else—there has been political interference by the Rudd and Gillard governments, as well as institutional delay on the part of Fair Work Australia.

Justice delayed is justice denied. It is as much an outrage for there to be a deliberate delay in the prosecution of an investigation as for there to be a premature conclusion to that investigation. Where there is a political
motive—where that fate of the government depends upon delay, when there are credible allegations of political interference, where there is a host of inconsistencies between the very limited accounts that those officers have given to the parliament—then we, the parliament and the Australian people, are entitled to conclude that Mr Craig Thomson is being protected by the very people who have a statutory function to engage in a quick, open and transparent investigation into his affairs. Because of their conduct, the Australian people will find it very difficult to maintain their confidence in the integrity of those involved.

Senator THISTLETHWAITE (New South Wales) (17:41): Here we go again. Despite all of the uncertainty in the global economy and a government dealing with issues associated with keeping our economy strong and supporting jobs; despite the uncertainty that the business community faces—being worried about a two-speed economy and how the benefits of the mining boom are going to flow to them—despite the fact that there is a review going on into Fair Work Australia at the moment; despite the fact that manufacturing is dealing with the pressures associated with a high Australian dollar and the government is supporting manufacturing in this country; despite the fact that in important sectors of this economy we face a skills shortage, and the government has a comprehensive set of reforms to promote vocational education and training in our economy; despite the fact that constitutional recognition of Indigenous Australians is high on the agenda in this parliament at the moment; despite the fact that the eyes of the nation are on this parliament, its politicians and its plans for the future, you might think that the opposition, in the limited time that they have available to discuss matters of so-called public importance, would try to direct some of that attention to a policy issue.

Perhaps they might want to enunciate an alternative vision for government in this country—to outline some of their policies and plans to deal with some of the issues that I mentioned earlier. But, no, for the second day in a row they have come into this place and resorted to gutter politics. They have resorted to mudslinging again—a highly inappropriate and unprecedented pressure that they are trying to exert on an independent authority regarding the conduct of an investigation that is currently underway.

Those opposite have also been involved in putting highly inappropriate pressure on the New South Wales Police Force regarding the conduct of an investigation into that matter. In that respect I draw the Senate's attention to a letter that was written by none other than Senator Brandis in September 2011 to the Police Commissioner in New South Wales, Andrew Scipione, in which he states:

I am writing to you to request that, in accordance with your standard procedures, you make an assessment and, if appropriate, direct your officers to make an investigation into those allegations in order to determine whether an offence against the law of New South Wales has been committed...

It was highly inappropriate for a member of the Senate—a politician in this country—to be putting such pressure on a police commissioner to conduct an investigation.

I must take issue with the reference that Senator Brandis made earlier to the Fair Work Act. One would expect that someone of Senator Brandis's standing and esteem in this place and high standing within the Liberal Party—he is a former barrister, in fact, I believe he may even be a QC or an SC or whatever they call themselves these days—would be able to read in context the provisions of the Fair Work Act. Senator Brandis came in here quoting section 577 of
the Fair Work Act, which is about the performance of the functions of Fair Work Australia. He outlined that Fair Work Australia:

... must perform its functions and exercise its powers in a manner that:

(a) is fair and just; and
(b) is quick, informal and avoids unnecessary technicalities; and
(c) is open and transparent; and
(d) promotes harmonious and cooperative workplace relations.

What Senator Brandis failed to explain and understand was that those functions which are spoken of in section 577 are well outlined in section 576. That section is detailed and deals with the functions conferred by that act on Fair Work Australia in relation to the National Employment Standards, modern awards, enterprise agreements, workplace determinations, minimum wages, general protections, unfair dismissal, industrial action, right of entry, extension of the National Employment Standards, unlawful termination and, indeed, other matters. The functions in section 577 do not deal with the manner in which Fair Work Australia conducts investigations. In fact, the current investigation being conducted by Fair Work Australia is not being conducted under the provisions of the Fair Work Act—the provisions that Senator Brandis referred to are not the provisions under which this investigation is being conducted. The investigation is being conducted under the Fair Work (Registered Organisations) Act 2009, a completely separate act. Yet Senator Brandis comes in here and attempts to mislead by stating that the provisions of the Fair Work Act apply in this case.

When the Constitution of this nation was written and when the nation was federated, our forefathers believed in certain principles. One of them was the separation of powers—and for good reason. They believed in liberty, justice, due process and the presumption of innocence. Those principles are being impinged upon by the opposition in the undue pressure they are attempting to place on an independent authority and the New South Wales police service with regard to this matter. This was an issue that was understood by the former Prime Minister John Howard. He said, and Senator Collins outlined this earlier, in relation to a police investigation being undertaken in 2007:

'It's a police investigation and the appropriate thing for me to do is to let the police investigation run its course, and then, if it is appropriate, I will have something to say.

The former Prime Minister John Howard was exactly right. He was spot on.

Senator Bernardi: He didn't offer his full support.

Senator THISTLETHWAITE: He was spot on, Senator Bernardi. Perhaps we could ask Senator Brandis whether he agrees with this statement of the former Prime Minister John Howard. Perhaps that was one of the reasons Senator Brandis allegedly referred to the former Prime Minister John Howard as a 'lying rodent'.

What happened to the once respectable Liberal Party? What happened to the great and mighty Liberal Party of the days of old? It was the party that agreed with liberal ideals, natural justice and due process—but no longer. Under Tony Abbott, the current Leader of the Liberal Party, they resort to muckraking and gutter politics. On the subject of the Fair Work Australia investigation, Tony Abbott said in August last year:

The Fair Work Australia investigation has taken one hell of a long time, two years at least, and I think it's high time that investigation was brought to a conclusion.

Again the Leader of the Liberal Party was placing undue pressure on Fair Work
Australia about an investigation that is currently underway.

In August 2011 Senator Ronaldson joined in. I have a lot of respect for Senator Ronaldson, but I think he overstepped the mark on this issue when he, in a media release in August 2011, said:

Workplace Relations Minister, Senator Chris Evans, must step in and instruct Fair Work Australia to finalise their investigations …

This is highly inappropriate. There are good reasons that Senator Evans and the government have not stepped in: Fair Work Australia is an independent statutory authority, and it is highly inappropriate for any government or politician to seek to direct or influence an independent authority to conclude an investigation once it is underway. It must run its proper course free of political interference.

The great irony here is that the opposition accuses the government of undue interference and then the next day comes out and says that we should be interfering; that we should be pressuring Fair Work Australia to conclude its investigations. The government's actions have been entirely appropriate, consistent with Fair Work Australia's independent authority, which was established by—importantly—the Fair Work (Registered Organisations) Act. We have allowed them to conduct a proper investigation and that investigation must secure all the facts and be allowed to run its proper course.

Senator Abetz interjecting—

The ACTING DEPUTY PRESIDENT: Order! Senator Bushby, please resume your seat. Senator Abetz, you know interjections are disorderly. I am trying to hear a senator on your side of the chamber—

Senator Abetz: Give it a break.

The ACTING DEPUTY PRESIDENT: I beg your pardon?

Senator Abetz: You heard what I said.

The ACTING DEPUTY PRESIDENT: Yes. I call Senator Bushby.

**COMMITTEES**

**Scrutiny of Bills Committee**

Report

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:52): At the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Fifield), I present a report and Alert Digest No. 1 of 2012 of the Senate Standing Committee for the Scrutiny of Bills.

Ordered that the report be printed.

**MINISTERIAL STATEMENTS**

Papua New Guinea

Syria

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (17:52): I present two ministerial statements relating to recent events in Papua New Guinea and the situation in Syria.

**AUDITOR-GENERAL’S REPORTS**

Report No. 24 of 2011-12

Senator RYAN (Victoria) (17:53): I seek leave to move that the Senate take note of the report.

Leave granted.

Senator RYAN: I move:

That the Senate take note of the report.

This report only just tabled has an absolute wealth of history of this government's abuse of the advertising guidelines. There will be much more to say on this matter, but it is worth recounting the period that this report covers.

This report covers the period when the government declared a national emergency in order to have a mining tax campaign. The guidelines that they had lauded and preached from the rooftops—the guidelines they had said would guarantee that they would not use money for partisan or political purposes—were shredded the minute the mining tax became a PR disaster for then Prime Minister Kevin Rudd. The government gave this particular advertising campaign an exemption on the grounds of an emergency—which was one of the criteria it could use—in order to fund an extraordinary campaign to try to buy public support with what had to be some of the most boring and ineffective ads in advertising history, as if putting ads of a PowerPoint slide was somehow going to excite people and change their opinion.

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This report is very important. I have only had time to briefly read some short parts of it. As I said, I am sure my colleagues will have more to say on this in the future. This report, in various parts, in a masterful level of understatement that only the ANAO could be capable of—as all good auditors are—said that 'there was not the same level of discipline evident in the processes where the campaign exemptions were granted'. That is extraordinary. That is a very, very understated way of saying that the government trashed everything else it had said it would stick to and that it had trashed any principles of not using taxpayers' money for partisan political purposes. It did so in order to save its own political skin and, particularly, the skin of the then Prime Minister.

Of course, what happened after the change in the prime ministership in June 2010 was that the new Prime Minister announced that the mining tax advertising campaign would cease immediately—and it did. It ceased mainly in order to stop an ineffective advertising campaign generating even more public outcry against a badly designed tax which was bad for the economy. It was merely another example of trying to save the political skin of the Labor Party. Further on, the summary of this report said that the Treasury was required to fast-track development of the so-called tax reform campaign in order that 'the advertising is able to go to air more quickly'. That statement alone explains what the real purpose of this advertising campaign was. It was a political and partisan advertising campaign.

But there are other issues that are relevant here. The advertising agency which was given the contract for this was named Shannon's Way. I believe that was its name at the time but that it subsequently changed its name to something like 'Go Shannon'. This advertising agency is fired by its Labor traditions. I was working in the Victorian parliament at the time that it was embroiled in a scandal about tenders for state government contracts there. What is notable about this agency is its long-term ALP links. Its founder, Mr Bill Shannon, was a founder and a director of the Progressive Business Association—Labor's fundraising arm in Victoria. It has donated to the Labor Party over many years, including—according to the releases which came out just last week from the Australian Electoral Commission—$25,000 in the 2010 election year.
I now seek leave to continue my remarks so that I can have more time to read the full Auditor-General’s report, because I am sure that a short reading to create clarity around this government’s agenda will provide more and I know that my colleagues will have more to say as well.

Leave granted; debate adjourned.

DOCUMENTS
Tabling

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the *Journals of the Senate* and on the Dynamic Red. Letters of advice are tabled in response to the continuing order relating to departmental and agency appointments, vacancies and grants. Details of the documents also appear at the end of today’s Hansard. A document is tabled relating to the Australian and New Zealand Government Sustainable Procurement Framework, pursuant to order.

COMMITTEES
Selection of Bills Committee
Membership

The ACTING DEPUTY PRESIDENT (Senator Furner) (17:58): The President has received a letter from a party leader seeking to vary the membership of a committee.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (17:58): by leave—I move:

That Senator Ludwig be discharged from and Senator Arbib be appointed to the Selection of Bills Committee.

Question agreed to.

BILLS

Australian Research Council Amendment Bill 2011
First Reading

Bill received from the House of Representatives.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (17:59): I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (18:00): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Australian Research Council (ARC) is a statutory authority within the Australian Government’s Innovation portfolio. Its mission is to deliver policy and programs that advance Australian research and innovation globally and benefit the community.

In seeking to achieve its mission, the ARC provides advice to the Government on research matters and manages the National Competitive Grants Program (NCGP), a significant component of Australia’s investment in research and development.

Through the NCGP, the ARC supports the highest-quality fundamental and applied research and research training through competitive selection processes across all disciplines, with the exception of clinical medicine and dentistry.
This is an appropriation bill to support the ongoing operations of the ARC. It will fund the high-quality research we need to address the great challenges of our time, to improve the quality of people’s lives, to support the development of new industries and to remain competitive in the global knowledge economy.

Bills to amend the Australian Research Council Act 2001 to receive administered funding occur each year. The Bills are generated to apply indexation to existing appropriation amounts, create an additional forward estimate and may also contain new funding for new initiatives.

The amendments proposed in this bill change only the administered special appropriation; they do not alter the substance of the Act or increase departmental funds.

The ARC is the major source of funding for the innovative, investigator-driven research that has underpinned inventions ranging from the Bionic Ear to the Jameson Flotation Cell, which saves the coal industry hundreds of millions of dollars each year.

ARC funded research has and continues to play an important role in improving the lives of Australians and addressing the big issues of our time. This includes, for example, our need to transform our manufacturing industries to create greener, healthier and more resilient processes and products. The Government is proud that stronger steel and cleaner, safer cars could soon be manufactured in Australia thanks to research made possible with funding from the ARC.

On-going funding for the ARC is essential to the vitality of the Australian higher education system and our commitment to strengthen Australia’s research workforce. Excellent researchers across all areas of the university system must be able to compete for funding if we are to keep world-class academics in Australia, working in our universities and teaching the next generation.

It is important to note the key role the ARC has been and is playing in attracting more Indigenous Australians to academia and keeping more women in research careers. This includes through the Discovery Indigenous scheme, the addition of two new Australian Laureate Fellowships specifically for women and the introduction of Research Opportunity and Performance Evidence (ROPE) to enable assessors to take into account any career interruptions, including those for childbirth and caring responsibilities.

Through these initiatives and through the whole NCGP, the ARC is helping us to reduce research career barriers and ensure the nation reaps the benefit of all of its research talent.

And the ARC is not only supporting quality research and research careers, it is helping the Government measure our research investment and assure taxpayers that their money is being invested wisely.

In January 2011, the Government announced the outcomes of the first full Excellence in Research for Australia evaluations. Developed and implemented by the ARC, ERA allowed us, for the first time, to see exactly how our country’s research efforts compare to the rest of the world. This is giving the Government a clear idea of the research areas we need to focus on for improvement and continued excellence.

ERA is a key element of the Government’s ten year Innovation Agenda, Powering Ideas.

Through this important legislation, the ARC will continue to advance our efforts to build a fairer and more prosperous Australia through innovation and education.

I commend the Bill.

Debate adjourned.
the Government in the Senate) (18:01): I move:
That these bills may proceed without formalities, may be taken together and be now read a first time.
Question agreed to.
Bills read a first time.

Second Reading

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (18:01): I move:
That these bills be now read a second time.
I seek leave to have the second reading speeches incorporated in Hansard.
Leave granted.
The speeches read as follows—

EXCISE AMENDMENT (REDUCING BUSINESS COMPLIANCE BURDEN) BILL 2011

This Bill delivers on the Government’s commitment to reduce business compliance costs for excise liable businesses.

These taxpayers, operating under the existing standard seven-day excise settlement period, beginning Monday and ending Sunday, will become eligible to apply for a new weekly period, to begin on their preferred day.

The codification of the seven-day period will provide certainty to businesses. Furthermore, the flexibility to choose the particular seven-day cycle that best suits the business’s commercial practice will reduce their administration costs.

Most importantly, small businesses will be able to apply for a permission to defer their excise settlement to a monthly reporting cycle, with a further 21 days from the end of the month to remit their tax liability. This will considerably reduce the administration and cash management burden on small businesses.

For example, a small business would previously have paid excise to the ATO every seven days although their typical business terms may be for a 30 day settlement. This Bill gives small businesses at least 21 days, and up to 51 days, to remit their tax liability – which will significantly help with their cash management.

Furthermore, small businesses will be required to lodge only 12 returns per year, as opposed to 52 returns per year under the current arrangements.

Under this Bill, business entities with no duty liabilities may have the terms of their seven day or monthly permission amended to a longer reporting cycle at the discretion of the Tax Commissioner.

If a business’s permission relates to gaseous fuel on a seven-day permission, this bill will allow that business to give the Commissioner a return, on or before the sixth business day following the end of each seven-day period. This Bill also ensures that the existing monthly settlement arrangement for stabilised crude oil and condensate will remain unchanged.

These arrangements reflect the particular commercial circumstances of the gaseous fuel, stabilised crude oil and condensate industries.

Full details of the amendments in this Bill are contained in the combined explanatory memorandum.

CUSTOMS AMENDMENT (REDUCING BUSINESS COMPLIANCE BURDEN) BILL 2011

This is the second of the Bills that deliver on this Government’s commitment to reduce business compliance costs for businesses dealing with goods liable for excise and excise equivalent customs duty.

This Bill amends the Customs Act 1901 to codify administrative arrangements relating to periodic settlement permissions in relation to customs duty.

The amendments establish a flexible seven day permission cycle for the giving of returns and the payment of excise equivalent customs duty. When the seven day permission is for gaseous fuels, the permission holder may give their return and pay customs duty up to six business days following the end of the seven day period.
Additionally, small business entities, prescribed persons and producers of prescribed goods will be able to apply for a permission to defer their customs duty settlement to a monthly reporting cycle.

Full details of the amendments in this Bill are contained in the combined explanatory memorandum.

Debate adjourned.

COMMITTEES

Membership

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (18:02): Message received from the House of Representatives notifying the Senate of the appointment of Mr Jenkins to the Joint Standing Committee on Treaties in place of Mrs Rowland, and the appointment of Mr Jenkins to the Joint Standing Committee on Foreign Affairs, Defence and Trade in place of Mr Gibbons.

MOTIONS

Dissent from Ruling

Debate resumed on the motion:

That the Senate dissents from the ruling of the President (that the motion to refer a matter to the Standing Committee of Privileges not be given precedence).

Senator BOSWELL (Queensland) (18:02): Yesterday we were debating the dissenting motion from Senator Brown. His original complaint lodged on 25 November referred me to a Privileges Committee and suggested that I had received a $30,000 donation from Metcash. I refute that, and put it on the record that yesterday Senator Milne accused me of virtually the same thing.

I made a statement—which you pointed out, Mr President—to the Senate on 26 November 2010 which said:

I have not received any donation from Metcash. The campaign donation referred to went directly from Metcash to the then Queensland branch of the National Party of Australia. I am informed by the party that it banked the donation in its central campaign account in July 2007.

I now put the matter on the record so that Senator Brown and Senator Milne will not repeat the accusation that I received money directly. There are a number of other retailers that have had donations from the Labor and Liberal parties.

On, I think, 24 November, Senator Kroger put before the Senate a notice of motion referring Senator Brown to the Privileges Committee. Senator Brown then hit out and found someone else about whom he could put a notice of motion up to refer them to the Privileges Committee, and that someone happened to be me. That was 12 months after I had made a statement in the Senate. As you correctly pointed out, Mr President, I did refer it to the committee. A letter was then received by the committee from legal counsel pointing out that it would be inappropriate for a Senate inquiry to run at the same time as the matter was before the court for determination. I then gave my opinion to the committee that I did not think we should proceed and that it should be withdrawn. On two occasions I denied that a $30,000 donation came to me, and I also put my opinion to a committee that I thought the matter should be withdrawn because it was going before the court. That is exactly what you, Mr President, read out.

Yesterday Senator Brown came in here calling foul, said that he has been ill-treated and accused you, Mr President, of ill-treatment. If Senator Brown has been ill-treated then I have been ill-treated, because he has done exactly the same to me as has been done to him. He came in yesterday and proposed that the notice of motion referring me to a Privileges Committee not be
withdrawn but be postponed to 22 March. I believe this is hypocrisy at its worst. He has accused the Senate of holding him out over the Christmas period of two or three months, making him concerned about what was going to happen and pointing out that he could go to jail. But he does exactly the same to me. If Senator Brown were consistent, he would have withdrawn the resolution motion yesterday, but he did not—he postponed it.

What we have here before us is Senator Brown not accepting a ruling but trying to turn this place into a High Court. He has sought legal representation and he is going to change this Senate where we have a fair amount of give and take into a court. I find it totally unacceptable that he would do this.

I certainly have not got the money to be able to brief a SC or a Queen's Counsel. I have not got the money to do that, and there will be many other people in similar circumstances to mine. Senator Brown has got the money. If referred to the Privileges Committee, what are we supposed to do? Are we supposed to go out and hire a SC? Senator Brown got a huge donation—good luck to him. There is no reason why, after he has cried foul, he should then turn on me and say, 'Yes, Senator Boswell did this.' I have clearly stated and laid down before the Senate a statement, which you have accepted, that says, 'Yes, there was a donation. It went to a party. The party banked it.' Many others have received donations from other retailers. I suspect that the Greens have received many other donations. Donations are part of political life. Politics cannot run without money. But that does not mean you take money for a favour. I certainly have never done that.

I was incensed when the ACCC ruled out a takeover bid by Metcash. I have always supported small business and by blocking a Metcash takeover, the ACCC was preventing the independent sector building up and having the muscle to be able to compete with Woolworths and Coles. I wrote an article in the *Australian* about that and my views were actually supported by the court of Australia. It was then appealed, and my views again were supported by the appeal, which allowed the Metcash takeover to go through. So to suggest that I did anything in return for a favour is something I have never been accused of in my life—

**Senator Milne:** And neither have we.

**Senator BOSWELL:** and I find it pretty hard to take.

**Senator Milne:** And so do we.

**Senator BOSWELL:** If you do find it hard to take, don't turn around and do the same thing to me, Senator Milne, whom I have some respect for.

**Senator Milne:** You voted for this to happen.

**Senator BOSWELL:** Senator Milne turns round to me and says, 'Well, so do we.' You have done exactly to me as other people have done to you.

**Senator Milne:** But the President ruled differently on both occasions.

**Senator BOSWELL:** Of course the President ruled differently, because I made a statement to the parliament. My reference to a committee was withdrawn. It was all neutralised. For you to turn this around is one thing, but not to accept a ruling of the President is another thing. But then to turn this into a court where we have all got to go sets a precedent where we all man ourselves up with SCs and QCs and then find out that this is the way we have got to fight actions—

**Senator Milne interjecting**

**The PRESIDENT:** Order! Just address the chair and there should be no interruptions.
Senator BOSWELL: You are right. This is a very serious matter and we are going down a very dangerous track when people come into this place, arming themselves with SCs, and we get opinions from legal firms. It is going to make this place a nightmare. No one will ever be able to say anything. This is the point. We have privilege in this place, and that is being abused by the reference by Senator Brown, who is going to arm himself up, man up, with SCs and advice from the legal fraternity.

Senator Brown, you have got the option today to withdraw it. If you have any regard for the Senate as a place of free debate, you will withdraw it. But to take out your vengeance on the Presiding Officer when he was doing his job is just unacceptable. It is unacceptable from the Labor Party and it is unacceptable, I would imagine, from the Independents, and certainly from the Liberal National Party, it is totally unacceptable. So I ask you to just think about this before you go ahead. You are opening up new territory here, dangerous territory.

Senator Milne: Mr President, I rise on a point of order. Senator Boswell alleges new ground is being opened up here. The 1987 act actually does put it under the High Court. It is not something we are doing, Mr President—

The PRESIDENT: That is debate; that is not a point of order, Senator Milne.

Senator Milne: But Senator Boswell is probably the only person here who voted for it.

The PRESIDENT: That is debate, not a point of order.

Senator BOSWELL: I have been here since 1983, and in the 29 years and some months I have never seen anyone coming into this place with legal opinion. It is not what this place was intended for. I find that the use of legal opinion against the Presiding Officer is totally unacceptable and we on this side of the chamber—and I suspect the other side of the chamber—will not have a bar of it.

The PRESIDENT (18:15): It has been the practice of presidents to participate in the discussion on a motion of dissent from a ruling in order to clarify the ruling or to respond to points which have been made. I do not intend to canvass the merits of my determination.

The ruling from which Senator Bob Brown dissented was not my determination on the matter of privilege raised by Senator Kroger. This is a matter which the Senate referred to the Privileges Committee unopposed on 24 November 2011. It is before the committee, and I caution senators against continuing to canvass those matters. When the committee reports the Senate will have the opportunity to adopt the committee's findings and recommendations or not as the case may be, and to make any decision on any matter of penalty that might arise. These are matters for the Senate as a whole, not the Committee of Privileges and not the President.

I also note that Senator Brown raised the issue of the participation of Senator Brandis in the inquiry. This is a matter for Senator Brandis himself, the Committee of Privileges and, ultimately, for the Senate if required. It is not a matter for the President. Presidents do not interfere in the conduct of committee inquiries, and it shows a complete lack of comprehension of the role of the presiding officer to suggest that they do.

The ruling that is the subject of this dissent motion is my determination not to give precedence to a matter raised by Senator Brown concerning Senator Boswell. It is disappointing that all senators contributing to this debate have wrongly characterised my determination in relation to the matter raised
by Senator Kroger as a decision effectively recommending that the matter be referred to the Privileges Committee. It is no such thing. For the benefit of senators, let me set out what the process is under standing order 81 and privilege resolution 4, and the effect of a determination in accordance with those provisions.

First: standing order 81 sets out only the method for raising matters of privilege, unless they suddenly arise in the Senate: A Senator intending to raise a matter of privilege shall notify the President, in writing, of the matter.

Paragraph 2 of the standing order 81 provides that:

The President shall consider the matter and determine, as soon as practicable, whether a motion relating to the matter should have precedence of other business, having regard to the criteria set out in any relevant resolution of the Senate.

I shall come to those criteria in a minute. But first it is necessary to understand the effect of this provision.

It does not provide for the President to consider the merits of the matter raised. It does not provide for the President to conduct a preliminary inquiry into the facts. It does not provide for the President to decide whether the matter should be referred to the Privileges Committee. Nor is it a recommendation that the matter should be referred. It is a determination about how the matter should be dealt with as an item of business—whether or not it should have precedence.

The origins of the procedure lie in the 1984 report of the Joint Select Committee of Parliamentary Privilege and its attempt to devise a procedure to ensure that matters of privilege could not be sidelined but came to the attention of the house concerned in a timely manner. This was to overcome the difficulty where in earlier times, and particularly in government dominated houses, the chances of a backbencher's notice of motion being debated and voted on could be remote.

It was also the desire of the joint select committee to remove the presiding officer from controversial decisions that could put them at odds with their houses and/or their privileges committees.

The joint select committee considered that the then current procedures were flawed in requiring on the one hand matters of privilege to be raised at the earliest possible opportunity in order to be eligible for precedence and, on the other hand, requiring the presiding officer to make a determination that a prima facie case had been made out. The joint select committee recommended that the presiding officer's assessment of the matter be made against the criteria that were subsequently adopted by the Senate as privilege resolution 4, 'Criteria to be taken into account by the President in determining whether a motion arising from a matter of privilege should be given precedence of other business'. This mechanism ensures that a matter of institutional importance gets priority in the business program—no more and no less.

Each matter of privilege raised is considered against those criteria and only against those criteria. It is not a question of whether any prima facie case has been made. Moreover, each matter is considered independently of any other matter against the requirements of the standing order and privilege resolution 4. A determination in accordance with the criteria in privilege resolution No. 4 that a matter should be given precedence simply means that a notice of motion to refer the matter to the Privilege Committee appears at the top of the Notice Paper and is dealt with ahead of other business in the ordinary routine of business. It is then up to the Senate as a whole to
determine the matter on its merits or on whatever other basis the Senate chooses to decide. If the President determines that a matter does not meet the criteria then the senator who raised it may take other action under the procedures of the Senate, including giving a notice of motion to refer it to the Privileges Committee. The Senate then decides that matter on its merits.

The procedures of the Senate have been developed over more than a century to suit the needs of the Senate. They are our standing orders and it is the responsibility of all senators to understand them. If they no longer suit the Senate then it is up to the Senate to change them, but I note in passing that the Parliamentary Privileges Act and the Senate privileges resolutions are highly regarded throughout the parliamentary world as representing best practice. I seek that the Senate support my ruling.

Senator PARRY (Tasmania—Deputy President of the Senate and Chairman of Committees) (18:23): Mr President, I believe you have rightly ruled in what you have said and you have also moved towards addressing some of the confusion about the debate.

I will highlight what happened. Senator Kroger wrote to you, Mr President, prior to 23 November last year setting out a matter of privilege and asking for that to be given precedence. That is the first trigger in this whole debate. The second matter was that you gave a statement on 23 November giving precedence to Senator Kroger's letter, followed up by a motion that went through the Senate on the following day, 24 November. That motion was then disposed of in that particular point in time by resolution of the Senate to give precedence to a matter of privilege raised by Senator Kroger referring to Senators Brown and Milne. That was dealt with there and then. That is the first item.

The second item is that, subsequent to that, Senator Brown wrote to you again—I am not sure of the time he wrote to you but I believe it was subsequent to that motion—and sought precedence on a matter of privilege for Senator Boswell. You then reported back to the Senate on 25 November and indicated that no, you would not give precedence.

Senator Milne: Then it is a question of consistency.

Senator PARRY: Consistency was not given, but equally the report back to the Senate was then dissented upon by Senator Brown on that day. The timing of that was at the end of the parliamentary year, which we have all discussed.

From there, it comes to the commencement of this session of parliament. Yesterday the debate which concerns me moved into the detail of the matters raised by Senator Kroger and the defence given by Senators Brown and Milne, and again today by
Senator Boswell. It is on both sides of the chamber. That is not the substance of what was before the Senate. What is before the Senate is dissent in your ruling, Mr President, and you have outlined why you believe your ruling is adequate and accurate. I support you in your statement and I support the rationale behind your ruling.

I move to a couple of matters that were raised and which I think need to be clarified. They were raised in debate yesterday and have, I think, left a gap or some misunderstanding as to what the role of the Senate or the Privileges Committee can be in these matters. I particularly refer to Senator Brown yesterday raising the matter of criminal proceedings. There are numerous safeguards and matters that happen under the Constitution in our standing orders. In relation to what Senator Brown raised so there is no doubt left as to where this matter is heading, Senator Brown and, I believe, Senator Milne, raised the matter of potential criminal proceedings.

With respect to paragraph (b) of privilege resolution No. 4 there are various criminal offences that may be relevant, and these include: (a) section 28 of the Crimes Act 1914, which provides for an offence of interfering with the exercise of a political right or duty; and (b) various offences in the Criminal Code Act 1995 relating to corruption and bribery of Commonwealth public officials, which includes members of parliament.

Senator Brown indicated that it was apparent that criminal proceedings could flow from this. However, the asking of the questions by Senators Brown and Milne is central to the case in Senator Kroger's report that such actions are proceedings of the parliament. Being proceedings of the parliament within the meaning of article 9 of the Bill of Rights of 1688, and section 16 of the Parliamentary Privileges Act 1987 which we have been discussing, there is no capacity for such proceedings to be examined for the purpose of any criminal investigation or proceedings. As a consequence, the only remedy of the allegations and the conduct lies within the Senate's contempt jurisdiction.

To state that clearly, it was left hanging yesterday that there was a potential criminal action resulting from what the Senate can determine. That is not the case. It is not the case because the statements were made under privilege here in this parliament.

In relation to the matter raised about Senator Boswell, and again it was the subject of debate yesterday and today, Senator Boswell has clearly outlined the matters concerned. Mr President, you determined—and this was some time ago now—that the matter:

… addresses criterion (a) on the basis that the need for senators to be seen to be free of any improper external influence is of fundamental importance to the ability of the Senate to carry out its functions …

You also said:

… the inquiry instigated by Senator Boswell is 12 months old and was completed in February this year. The committee, in effect, determined not to investigate the matter further after legal proceedings were instituted. Furthermore, as is evident from the material provided by Senator Bob Brown, Senator Boswell made a personal explanation to the Senate on 26 November 2010 in which he clarified allegations about the relationship between political donations and the reference to the committee.

In these circumstances, it is difficult to identify what, if any, other remedy could be provided by invoking the contempt jurisdiction and, in the circumstances, whether the threshold requirement for improper interference continues to be sufficiently apparent.

Mr President, whilst we have delved outside of the strict matter that was raised by Senator Brown—and it is his right to do so—in
dissenting from your ruling, I wanted to clarify some of the points because I think it has left a cloud over what the real debate is and what the real issues are; hence my comments. I reiterate again that I do support your statement and your rulings.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (18:31): I thank the contributors to this debate, but I will respond to what the speakers in the coalition and you, Mr President, have had to say. To go straight to the Deputy President's contribution just now, where he contended that this was in no way a matter that could be seen as criminal, what he conveniently overlooked is that the Privileges Act 1987 made a breach of privilege subject to a potential jail sentence and/or very heavy fine. If the Deputy President does not find that to be a very serious matter which takes these references to the Privileges Committee right into the domain of being equivalent to criminal accusations in the court then his logic is of a different kind to that which the ordinary person would levy.

You, Mr President, and the Deputy President have portrayed to this chamber that you were in fact judicious in referring the proposal from Senator Abetz, which came through Senator Kroger—and that is where it came from; there has been no denial of it—concerning matters impugning Senator Christine Milne and me to the Privileges Committee. But that decision involved similar issues as the proposed reference to the Privileges Committee concerning Senator Boswell which I then put to you for consideration—and on that matter you did not take the same position. Quite clearly there is a double standard involved. You made your decision against the Leader of the Australian Greens and the Deputy Leader of the Australian Greens on a matter analogous to the one which Senator Boswell has now said is causing him great difficulty, which creates great upset, which he thinks is unfair, which he thinks has no merit, which he thinks has no substance, which he thinks should not have been brought into this Senate in that way and which he thinks derogates from the standards of the Senate.

Every one of those things applies to the proposal Senator Kroger put to you, Mr President. The only difference here is that you decided, in the case of Senator Boswell and me, to propose that the Senate give precedence to a motion for the matter to be referred to the Privileges Committee. I do not think the merits of the case of Senator Boswell or, consequent upon that, of the proposals put to you by me regarding Senator Cash and Senator Joyce are different in any significant way from the merits of the proposal put to you by Senator Kroger relating to Senator Milne and me. You have apparently applied a double standard in giving precedence to the matter relating to Senator Milne and me but not to the matters relating to other senators. History will judge you for that double standard. Because you turned down my proposal that you should give precedence to the matter relating to Senator Boswell—I did not want to bring this up and never have, Senator Boswell—history will judge you as having made a biased and wrong decision, one you should never have made.

The other thing the Deputy President failed to consider was that, in matters of presidential recommendation to the Senate—when a Presiding Officer recommends that a matter be given precedence—as the 1984 report of the Joint Select Committee on Parliamentary Privilege found, it is then almost invariably adopted by the relevant house—be it the Senate or House of Representatives. If the President says, 'Yes, I accept it,' it will go to the Privilege Committee. If the President says no, it does not. You said yes in the matter relating to
Senator Milne and me. You said no in the matter relating to the three opposition senators where I contend that, in each case, the merits of a reference were higher than those relating to Senator Milne and me. Senator Boswell, quite correctly, said that he had put his case on the record. And so had Senator Milne and I. In fact, the donation involved was quite proper and legal. It has been highly publicised. It has been on the front page of the Australian—and, of course, the only journalist here in the gallery is from the Australian. And quite proper and legal too, of course, is the fact that it was spent on the election. And through you, Mr President, to Senator Boswell, the donation went to the Australian Greens, not to either Senator Milne or me. And so too was it posted by the Australian Electoral Commission—and, under the electoral laws, that was a year before it needed to be. And I might add that not a penny of that went to either Senator Milne or me.

The other matter I raised in the speech I gave yesterday was this. On a serious matter like this, Mr President, it would have been prudent of you, having received Senator Abetz's accusations and time line through the letter to you from Senator Kroger, to have asked Senator Milne or me whether there was some response that would put your mind at rest that this matter should not go to the Privileges Committee. But you did not. You had time to consider it. Again, the report of 1984 says that the applicant—in this case, Senator Kroger—should have time to consider it and so should the Presiding Officer. Well, you did not. You had time to consider it. Again, the report of 1984 says that the applicant—in this case, Senator Kroger—should have time to consider it and so should the Presiding Officer. Well, you did not do that. You did not even extend to Senator Milne or me the simple courtesy of asking us if we could make a response to this. There was nothing to have prevented that course of action except your failure to take it up.

Moreover—and I put this to your deputy, who seems not to have understood the importance of the time lapse involved—I read out to the Senate yesterday that the committee report of 1984 underscored that there should not be an unreasonable delay between the events that effectively lead to the allegation of contempt taking place and a request to the Presiding Officer being made. But, in this case, five months elapsed. Mr President, if you can show where in history such a time lapse has occurred and a Presiding Officer has then accepted a proposal of a reference to a Privileges Committee, then your studies will have gone further than mine—because such an occurrence does not exist. You were derelict in your responsibility to turn down the application from Senator Kroger because of that efflux of time.

What in fact happened, as Senator Milne and I have both explained to this chamber, is that Senator Abetz, who I note is not present in the chamber, through Senator Kroger, wrote to you in the last week before Christmas, effectively through a slap writ process, to have this matter dealt with unduly hastily so that there could be no adequate response from Senator Milne or me. And nor could the matter be dealt with by the committee before the months of efflux of the Christmas break. In doing so, you facilitated an ambush from the several senators opposite, to the detriment of Senator Milne and me and also to the great and quite disgraceful detriment of the long upheld Senate tradition of fairness not only being seen to be done but actually being done.

There must be the appearance of a reasonable case that you should consider before you make the sort of decision that you made—but there was not. For any reasonable person who reads the proposals that I consequently put forward to you with regard to Senator Cash, Senator Boswell and Senator Joyce, the differences in the charges, when compared with the matter relating to
Senator Milne and me, are not real. If you take up one, you take up the lot. If you turn down one—as you should have—you turn down the lot. I think your decision to effectively reject my application in the matters regarding Senator Boswell, Senator Cash and Senator Joyce was correct. But what that process has done, Mr President, is highlight your unprecedented double standard in accepting this ambush from the vexatious Senator Abetz, through Senator Kroger, to have Senator Milne and me put before the Privileges Committee.

Finally, I say this. One of the things that the joint committee was very concerned about in 1984—and that concern has not changed—was that, if such matters as these are not dealt with expeditiously, it may lead, quite unfairly, to the impugning of the reputation of senators in the public arena. And that is just what happened. Mr President, when you got up on 23 November to give your adjudication on Senator Kroger’s application against Senator Milne and me, by allowing Senator Kroger to know you were going to speak, you facilitated the Australian committing to the editorial destruction of the Greens in the press gallery. You did not have the courtesy and you did not use your office to inform Senator Milne or me that you were about to make this extremely serious decision on charges that we were unaware of. You did not have the courtesy, let alone the judgment, to inform us. I find that lapse of judgment or that failure of courtesy to your fellow senators, while at the same time giving Senator Kroger the ability to tip off the hostile press, a remarkable failure.

**Senator Kroger:** Mr President, I rise on a point of order. We have been very tolerant for the last two days with the way in which Senator Brown has prosecuted his case. I ask him to withdraw suggestions that I have set up members of the press or—

**The PRESIDENT:** Order! That is not a point of order, Senator Kroger. That is a point of debate or a personal reflection. If you wish to take that up at a later stage you may.

**Senator BOB BROWN:** Thank you, Mr President, your ruling on this occasion is correct. However, the process that you allowed to be set in train led to national publicity, through the Australian newspaper, to the great detriment of my and Senator Milne’s reputations. That is unforgivable. There has been a long history of concern about that and you ought to have been concerned about it, Mr President. However, you were not and you failed to properly protect senators from that process and the opposition took the opportunity. Senator Kroger says she did not, but it was not Santa Claus who told the Australian, Mr President, so if she is implying that your office did then that is a very serious matter indeed. Whatever it is, the opposition knows the truth here and they are not likely to admit to it, because that is not their standard of character.

Mr President, I have very broad shoulders and so does my colleague—

*Senator Kroger interjecting—*

**Senator BOB BROWN:** The senator who interjects was notably absent from this debate, although she allowed herself to be engineered into being a key player in it. If she wanted to defend her actions she should have gotten to her feet, but there you go. That is how this is.

I reiterate, Mr President, that your decision was wrong and you can expect that it is our decision to take all measures possible, feasible and reasonable to defend ourselves from your failure to properly use the offices of your chair to protect our interests in the way you ought to have.
The PRESIDENT: The question is that the ruling of the President be dissented from.

The Senate divided. [18:53]

(The President—Senator Hogg)

Ayes....................9
Noes....................59
Majority................50

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

NOES
Abetz, E
Bernardi, C
Bilyk, CL
Birmingham, SJ
Bishop, TM
Boswell, RLD
Boyce, SK
Brandis, GH
Brown, CL
Bushby, DC
Colbeck, R
Collins, JMA
Conroy, SM
Cormann, M
Crossin, P
Edwards, S
Evans, C
Farrell, D
Faulkner, J
Fierravanti-Wells, C
Feeney, D
Fisher, M
Fifield, MP
Gallacher, AM
Furner, ML
Heffernan, W
Humphries, G
Johnston, D
Kroger, H
Ludwig, JW
Macdonald, ID
Madigan, JJ
Marshall, GM
Mason, B
McEwen, A (teller)
McKenzie, B
McLucas, J
Moore, CM
Parry, S
Payne, MA
Polley, H
Pratt, LC
Ronaldson, M
Ryan, SM
Scullion, NG
Sherry, NJ
Singh, LM
Sinodinos, A
Stephens, U
Sterle, G
Thistlethwaite, M
Urquhart, AE
Williams, JR
Wong, P

Question negatived

DOCUMENTS
Consideration
The government documents tabled today and general business orders of the day Nos 178 to 181 relating to government documents were called on but no motion was moved.

ADJOURNMENT
The ACTING DEPUTY PRESIDENT (Senator Mark Bishop) (18:59): Order! I propose the question:
That the Senate do now adjourn.

Textile, Clothing and Footwear Industry

Senator MARSHALL (Victoria) (18:59): I rise today to provide a voice to some of Australia's most vulnerable people. I refer to outworkers within the textile, clothing and footwear industry. The plight of outworkers in the TCF industry comes as a great source of shame to me as a representative of the Australian people. For decades now TCF workers in Australia, often women with poor English skills, have been ruthlessly exploited. I have seen photos of sweatshops that exist in our own country where women are sometimes locked up for whole days in appalling conditions. These women work for as little as $4 or $5 an hour until they become crippled by work-related injuries, and any senators here could have walked past one of these sweatshops and not even known. They are behind garage doors or blank walls in suburban streets and shopping centres. This is really why I have been moved to speak here today, because a lot of the exploitation in this industry flies under the radar.

I should point out that not all TCF manufacturing businesses are guilty of this exploitation. There are good Australian companies that do not deserve to be tarred with the same brush. However, the
exploitation that I speak of is so insidious that even well-meaning businesses can be surprised to learn of the appalling workplace conditions that exist within their own supply chains. If the public of Australia had seen what I have seen, they would be outraged. But, as I said earlier, the workers in this industry are some of Australia's most vulnerable. Many of them feel unable to speak out for fear of reprisals. But there are two workers from this industry, Anh and Susan, who showed enormous courage last week and testified before the Education, Employment and Workplace Relations Committee of which I am chair. Speaking as part of the Textiles, Clothing and Footwear Union of Australia delegation, these brave women shared their stories in the hope that women such as themselves would no longer be subjected to blatant exploitation. I was deeply moved by their sincerity and modest hopes for the future, so much so that I wish to repeat some of the testimonies of Anh and Susan in the Senate chamber today for my fellow senators and fellow citizens to hear.

This is Anh's testimony:

My husband passed away when my only daughter was four years old. I went to school to study and got an aged care certificate, but I could not find a job. So, because I needed to find money to raise my child, I had to learn sewing and became an outworker. I have been working for one employer for four years, but I have not got any entitlements. My employer pays me about $5 per hour. Whether I can make enough money or not depends on how difficult the job is. Sometimes I have to work day and night but I cannot make enough money because the work is so difficult to do. I virtually have to work 12 hours per day, including weekends. I do not have enough time for my daughter. I do not have enough time for myself. With the little money, not only do I need to spend very carefully on my living expenses but I also need to pay for other working expenses such as power, cotton, machine and other costs when the machinery is broken. My boss normally pays me two or three weeks after the delivery. If the work has any mistakes for any reason, I do not get paid until I have fixed all the orders. The employer wants me to show him my ABN before I can get the job. My life is so difficult. Sometimes I ask the boss for more money but he says he can't pay more. If I ask too much he would stop the work and give it to other people. I do not want to stop working or find another job because of my age. My daughter is in year 10 and I have to keep working to make money to raise her and pay for the rent.

I hope my work is more stable and I can make enough money for my living and have some rights and entitlements so I do not have to worry so much if my boss stops his work or makes me redundant.

I really want to have more time for my family, for myself and I really want to get rid of all the cash-in-hand people so I can have more work. Thank you very much.

Like Anh, Susan has a difficult life, but holds humble hopes that she might one day receive a fair day's pay for a fair day's work, the same as other Australians receive as a matter of course. She says:

In 2006 I discovered that my first son had autism. That was the time I started working from home. At the end of 2006 I gave birth to my second son and he also had the same problem as the first one. The reason I work from home is because I want to look after both of my two sons. My husband left because he could not put up with his sons. My life is so difficult. Over the years I worked for different labels, different factories. They pay me by piecework. I estimate my pay to be about $4 an hour without any other entitlements. Recently some employers asked me to have an ABN number—to set up a company to have a propriety limited—and employ some other workers in my home. Since they know it is hard for me to get to work, they were able to convince me to get paid in cash, but the cash pay is much lower. I have to work from home but, because of the low pay, I have to work very long hours—between 12 and 15 hours per day without holiday pay or super or other entitlements. On one occasion my employer did not pay me for four months, which they blamed on the fact that the
...principal company had not paid them. After that, my employer said they would pay me a bit at a time until they caught up. I am working here in Australia where workers have entitlements and rights, but unfortunately I do not have those. I hope that I can get the same rights and entitlements as the workers in the factory.

My fellow senators, outworker exploitation in the textiles, clothing and footwear industry is the subject of a current inquiry, and I do not wish to pre-empt the findings of the committee. But I do ask you all to think about the words of Anh and Susan and to draw your own conclusions about whether we, as elected representatives of the Australian people, are doing enough to protect people like Anh and Susan. I think there is little doubt about what the Australian public would make of Anh's and Susan's statements. I commend them once more for their courageous efforts to lift the garage door on sweatshop conditions and improve the life of their fellow workers.

This is not a problem that has just arisen. It is a problem that has been the subject of many, many inquiries of the Senate. Yet we as legislators have failed to act to prevent this exploitation that is happening in this rich country. That is a national disgrace for us. I hope that the proposed legislation that we are inquiring into at the moment will finally give rights for organisations such as the union FairWear and the Fair Work Australia inspectorate to have the power and the ability to end this sort of exploitation and ensure that these workers get at least minimum wages and minimum entitlements, that they are not bullied and held to ransom with the threat of work being taken away from them and that they have some dignity in life. It is a national disgrace. It is time that this parliament took the appropriate steps, moved the appropriate legislation to end this terrible exploitation that creates enormous suffering in our community—suffering that mostly goes unseen. I hope senators, when the legislation comes before us, will think long and hard about what sort of country we want and whether we think it is acceptable that just because these people are hidden from view that they should work in such appalling conditions for such miserable rates of pay and that we bring justice to them.

Commonwealth Grants Commission

Senator CASH (Western Australia) (19:07): As a senator for Western Australia, I rise tonight to address the current outdated and inequitable formula which the Commonwealth Grants Commission continues to use to determine GST-sharing relativities. It is recognised that the current method of calculating GST revenues is flawed and is contributing to suboptimal growth opportunities in Western Australia and, as a consequence, is creating a negative flow-on effect in both the Western Australian and the national economies. These GST revenue grants represent the most important and indeed the greatest single source of revenue to the states and territories. It is an indisputable fact that Western Australia is a major contributor to the national economy. I have described it in the past as the engine room of the national economy. It is also an indisputable fact that Western Australia's net fiscal contribution to the Commonwealth is rising dramatically.

We have in Western Australia just over 10 per cent of the population yet fiscally we contribute in excess of a net $14 billion to the Commonwealth's budget. This was confirmed with the recent release of Department of Foreign Affairs and Trade figures showing that Western Australia's export revenue grew by more than 30 per cent in the 2010-11 financial year with WA's export income now exceeding $118 billion for the year. This significant increase in Western Australia's exports means that
Western Australia now accounts for 40 per cent of all Australian export revenue, up from 35 per cent in the previous year.

Western Australia has been providing a net fiscal contribution to the Commonwealth since the mid-1980s. This contribution has been steadily increasing, yet our share of the distribution of GST as a percentage of our population has been steadily decreasing to the record low we saw in 2010 when Western Australia received just 68c back for every $1 raised in the state. I accept that Western Australia is part of a federation and that the more prosperous states have a responsibility and a role to play in protecting the interests and supporting the reasonable needs of the less financially advantaged states.

The issue I raise is not the quantum of Western Australia's net fiscal contribution to the Commonwealth, but the need for the Commonwealth to recognise that urgent reform is required to ensure that the financially stronger states are treated with greater parity and are encouraged to continue to grow their economies without being penalised for their success. The current system unfairly penalises Western Australia for our economic success and is so transparently inequitable that it is unsustainable in the longer term. There are currently no incentives for states to develop their economies and in turn be rewarded for their ability to implement economic reforms.

WA is the host state government to multi-billion dollar mineral resource projects and multi-billion dollar oil and gas resource projects. As such, there is often a need for the WA government to provide massive infrastructure to enable the resource companies to produce and export their respective commodities. This infrastructure is often required to be put in place months and, in some cases, years before the first shipments of the mineral commodities are exported to overseas markets and well before any mineral royalty is paid to the state.

We say that both the federal government and the Commonwealth Grants Commission fail to understand and recognise the significant economic burden that is placed on Western Australia and on Queensland, as major minerals commodity exporters, in providing and maintaining the infrastructure that is needed to support these projects. This infrastructure can be in the form of massive investment in road, rail and port facilities along with infrastructure to support housing, water and power, all of which are required to support the establishment of major export projects.

I do not come to the parliament cap in hand seeking a greater share of GST funding for the sake of increasing WA's share of the GST just because we are net financial contributors to the federal government's coffers. I come to the parliament with a business proposition, which will pay handsome long-term dividends to the Commonwealth and the Australian community. WA is asking for the Commonwealth Grants Commission to recognise the significant upfront financial outlays required to be met by the state to encourage and support some of the biggest mineral developments in Australia. In return for this support, Western Australia will be able to continue to provide the infrastructure required to encourage the development of additional export projects.

As a Western Australian senator, I support the views of the WA government in its repeated calls for the federal government to recognise the inequitable distribution of GST funding to WA and the need for the federal government to understand and identify with the cost pressures being placed on the WA government in providing infrastructure to support our massive mineral export projects.
What is good for Western Australia is good for Australia. When you stimulate the WA economy, you stimulate the national economy and that has a flow-on benefit for all Australians. Based on the current distribution of the GST, Western Australia is set to lose $12.3 billion over the next five years. That is money that we in WA need to build infrastructure to support industries that ultimately contribute to the wealth of our great nation. According to recent figures from the ABS state accounts 2011, released last November, if Western Australia were a country in its own right, it would be the third richest in the world based on GDP per capita. The Western Australian Department of Treasury and Finance estimates that in 2009-10:

... the Commonwealth derived $39.7 billion from Western Australia, while expenditure for the benefit of the State (less the State's share of the deficit) totalled only $26 billion, a difference of $13.7 billion.

The complex methodology used to calculate the share of GST for each state is reviewed by the Commonwealth Grants Commission every few years and updates are provided each year to include the latest demographic, economic and social data. This means that the GST revenue for states changes from year to year. This creates an enormous amount of uncertainty for state governments.

A cut in GST revenue invariably leads to a cut in infrastructure investment. It is this investment, particularly in the resources sector, that the nation relies upon to deliver economic certainty to Australia as a nation, at a time when the world's leading economies continue to be fragile due to the ongoing impact of the global financial crisis. The variable nature and current uncertainty of the GST distribution due to changes in the distribution formula can cause significant fluctuations in potential distribution amounts to a respective state or territory and can have a major impact on their budgets and forward planning.

This is one of the reasons that the Premier of Western Australia, Colin Barnett, welcomed the current review into federal-state funding arrangements. Premier Barnett has recommended several changes to the current system to ensure greater transparency and to give the states renewed confidence in the equalisation process. The primary recommendation is that a 75 per cent floor be applied under any state's GST relativity—that is, a state's relativity cannot drop below 75 per cent of its population share. You can see what an important reform this would be for Western Australia, with GST revenue projections indicating a drop to 33 per cent by 2014-15. The financial impact of this change alone would result in an estimated $1.8 billion increase to Western Australia's GST grants in 2013-14 and an estimated $2.5 billion in 2014-15.

In announcing the review of GST distribution, the federal government has acknowledged the need for change and the need to provide the incentive for more reform. The distribution arrangements have the potential to be fairer, to be simplified and to provide more certainty to the states. We need a formula that rewards best performance and embraces the principles and concepts of competition and productivity. This is the only way to deliver the national economic and social outcomes required for us to continue to prosper as a nation.

**Mining**

Senator RHIANNON (New South Wales) (19:17): A David versus Goliath battle continues in New South Wales's largest coal region, the Hunter Valley, between local farmers, environment groups and residents and their formidable opponent, King Coal. Goliath is spending billions of dollars to dig up hundreds of millions of
tonnes of coal and send it overseas. David is struggling to cope with the consequences and wondering what is in it for local communities. The scarred lunar landscape that is the immediate visual legacy of open-cut coal mining in the Hunter is a stark reminder of the ongoing damage being inflicted on this fertile river valley for the burgeoning coal export industry. The damage is magnified when you consider the dangerous contribution that this export coal, when burnt, adds to the earth's atmosphere as carbon pollution.

The community campaign linking the runaway expansion of the coal industry in the Hunter Valley over the past decade with the ever expanding Newcastle Harbour coal export terminals, with climate change, and with the regional environmental impacts on the land, water and rivers and on human health, is reaching a critical stage. But state and federal governments are driving continued investment in coal mines, coal ports and coal-fired power, to their shame, at a time when we know governments should be leading the transition to renewable energy with public investment in renewable energy, energy efficiency and green manufacturing creating new jobs growth and a more sustainable economy.

There is no doubting that there is big money in it for Australia. Australia's resource and energy commodity export earnings are forecast to reach a record $206 billion this financial year, according to the Bureau of Resources and Energy Economics. But the big players here are multinational companies taking their profits offshore. We know the mining jobs figures have always been overstated and have largely plateaued. People are asking where this voracious mining and the damage it leaves in its wake will leave them in 10 or 20 years time.

This time will be remembered by future generations as the death throes of the fossil fuel era. There are dozens of new coal projects on the NSW government's books, and much of the millions of tonnes of new coal will be exported through the coal ports of Newcastle Harbour. The rail infrastructure being built to move this coal, with projects in excess of half a billion dollars, is being heavily subsidised by the federal government. There is never enough money in the budget for passenger or freight rail, but money can always be found for coal rail lines. This government has a long way to go to redress the imbalance they inherited in infrastructure spending on roads compared with rail. The Labor government is doing a bit better than the coalition government did but, in the last budget, road building funding still outstripped rail funding five to one. We have the situation in NSW where the only rail lines being built are for coal trucks to move the coal to export terminals.

The giant Kooragang Coal Terminal at Newcastle Harbour is currently undergoing its fourth major expansion. Known as the T4, the new coal loader will increase the port's capacity by up to 120 million tonnes per annum, including rail upgrades, massive new stockpile areas, a new ship berth and the dredging of 300 metres of the river to a depth of 15 metres to create another navigation channel. All this means more air pollution for locals and rail lines clogged with coal trains.

Port Waratah Coal Services operate two of Newcastle's three existing terminals. Backed by Rio Tinto, Xstrata and other coal companies, they won the rights to build the T4 terminal in Newcastle Harbour, at a stated cost of $5 billion, bumping out local developer Nathan Tinkler's plans for a coal loader at Mayfield. Tinkler's push to be an even bigger coal baron made a convincing case for the unsuitability of the expansion of Newcastle Port. He argues that it would compound Newcastle's infrastructure...
problems. Coal being railed through Hunter towns and the suburbs of Newcastle means coal will forever be railed through the middle of Newcastle suburbs and the townships of the Hunter Valley. Fifty-eight submissions were made to the New South Wales Department of Planning objecting to the proposal, many highlighting the serious climate change impacts of the expansion.

During the break I spent two days travelling in the Hunter with New South Wales Greens MP Jeremy Buckingham to meet with locals who are deeply troubled by coal mine expansion in their area. We started our visit at Rosedale farmstead, home of beef farmer Wendy Bowman. This stunning property, nestled on the alluvial river flats of the Glennies Creek, was the site of a significant win against the mining giant Yancoal, owned by Yankuang Group Corporation Ltd. This Chinese government owned company met its match when it came up against Wendy, who has been fighting to protect Hunter farms from mining companies for more than 20 years. I congratulate Wendy enormously for her achievements. She had been a leader of many communities and has brought great insight into how to conduct this work.

The New South Wales Planning Assessment Commission, after hearing solid evidence from locals on the health and water impacts of the mine, knocked back the company's application. But, sadly, the push to expand Ashton coal mine adjacent to this Hunter tributary has still had a detrimental impact. We drove past empty farmhouses on land bought up by the mine owner when we turned off the New England Highway on our way to Rosedale.

Deirdre Olofsson, another local who also can take much of the credit for this win, showed us around the Camberwell village, where her family has lived for years, after previously running a dairy. Like many people I spoke to, Deirdre had a story about mining company representatives heavying the locals. This story is particularly ugly. Employees of Felix, the previous owner of Ashton mine, came into the family home and pressured Deidre's elderly parents about comments they had made on the mine.

I met Deirdre, an electrician employed at Liddell Power Station, a few years back, when she was campaigning to stop the Ashton coal mine expansion plan to move onto the Camberwell Common. In a dubious deal, former New South Wales Labor minister Tony Kelly handed Felix Resources control over much of Camberwell Common. I asked questions and spoke on this issue when I was in the New South Wales parliament. The win that has just been achieved in stopping the latest plans of Ashton mine to expand hopefully opens the door to having that bad decision over turned.

Warkworth and Ravensworth villages have also been decimated by mining. A sad sight is the decaying community halls. Wendy described how these places were once a hub of activity, with birthday parties, children's Christmas pageants and community meetings. At the Ravensworth Hall now, the windows are smashed and the corrugated tin is banging in the wind. We also visited Bulga, where residents are working hard to ensure that their delightful village does not go the way of these other villages. We gathered at the Bulga Memorial Park with about 20 locals. They put a very clear case about why the mine should not go ahead. They described the unacceptable levels of noise and dust.

Despite the company and the New South Wales government entering into a 2003 deed of agreement to retain Saddleback Ridge, on the outskirts of Bulga, partly as a barrier to mining noise and as a biodiversity offset, the
mine owner, Rio Tinto, is expecting to be allowed to mine and remove the ridge. The noise and dust impact will be extreme, as the mine could come as close as within 2.6 kilometres of the town—another very good reason why it should not proceed. A frequent comment Bulga residents made to me was how frustrated they are with the New South Wales government. A common complaint was that compliance officers comply with what the mines want and do not represent the interests of locals.

I met Charlie Shearer that day. His family have been farming for 110 years. He and his neighbour Bruce have been working this area, and they described how their horses and their dairy cattle have been experiencing more eye cancers. Local vets have identified that this is associated with the high dust levels associated with open-cut mines. Water impacts also concern them enormously. I also had a chance to have a good talk with Ian Moore, who is fighting to stop drilling on his farm. Ian is legally blind, and I congratulate him enormously on the work he is doing and the leadership he is giving to coal communities in this area.

It is time that governments at the federal and state level came to their senses and did not allow the expansion of the coal industry, which is driving such enormous local destruction of the environment of local communities. When this coal is exported overseas, we are exporting tonnes of carbon dioxide and driving dangerous climate change to more worrying levels.

**Manufacturing**

**Senator PRATT** (Western Australia) (19:27): This evening and this week we have been having a debate about the future of manufacturing in this nation. This future is critical for a strong future for all Australians. The Gillard government wants to make sure that jobs and growth happen in the manufacturing sector and in many other industries that are affected by, or flow on from, manufacturing. For example, manufacturing is an important part of the resources boom in Western Australia. It is vitally important for skills and our supply chain. Having a strong manufacturing sector also means that we, as a nation, are worldwide leaders in innovation in technology and business. It means jobs for Australians and it means a future for our kids.

But, sadly, we are currently seeing job losses in key parts of the manufacturing sector—as in recent weeks in GM Holden. You might not think that the job losses and the future of the car industry would be relevant to my home state of Western Australia as we do not have any full car manufacturing plants. However there are, in fact, more than 2,000 people employed in Western Australia directly in automotive and parts manufacturing in our state. So the future of the manufacturing sector is a matter for all Australians. We are also seeing job losses in local fabrication in states like WA as jobs go offshore.

I am very proud to say that, in contrast to the Liberal Party, the Gillard government and Labor are actively supporting this important part of the economy—and the jobs on which so many people and their families depend. Mr Abbott has been appalling in his lack of support for the car industry; the Liberal Party need to lift their game on this front. Similarly, Colin Barnett told the 'WA Jobs from WA Resources' rally last year that WA was not in a resources boom. I think that demonstrates how out of touch he has been on some of these issues. The truth is that Western Australia is in the middle of a resources and construction boom worth an estimated $150 billion to $200 billion. These projects are currently under construction or they are in the pipeline. We are fortunate that
this creates jobs and opportunities around our state.

What Mr Barnett and Mr Abbott must recognise is that many Western Australians are missing out on the benefits of this boom. Why is this so? Because our major resource companies are increasingly performing engineering, fabrication and other skilled work offshore meaning much of the capital investment value of the projects is flowing through other economies at the expense of our own. In fact the state agreement act signed by the WA government for the port of Oakajee specifically encourages the use of Chinese steel fabrication and rail cars. There is no mention of Australian steel or Australian rail cars in the agreement. This is an outrage and a very serious issue. I have been following this issue for some time and it is clear that we should not be putting forward government money into infrastructure that privileges the content of other countries over our own.

While there is an increasing gap between those benefiting from the resources and construction boom and those missing out on the benefits there is also concern about what happens once these massive projects are built. Resource projects when complete do not require as many workers to operate them as in the design and construction stage. These construction jobs by their very nature are short term. They will be gone when the projects are built. If we have allowed our engineering, fabrication and other skilled industries to shift offshore during the resources construction boom, what will our children do when this boom is over? And what will we do when all our non-renewable resources start running out?

Our natural resources belong to all Australians. We can only use them once and we should not be letting big resources companies use them unless Australians get a fair return and local opportunities. That is what other countries insist on. It is why the minerals resource rent tax is important—so that we can invest in our future. It is also why embedding skilled manufacturing jobs into our resource boom is really important.

The legacy from this resources boom should be a highly trained and highly skilled workforce that can provide engineering, design, fabrication and manufacturing services to resource projects all around the world. We should work together to create new industries and new jobs in WA and, indeed, for all Australians. Importantly, WA's manufacturing sector is a training ground for so many of the skills that our growing economy needs. The success of WA's manufacturing sector will be a vital part of fully realising the potential of the many resources projects underway in Western Australia.

We should not be relying on people coming in on 457 visas in order for these resource projects to succeed while Western Australians miss out. The simple fact is that we do not have enough apprentices coming through. Manufacturing has a key role to play in training the people we need for jobs now and into the future. Much of the mining industry simply is not pulling its weight as far as training and apprenticeships are concerned. The mining sector simply needs to and can do much more as far as training and providing apprenticeships and pathways into other professions. It is not just Western Australians, there are thousands of others whose jobs are under threat around the nation because of the high dollar and its impact on our manufacturing sector.

The simple fact is that our big resource projects are not training enough people; they are poaching skilled workers from our manufacturing sector. This has big ramifications for the state of WA. Skills shortages
like these drive up wages. That is terrific for many people but it further impacts on our competitiveness. It also means that people in other parts of the economy, who are not paid as well, are getting left behind. These are people like community service workers who simply cannot afford the rent in communities like Karratha and Port Hedland and as a result community services for everybody suffer. We need our manufacturing business to train people and maintain a strong and well-balanced economy.

WA’s fabrication and mining transport manufacturing are training grounds for many of the skills that our mega projects need in WA. We have skills shortages in WA but some regions have massively high unemployment and people are without the skills they need to make the most of these opportunities. Skills shortages present a grave threat to the cost base and viability of some of these massive projects. A good example is WA’s gas pipeline industry which trains highly skilled welders and boiler makers. No sooner has a pipeline company trained an apprentice than they are offered twice the pay to work elsewhere. So it is not just the high dollar that is impacting these industries; it is also competition for skills. But these are skills our economy desperately needs and we need manufacturing to be viable so that the training our nation needs gets done.

The Gillard government takes seriously the capacity of local firms to make the most of the opportunities presented by the resource boom so that we can develop our manufacturing base. This takes work. For example, we need to work with local fabricators to target contracts in the WA resources sector. It is detailed capacity-building with our local industry. It is about ensuring that Australian companies can compete effectively for work in these major resource projects. This means practical requirements like ensuring tenders are done according to Australian standards.

There is growing evidence that many of our big resources projects are locking out Australian fabricators by stipulating that their fabricated steel must be supplied to Chinese specifications in their tender documents. This was reported in the *Australian* recently. When this happens, it effectively means Australians firms cannot tender for the work as it is not financially viable for their workshops to produce in both Australian and Chinese specifications.

I will not have time to finish my remarks about all the things that the Gillard government is doing to address these issues. We have appointed Dennis O’Neil as our Steel Supplier Advocate and he has been working with Western Australian fabricators and resource companies. We have been discussing the need for joint venture models to enhance capability and capacity of fabricators to better target contracts in the resources sector in Western Australia and nationally.

Finally, the growth that WA is experiencing should not mean digging up our future and selling it off overseas. We can only use these resources once and they should leave a positive legacy for all Australians. It is about our kids having jobs while resources projects are being built and providing opportunities for the future. *(Time expired)*

**Senate adjourned at 19:37**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

*[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]*
Australian Participants in British Nuclear Tests (Treatment) Act—Instrument No. R8/2012—

Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Act—
Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Determination 2012 (No. 1) [F2012L00185].

Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Determination 2012 (No. 2) [F2012L00186].


Civil Aviation Act—Civil Aviation Regulations—
Civil Aviation Order 40.1.0 Amendment Instrument 2012 (No. 1) [F2012L00174].

Civil Aviation Order 100.5 Amendment Instrument 2012 (No. 1) [F2012L00171].

Civil Aviation Order 100.5 Amendment Instrument 2012 (No. 2) [F2012L00175].


Customs Act—
Tariff Concession Orders—
1113719 [F2012L00160].
1118390 [F2012L00198].
1118576 [F2012L00162].
1120060 [F2012L00159].
1124302 [F2012L00163].
1125309 [F2012L00178].
1125316 [F2012L00182].
1125804 [F2012L00165].
1125805 [F2012L00183].
1125851 [F2012L00180].
1126039 [F2012L00187].
1126094 [F2012L00179].

1126223 [F2012L00200].
1126225 [F2012L00199].
1126563 [F2012L00177].
1126704 [F2012L00184].
1127156 [F2012L00188].
1127158 [F2012L00192].

Tariff Concession Revocation Instruments—
171/2011 [F2012L00195].
8/2012 [F2012L00168].
9/2012 [F2012L00173].
21/2012 [F2012L00169].
22/2012 [F2012L00176].
23/2012 [F2012L00166].
24/2012 [F2012L00167].

Environment Protection and Biodiversity Conservation Act—Amendment of list of exempt native specimens—EPBC303DC/SFS/2012/05 [F2012L0193].

Health Insurance Act—Health Insurance (Allied Health Services) Amendment Determination 2012 (No. 1) [F2012L00172].

Lands Acquisition Act—Statement describing property acquired by agreement for specified public purposes under section 125.

Social Security Act—
Social Security (Australian Government Disaster Recovery Payment) Determination 2012 (No. 1) [F2012L00190].

Social Security (Australian Government Disaster Recovery Payment) Determination 2012 (No. 1) [F2012L00191].


Departmental and Agency Appointments

The following document was tabled pursuant to the order of the Senate of 24 June 2008, as amended:

Departmental and agency appointments and vacancies—Additional estimates—Letter of
advice—Regional Australia, Local Government, Arts and Sport portfolio.

**Departmental and Agency Grants**

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency grants—Additional estimates—Letters of advice—

Health and Ageing portfolio.

Regional Australia, Local Government, Arts and Sport portfolio.

Sustainability, Environment, Water, Population and Communities portfolio.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Australian Human Rights Commission
(Question No. 1303)

Senator Abetz  Asked the Minister representing the Attorney-General, upon notice, on 31 October 2011:

(1) What is the cost of 'social marketing services' for the Australian Human Rights Commission (AHRC).

(2) Has the AHRC engaged Digital Eskimo for the provision of these services; if so: (a) at what cost; and (b) what services did Digital Eskimo provide.

(3) Can details be provided of all social marketing campaigns that the AHRC has or is intending to run in 2011.

Senator Ludwig: The Attorney-General has provided the following answer to the honourable senator's question:

*All financial figures are GST inclusive.

(1) The cost of social marketing services for the Australian Human Rights Commission in 2011 is $158,031.20. This is comprised of 3 projects:

- $1,100: Advertising through Facebook and Google for 'Human Rights 2011' public event;
- $126,259.20: Development of Human Rights Web portal; and
- $30,672: Development of social marketing tools to address cyber-bullying.

(2) Digital Eskimo have been engaged as consultants by the Commission for the development of a human rights web portal.

(a) The consultants were engaged for two phases of the project. For phase 1, they were engaged for $43,992.20 following a select tender process. For phase 2, they were engaged for $82,627 following an open tender process.

(b) The services contracted included social marketing services, but were not exclusively focused on this.

Phase 1 of the project involved:

- conducting research (including through focus groups) to test and determine:
  - the most effective audience(s) for a web-based social media platform aimed at building understanding and respect for human rights
  - the most appropriate human rights issues or content for engaging with the target audience(s)
  - the best ways of messaging and communicating issues
- providing the Commission with a written report of insights arising from conducting the research
- providing the Commission with a communications strategy for reaching the target audience(s), including:
  - detailed explanation of at least three concepts—i.e. ideas for building understanding and respect for rights for the target audience(s)
  - any suggested web-based social media prototypes that should be explored by the Commission
Phase 2 of the project involves digital communications services to build the websites and other online tools to communicate information about human rights. The resulting websites: www.somethingincommon.gov.au and www.tellmesomethingidon'tknow.gov.au are scheduled to be launched by the Commission on 9 December 2011.

(3) In addition to the human rights web portal project, the Commission is currently engaged in a project to develop social marketing tools to address cyber-bullying among 12-14 year olds.

The Commission has engaged Edith Cowan University's (ECU) Child Health Promotion Research Centre. ECU has subcontracted Primary Communication, a social marketing company, to develop communication elements of the project.

Phase 1 of the project was completed in October 2011. It involved:

• conducting research to identify, and then report on, effective strategies for the target group to take positive bystander action when they witness cyber-bullying, including identification of the most effective messages for communicating bystander strategies and how to disseminate these through online and social marketing platforms

• provide recommendations to the Commission on a social marketing campaign that encourages young people to take safe and effective action when they witness cyber-bullying.

Phase 2 of the project will last until mid-2012 and involves developing the social marketing tools and campaign, including prototypes and strategies for launch in 2012.

Carbon Pricing
(Question No. 1306)

Senator Abetz asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice on 31 October 2011:

In regard to the Carbon Price Implementation Team (the team) established on 4 July 2011:

(1) What is the mission and what are the duties of the team.

(2) Who authorised the establishment of the team.

(3) What are the duties of each staff member in the team.

(4) Do any members of the team have direct contact with the department.

(5) Do any members of the team have direct contact with journalists.

(6) What media monitoring services are provided to the team.

(7) What is the cost of media monitoring for the team.

(8) When is the team expected to conclude its work.

(9) Have any members of the team made contact with any senator and/or member or their staff to discuss issues around the implementation of a Carbon Price; if so, can details be provided including the name of the senator or member, date and the context of the contact.

(10) Have any members of the team had meetings with the Australian Greens, senators, members or their staff; if so, can details be provided including the name of the senator or member, date and the context of the meeting.

(11) Have any of the Australian Greens, senators, members or their staff sought advice, talking points or information from the team; if so, can details of the request be provided, including if the request was met and what information was provided.
Senator Wong: The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

The Government has established a Carbon Price Implementation Team to provide information in support of the implementation of the carbon price.

In January 1999, the then Liberal Treasurer Peter Costello established a Tax Reform Legislative Unit to coordinate issues for Ministerial offices over the GST. The Carbon Price Implementation Team is similar to this unit.

The core functions of the team have been to support government Members and Senators in providing factual and accurate information to their constituents and correcting misinformation that is on the public record, and coordinating events relating to the Government's Clean Energy Future package among Ministerial offices.

**Defence Science and Technology Organisation**

(Question No. 1307)

Senator Abetz asked the Minister representing the Minister for Defence, upon notice, on 31 October 2011:

(1) Has the departmental Secretary received a letter from Mr A A Nikolic, dated 19 September 2011, in relation to expanding the capacity of the Defence Science and Technology Organisation ration facility at Scottsdale in Tasmania; if so:

(a) is the department giving serious consideration to the proposal; and
(b) what will be the potential employment prospects of such a proposal.

(2) Does the department believe that the demand for food ration packs will increase.

(3) Which other Australian facilities have the capacity of the Scottsdale facility.

(4) Where is the closest offshore facility capable of providing similar food ration packs as provided in Scottsdale, and what is its production capacity.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) Yes.

Yes, Defence has given serious consideration to the proposal. The Defence Science and Technology Organisation (DSTO) has consulted with AusAID regarding a similar proposal put forward by former Liberal Senator for Tasmania Guy Barnett. Based on the outcomes of the discussions with AusAID, DSTO currently has no plans to expand the capacity of DSTO Scottsdale to become a manufacturer and supplier of food aid products.

(b) Defence is unable to provide information on the potential employment prospects of such a proposal due to the multiple factors involved, including the potential demand for food aid products produced by DSTO Scottsdale and the possible impact upon local and international suppliers of food aid if DSTO Scottsdale were to produce food aid products. Any decision to increase the manufacturing capacity of DSTO Scottsdale will need to ensure that there is no impact upon DSTO Scottsdale's support to the Australian Defence Force.

(2) Defence does not believe the demand for military food ration packs as humanitarian aid will increase. The United Nations World Food Programme, Australia's key partner in food aid, has advised AusAID that military ration packs would not meet the nutritional requirements of its target groups, such as infants, children and pregnant women. Defence is unable to predict whether the demand for food ration packs more generally will increase as there are too many factors involved.
(3) DSTO's highly specialised capability for producing freeze dried meals to the ADF’s standards and numbers for its combat rations packs is unique in Australia.

(4) The New Zealand company Back Country Foods Ltd is a commercial producer of freeze dried meals. Unlike the products produced by DSTO Scottsdale, their meals are not produced to meet the higher performance requirements of the ADF. The production capacity of Back Country Foods Ltd is not known to DSTO.

Pontville Detention Centre
(Question No. 1312)

Senator Abetz asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 31 October 2011:

In regard to the temporary Pontville Detention Centre:
(1) What due diligence was undertaken for the letting of tenders at the centre.
(2) By whom was the due diligence undertaken.
(3) Did the due diligence include: (a) credit checks; (b) Australian Taxation Office debts; and (c) Occupational Health and Safety.
(4) Was the person who undertook the due diligence normally based in Tasmania; if not, where is the person usually based.

Senator Carr: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) DIAC engaged Bush Park Shugg and Moon (BPSM) from the Department's Architectural Services panel which is competitively tested through a tender exercise.

The due diligence undertaken by BPSM, the Superintendent, for the Pontville project included:
- Providing tendering services,
- Conducting technical, financial and capacity assessment against the scope of work and methodology,
- Providing pricing assessment measured against the quantity surveyor report,
- Evaluating tendering and preparation of a tender report to DIAC,
- Providing recommendations to DIAC in regard to suitably qualified contractors and service providers, and
- Engaging and managing all sub-contracted consultants.

DIAC's due diligence process included:
- liaison with the Superintendent,
- Consultation with DIAC's legal team,
- External legal advice on the drafting of contracts with successful tenders,
- Risk assessments which included the analysis of minimising DIAC to liabilities involving contractors, and
- Financial advice and procurement of tenders.

(2) The due diligence was undertaken by BPSM, Davis Langdon (Quantity Surveyor) and DIAC Project Officers.

(3) (a) Yes. Fairbrother, as the managing contractor, required a Certificate of Currency. A credit check was not required for the sub contractor packages as they were contracted to Fairbrother and not DIAC. (b) No. (c) Fairbrother, as the managing contractor, is accredited under the Australian
Government Building and Construction OHS Accreditation Scheme (the Scheme). This complies with the Office of the Federal Safety Commissioner requirement that projects directly funded by the Australian Government, with a value over $3 Million, are accredited under the Scheme.

(4) All assessors are Hobart based with the exception of the DIAC Project officers – who are Canberra based.

**Asian Honey Bee**  
(Question No. 1313)

Senator Milne asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 31 October 2011:

1. Can a copy be provided of the latest data on the distribution of the Asian honey bee in Australia and, in particular, as a direct result of the 2007 incursion in Cairns.
2. Can a copy be provided of the evidence (including data) that supports the view that the Asian honey bee cannot be eradicated.
3. What Government expenditure has been incurred to date for the current field season in containment of the Asian honey bee.
4. Can a copy be provided of the data collected during the 2011 field season for the Asian honey bee, which has bearing on its eradicability.
5. Does the Commonwealth Scientific and Industrial Research Organisation still hold the view that there is insufficient evidence to conclude that the Asian honey bee is ineradicable.
6. What relevant in-house expertise does the department have in relation to assessing the Asian honey bee incursion.
7. What advice has the department received on the spread of the Asian honey bee and the impact it will have on:  
   a. incidental pollination services;
   b. paid pollination services; and
   c. Australian biodiversity.
8. What measures has the department advised will be required to avoid or reduce these expected impacts.
9. How much funding from the $2 million allocated by the Government for the Asian honey bee will be allocated for the functioning of the Scientific Advisory Group.
10. What funding has been allocated to support any urgent research that might be identified by the Scientific Advisory Group.

Senator Ludwig: The answer to the honourable senator’s questions is as follows:

1. Please refer to the map at Attachment 1 (available from the Senate Table Office).
2. Please refer to Attachment F (available from the Senate Table Office) of the response to questions taken on notice on 31 March 2011 at the Senate Rural Affairs and Transport References Committee—Inquiry into the science underpinning the inability to eradicate the Asian honey bee (AHB).
3. The Australian Government is providing $2 000 000 from July 2011 to June 2013 for a Transition to Management Program for AHB.
4. No new data has come to hand during the current field season that may have a bearing on the technical feasibility of successful eradication of AHB.
(5) The Department of Agriculture, Fisheries and Forestry is not able to comment on the views of CSIRO.

(6) The department has the following relevant expertise: Dr Glynn Maynard who has a PhD in entomology on bees with approximately 16 years working on bee issues within the department and Dr Iain East is an epidemiologist with approximately 9 years working on bee issues within the department. In addition the department uses the resources of the Australian Bureau of Agriculture and Resource Economics and Sciences (ABARES) as required, and draws on extensive experience from within the Animal and Plant Divisions for the management of emergency pest and disease incursions.

(7) The department has continued to work with pollination reliant industries, pollination providers and researchers through the Rural Industries Research and Development Corporation and Horticulture Australia Limited to secure advice on the impact of the AHB on future pollination services.

The impact that AHB spread may have on incidental pollination services currently is unknown.

In the short-term, it is possible that paid pollination services may benefit from any service increases. Longer term impacts remain unknown.

Currently the impact on Australian Biodiversity is unclear. The Sustineo report on AHB states that "There is very little (if any) published evidence of the environmental impact of Apis cerana".

(8) One of the projects in the Transition to Management Program for the AHB will develop environmentally friendly AHB suppression methods for use in areas deemed ecologically significant and at threat from AHB infestation.

(9) The plan for the transitional funding has been published on Plant Health Australia's website at http://asianhoneybee.net.au/.

(10) Please refer to the answer to Question 9.

Resources and Energy
(Question No. 1315)

Senator Milne asked the Minister representing the Minister for Resources and Energy, upon notice, on 31 October 2011:

In regard to the statutory capped effective life for various categories of oil and gas assets established in section 40-102(5) of the Income Tax Assessment Act 1997:

(1) Has the department conducted, or is it aware of, any cost-benefit analysis for these tax breaks.

(2) Given the current high resource prices, does the department have any evidence that these tax breaks are needed to attract investment in the oil and gas sector.

(3) Are beneficiaries of these tax breaks required to meet any social or environmental criteria or otherwise provide any specific benefit to the taxpayer or the Australian community in return for getting the tax break.

Senator Sherry: The Minister for Resources and Energy has provided the following answer to the honourable senator's question:

(1) The Department has not conducted, nor is it aware of, any cost-benefit analysis regarding the capped effective life for various categories of assets established by section 40-102(5) of the Income Tax Assessment Act 1997 (the Effective Life Provisions).

(2) The Department has not undertaken any work as to the effect of the Effective Life Provisions on investment decisions in the oil and gas sector.

(3) The Department is not aware of any requirement to meet social or environmental criteria or otherwise provide any specific benefit to the taxpayer or the Australian community in order for a taxpayer to apply the Effective Life Provisions in respect of their income tax obligations. That said, in
2009-10 the petroleum industry in Australia paid $1.18 billion in petroleum resource rent tax to the Australian community, which was in addition to the $3.98 billion in company and other taxes and $1.92 billion in excise and royalty charges (APPEA 2011).

In relation to environmental management, no operators may undertake petroleum operations in Australian waters without the appropriate operational and environmental approvals in place. Australia’s offshore petroleum regulatory regime places the onus on the operator to demonstrate to regulators that all exploration for, and extraction of, petroleum resources are undertaken in a safe and environmentally responsible manner. All petroleum exploration and development activities in Australian waters are subject to the stringent environmental standards and reporting requirements set out in the legislation and associated regulations, including the Offshore Petroleum and Greenhouse Gas Storage Act 2006 and the Environment Protection and Biodiversity Conservation Act 1999.

**Immigration**

(Question No. 1318)

**Senator Bob Brown** asked the Minister representing the Prime Minister, upon notice, on 1 November 2011:

(1) Has the Minister or their office had any communication or role whatsoever in the process leading to Senator Crossin’s questions to the Ombudsman relating to his office and/or immigration matters; if so, when and can details of the communication be provided.

(2) Has the Minister or their office had any role in, or knowledge of, information given to any journalist or other person regarding communications between the Ombudsman and any member of parliament before the Legal and Constitutional Affairs References Committee released the Ombudsman’s response to questions from Senator Crossin and/or its consideration of the matter.

**Senator Chris Evans:** The Prime Minister has provided the following answer to the honourable senator’s question:

(1) The disclosure of specific communications between members, senators and their offices relating to parliamentary business or other matters could tend to diminish the capacity of members and senators to properly undertake their parliamentary duties.

(2) No.

**Immigration**

(Question No. 1319)

**Senator Bob Brown** asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 1 November 2011:

(1) Has the Minister or their office had any communication or role whatsoever in the process leading to Senator Crossin’s questions to the Ombudsman relating to his office and/or immigration matters; if so, when and can details of the communication be provided.

(2) Has the Minister or their office had any role in, or knowledge of, information given to any journalist or other person regarding communications between the Ombudsman and any member of parliament before the Legal and Constitutional Affairs References Committee released the Ombudsman’s response to questions from Senator Crossin and/or its consideration of the matter.

**Senator Carr:** The Minister for Immigration and Citizenship has provided the following answer to the honourable senator’s question:
(1) The disclosure of specific communications between members, senators and their offices relating to parliamentary business or other matters could tend to diminish the capacity of Members and Senators to properly undertake their parliamentary duties.

(2) No.

**Immigration**

(Question No 1320)

Senator Bob Brown asked the Minister representing the Minister for Public Service and Integrity, upon notice, on 1 November 2011:

(1) Has the Minister or their office had any communication or role whatsoever in the process leading to Senator Crossin’s questions to the Ombudsman relating to his office and/or immigration matters; if so, when and can details of the communication be provided.

(2) Has the Minister or their office had any role in, or knowledge of, information given to any journalist or other person regarding communications between the Ombudsman and any member of parliament before the Legal and Constitutional Affairs References Committee released the Ombudsmans response to questions from Senator Crossin and/or its consideration of the matter.

Senator Wong: The Minister for Public Service and Integrity has provided the following answer to the honourable senator’s question:

(1) The disclosure of specific communications between members, senators and their offices relating to parliamentary business or other matters could tend to diminish the capacity of members and senators to properly undertake their parliamentary duties.

(2) No.

**Qantas**

(Question No. 1327)

Senator Abetz asked the Minister representing the Prime Minister, upon notice, on 1 November 2011:

In regard to the decision made by Qantas on 29 October 2011 to lock out its staff and ground its fleet:

(1) At what time was the Ministers office informed that Qantas intended on locking out staff from Monday and grounding the fleet.

(2) At what time was the Minister informed that Qantas intended on locking out staff from Monday and grounding the fleet.

(3) Was the message conveyed that Mr Alan Joyce was available to speak to in regards to the advice that was provided.

(4) At what time was advice requested from the department.

(5) At what time was advice received from the department.

(6) At what time was a teleconference with ministers convened.

(7) At what time did the teleconference with ministers take place and which ministers were involved.

(8) Were any other people who were not Ministers involved in the teleconference; if so, who.

(9) Which minister made the final decision for the Government to take action under section 424 of the Fair Work Act 2009 (the Act).

(10) At what time did the Minister intervene under section 424 of the Act.
(11) At what time was a brief: (a) prepared; and (b) provided to the lawyers representing the Government at Fair Work Australia.

(12) Was the Minister in receipt of any advice prior to 29 October 2011 that the Qantas dispute was having a damaging effect on any sectors of the Australian economy; if so, can details be provided, including who the advice was from and what was the advice.

(13) Was the Minister aware of any calls prior to 29 October 2011 for the Government to take action on the Qantas dispute; if so, can details be provided, including from whom the calls were made, the concern expressed and the Ministers action.

(14) Prior to 29 October 2011 and since May 2011, did the Minister or anyone in the Ministers office request information or prepare a note or briefing for the Minister on the use of sections 424 or 431 of the Act; if so, can details be provided including the date, who prepared the information and the reason for the request.

(15) Was the Minister aware that Qantas, under provisions of the Act, could take action to lock out their staff.

(16) Did the Minister have any concerns prior to 29 October 2011 that the ongoing Qantas dispute was having an impact on the Australian economy or sectors within it; if so, did the Minister take any action to deal with those concerns.

**Senator Chris Evans:** The Prime Minister has provided the following answer to the honourable senator's question:

(1) The government was advised around 2pm on Saturday 30th October that Qantas was grounding its fleet at 5pm in preparation for a lockout.

(2) See the response to question (1).

(3) Mr Joyce did not make a request to speak to me about these matters.

(4) The Department of the Prime Minister and Cabinet (PM&C) was not asked to provide advice prior to the announcement of the Government's intention to apply to Fair Work Australia (FWA) to terminate all industrial action at Qantas under section 424 of the Fair Work Act 2009 (FW Act).

(5) See the response to question (4).

(6) This issue has been addressed in public statements by the Minister for Infrastructure and Transport, and the Minister for Tertiary Education, Skills, Jobs and Workplace Relations.

(7) See the response to question (6).

(8) See the response to question (6).

(9) The Minister for Tertiary Education, Skills, Jobs and Workplace Relations made an urgent application to Fair Work Australia on 30 October 2011.

(10) See the transcript of the press conference held by Minister for Infrastructure and Transport on 29 October 2011 and the media release issued by the Minister for Tertiary Education, Skills, Jobs and Workplace Relations on 29 October 2011.

(11) PM&C did not brief the government's legal representation in the case before FWA. This question would be better directed to the Department of Education, Employment and Workplace Relations (DEEWR).

(12) The Prime Minister was regularly updated on the industrial action involving Qantas and its unions.

(13) The Prime Minister received a range of correspondence from constituents, industry groups, unions and State premiers expressing concern about the Qantas dispute prior to 29 October 2011. A number of these letters and emails called on the Government to take action with respect to the dispute. The Prime Minister considered these concerns but in general did not provide a formal response.
(14) See the responses to questions (4) and (16).

(15) The FW Act allows employers to take industrial action in response to industrial action by employees if it is bargaining with provided that the requirements of Part 3-3 of the FW Act are met.

(16) The Prime Minister expressed her concern about the Qantas dispute in media interviews prior to 29 October 2011. The Prime Minister was regularly updated about the dispute and maintained contact with relevant ministers.

**Defence: Projects**

(Question No. 1330)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Tactical Information Exchange Domain JP 2089, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**

(Question No. 1331)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Active Missile Decoy SEA 1229 Phase 1, 2 and 3, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1332)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Anzac Ships SEA 1348 Phase 2, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1333)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Anzac Ship Project-Underwater and Surface War Fighting Upgrade Program-SEA 1348 Phase 3, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

QUESTIONS ON NOTICE
Defence: Projects
(Question No. 1334)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Guided Missile Frigate Upgrade Implementation SEA 1390 Phase 2.1, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1335)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Standard Missile Replacement SEA 1390 Phase 4, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group’s core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Information No. 1336)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Nulka SEA 1397, can the following details be provided:
(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group’s core business.
Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**

(Question No. 1337)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Forward Looking Infra Red and Electronic Support Measures for S-70B-2 Helicopters SEA 1405, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;

(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;

(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;

(d) the date of the first pass approval;

(e) the date of the second pass approval;

(f) the date of initial materiel release when first proposed to Government;

(g) the current date of initial materiel release;

(h) the estimated acquisition cost when first proposed to Government;

(i) the amount spent to date on this project;

(j) the current estimated acquisition cost;

(k) the date of estimated initial operational capability when first proposed to Government;

(l) the current date of estimated initial operational capability; and

(m) the detailed reasons for the delay in this project, if applicable.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**

(Question No. 1338)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Evolved SEASPARROW SEA 1428, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;

(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;

(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group’s core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**

*(Question No. 1339)*

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Replacement Heavyweight Torpedo SEA 1429, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.
Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group’s core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**  
(Question No. 1340)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: COLLINS Class Replacement Combat System SEA 1439 Phase 4A, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group’s core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**  
(Question No. 1341)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Maritime Communications Modernisation SEA 1442, can the following details be provided:
(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects

(QUESTION No. 1342)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Armidale Class Patrol Boat Project SEA 1444, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**

(Question No. 1343)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: ANZAC Anti-Ship Missile Defence SEA 1448, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.
Defence: Projects  
(Question No. 1344)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Replacement of Afloat Support Capability SEA 1654, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects  
(Question No. 1345)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Air Warfare Destroyer SEA 4000, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects

(Question No. 1346)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Airborne Early Warning and Control Aircraft AIR 5077, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.
Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**  
(Question No. 1347)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: New Air Defence Command and Control Systems for Control Units 2 and 3 AIR 5333, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**  
(Question No. 1348)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Bridging Air Combat Capability AIR 5349 Phase 2, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1349)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Bridging Air Combat Capability AIR 5349 Phase 1, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.
**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

1. The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business. Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**  
(Question No. 1350)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: F/A-18 Hornet Upgrade AIR 5376, can the following details be provided:

- (a) the date that the project was first proposed to Government as a major capital equipment initiative;
- (b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
- (c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
- (d) the date of the first pass approval;
- (e) the date of the second pass approval;
- (f) the date of initial materiel release when first proposed to Government;
- (g) the current date of initial materiel release;
- (h) the estimated acquisition cost when first proposed to Government;
- (i) the amount spent to date on this project;
- (j) the current estimated acquisition cost;
- (k) the date of estimated initial operational capability when first proposed to Government;
- (l) the current date of estimated initial operational capability; and
- (m) the detailed reasons for the delay in this project, if applicable.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

1. The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business. Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**  
(Question No. 1351)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Air to Air Refuelling Capability AIR 5402, can the following details be provided:
(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1352)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Project Echidna Electronic Warfare Self Protection for ADF Aircraft AIR 5416, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

**Senator Chris Evans**: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**

(Question No. 1353)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Follow-on Stand off Weapon AIR 5418, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

**Senator Chris Evans**: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.
Defence: Projects
(Question No. 1354)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Joint Strike Fighter Aircraft AIR 6000, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1355)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Air 7000: Phases 1B and 2B AIR 7000, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(QUESTION No. 1356)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: C-17 Globemaster III AIR 8000, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.
Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**

(Question No. 1357)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Armed Reconnaissance Helicopter AIR 87, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**  
(Question No. 1358)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Multi Role Helicopter AIR 9000 Phase 2, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;

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(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1359)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: MH-60R Seahawk Romeo AIR 9000 Phase 8, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.
Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**

(Question No. 1360)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Airborne Surveillance for Land Operations JP 129, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**

(Question No. 1361)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Establishment of Special Operations Command JP 199, can the following details be provided:

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QUESTIONS ON NOTICE
(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Quuestion No. 1362)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Next Generation Satellite Communications System JP 2008 Phase 4, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**

 *(Question No. 1363)*

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Ultra High Frequency Satellite Communications JP 2008 Phase 5A, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group’s core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.
Defence: Projects
(Question No. 1364)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: ADF SATCOM Capability Terrestrial Upgrade JP 2008 Phase 3F, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1365)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Jindalee Operational Radar Network JP 2025, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group’s core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1366)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Joint Command Support Environment JP 2030 Phase 8, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.
Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**

(Question No. 1367)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: High Frequency Modernisation JP 2043, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Defence: Projects**

(Question No. 1368)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Amphibious Watercraft Replacement JP 2048 Phase 3, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;

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(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1369)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Amphibious Deployment and Sustainment JP 2048 Phase 4A/B, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.
Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1370)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Bulk Liquid Distribution JP 2059, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1371)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Geospatial Information Infrastructure and Services JP 2064 Phase 2, can the following details be provided:
(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1372)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Lightweight Torpedo Replacement Phase 3 JP 2070, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1373)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Lightweight Torpedo Replacement Phase 2 JP 2070, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.
Defence: Projects  
(Question No. 1374)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Battlespace Communications Systems (LAND) JP 2072, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects  
(Question No. 1375)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Logistics for the Warfighter JP 2077, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group’s core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1376)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: ADF Deployable Logistics Systems JP 2077 Phase 2B.2, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.
Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects

(Question No. 1377)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Mulwala Redevelopment Project JP 2086, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects

(Question No. 1378)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Air Defence Target System JP 66 Phase 1, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group's core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

Defence: Projects
(Question No. 1379)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 2 November 2011:

In regard to the major project: Establishment of Tactical Assault Group (East) JP 2088 Phase 1, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP) or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP or when it was first proposed to Government;
(d) the date of the first pass approval;
(e) the date of the second pass approval;
(f) the date of initial materiel release when first proposed to Government;
(g) the current date of initial materiel release;
(h) the estimated acquisition cost when first proposed to Government;
(i) the amount spent to date on this project;
(j) the current estimated acquisition cost;
(k) the date of estimated initial operational capability when first proposed to Government;
(l) the current date of estimated initial operational capability; and
(m) the detailed reasons for the delay in this project, if applicable.
**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

1. The information you are seeking will require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources from the Capability Development Group’s core business.

Publicly available documents such as the Public Defence Capability Plan, Portfolio Budget Statements and the Defence Annual Report provide some detail on the information being sought.

**Bureau of Meteorology**

(Question No. 1380)

**Senator Abetz** asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 2 November 2011:

1. Who is responsible for the artwork associated with the front cover of the 2010-11 annual report for the Bureau of Meteorology (BoM).

2. If it is a committee, can the names of all the members be provided.

3. Is the responsible representative/body presented with a choice for the cover of the BoM annual report; if so:
   - (a) on what basis is that choice made;
   - (b) under whose direction;
   - (c) when was the decision made; and
   - (d) was it made in consultation with any group outside government; if so, who.

4. Who makes the final choice for all artwork and, in particular, the choice of photography for the cover, for the BoM 2010-11 annual report and is it signed off by the Department of the Prime Minister and Cabinet, the Prime Minister, departmental Secretary/s, the agency head, and/or responsible ministers; if so, can details be provided; if not, who does make the final decision.

5. How much did: (a) the BoM 2010-11 annual report cost to publish; and (b) the photography used for the cover of the report, and throughout as chapter covers, cost in total.

6. Was the photographer commissioned by the department, Minister and/or BoM.

**Senator Conroy:** The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

1. Final responsibility for all text and graphics in the Bureau's Annual Report, including the front cover, rests with the Director of Meteorology as agency head.

2. Not applicable.

3. No. The Director of Meteorology is presented with a proposal for the design of the front cover of the Annual Report as part of his approval of the layout and design of the complete report; he may request adjusted or alternative designs at his discretion.

4. Final approval of the entire annual report including all graphics and cover design is given by the Director of Meteorology as the agency head.

5. (a) $25,080 ex GST. (b) $148.50. (6) No.
Fair Work Australia
(Question No. 1381)

Senator Abetz asked the Minister for Tertiary Education, Skills, Science and Research, upon notice, on 3 November 2011:

In regard to the Fair Work Act 2009 (the Act):

(1) In relation to section 677:
(a) how many orders/requests for attendance, evidence and documents have been issued;
(b) what has been the level of compliance; and
(c) can list be provided identifying the breakup orders issued under this section by the following categories, trade union official, employer official and other (identifying the categories of 'other').

(2) In relation to section 708, on how many occasions has the power of inspectors to enter premises under this provision been exercised.

Senator Chris Evans: The answer to the honourable senator's question is as follows:

(1) (a) Orders/requests for attendance are generally issued by Fair Work Australia on the application of a party to the matter during the course of proceedings. Fair Work Australia does not record in aggregate terms how many such orders/request for attendance are made. Other than by searching each application or matter lodged with Fair Work Australia to identify any requests and/or orders for attendance or documents, it is not possible to extract this information from the case management system.

(b) Fair Work Australia does not record in aggregate terms the level of compliance. Other than by searching each application or matter lodged with Fair Work Australia to identify any requests and/or orders for attendance or documents, it is not possible to extract this information from the case management system.

(c) Fair Work Australia does not record in aggregate terms the number of orders/request for attendance issued to trade union officials, employer officials or other. Other than by searching each application or matter lodged with Fair Work Australia to identify any requests and/or orders for attendance or documents, it is not possible to extract this information from the case management system.

(2) The majority of investigations conducted by the Fair Work Ombudsman are desk-based and are finalised by Fair Work Inspectors without visiting the workplace. Fair Work Inspectors sometimes enter premises when conducting investigations into suspected breaches of the Fair Work Act 2009. Usually this is an informal arrangement, rather than an exercise of powers under section 708 of the Fair Work Act 2009, that is agreed between the employer and the Fair Work Inspector in order to assist in resolving the complaint. In many cases of Fair Work Inspectors attending workplaces, this is at the request of the employer who may prefer to discuss the matter face to face.

Whilst not formally captured, it is estimated that Fair Work Inspectors attend workplaces in relation to approximately 20% to 30% of investigations. These site visits often allow a higher level of service by the Fair Work Inspector and provide an employer with an opportunity to put forward their view and relevant information concerning the complaint and their business. Some employers prefer this as they find it less time consuming and more helpful than over the phone.

In some instances, Fair Work Inspectors will view the work premises in order to help understand the work or a classification relevant to a complaint or they may wish to request or view records. In these instances, Fair Work Inspectors inform an employer of this and discuss options for meeting at a time convenient to both parties.
Site visits are also an important opportunity for Fair Work Inspectors to provide education and assistance to the employer. Whilst this is done over the phone, via email and post with many investigations, depending on the language, business type and preference of the employer, in some cases this is more helpful when done in person. Fair Work Inspectors provide information specific to the complaint and also general information for that business such as fact sheets, award information and other tools available for free on the Fair Work Ombudsman website.

**Defence: Program Funding**

(Question No. 1382)

_Senator Johnston_ asked the Minister representing the Minister for Defence, upon notice, on 3 November 2011:

With reference to the answer to question on notice no. 506 (Senate Hansard, 12 September 2011, p. 5822), and specifically the answer to paragraph (2) which states that $146.1 billion to fund the White Paper over the 21 years to 2029-30, was in the 2009-10 Budget:

1. Where exactly in the 2009-10 Budget papers does it say that the Government provided the department with additional funding of $146.1 billion to fund the Defence White Paper.
2. Can a table be provided that shows a year by year commitment from 2010-11 to 2029-30 to:
   a. fund the acquisitions outlined in the Defence White Paper; and
   b. increase in real growth funding, as a percentage, to fund the acquisitions outlined in the Defence White Paper.

_Senator Chris Evans:_ The Minister for Defence has provided the following answer to the honourable senator's question:

1. In the Portfolio Resource Statement on page 15 of the Portfolio Budget Statements 2009-10 it is stated that the Government has provided Defence with additional funding of $146.1 billion to fully fund the White Paper over 21 years to 2029-30.
2. (a) The additional $146.1 billion is the difference between in total funding provided between the previous funding model and the new funding model. The first 10 years of this funding (2009-10 to 2018-19) is shown on page 17 of the in the Portfolio Budget Statements 2009-10. (b) Information on the real growth that was applied as part of the new Defence funding model is shown on page 15 of the Portfolio Budget Statements 2009-10.

**Defence: Budget Audit Review**

(Question Nos 1383 to 1420)

_Senator Johnston_ asked the Minister representing the Minister for Defence, upon notice, on 3 November 2011:

With reference to the answers to Questions on Notice No's.794 – 831 (Senate Hansard, 22, 23, 24 August 2011 and 12 October 2011), can a clear and concise answer to this question be provided as a matter of urgency, given that the answer already provided does not enable effective scrutiny of the Department.

_Senator Chris Evans:_ The Minister for Defence has provided the following answer to the honourable senator's question:

The 2008 Defence Budget Audit (DBA) report was used to inform Defence of areas where reform could have a substantial impact. As previously advised, the DBA recommends the “performance gaps” identified by the benchmarking exercise be regarded only as a guide to potential opportunities for savings costs across the functions examined. The gap to average performance percentages described in sections 7.3 and 7.4 of the DBA draw attention to areas where reform can result in significant cost...
reductions. However, they are not and were never intended to be the performance targets from which Defence would use as part of a deep reform program.

Following the DBA, Defence undertook the diagnostic work recommended in the report. This led to the development of cost reduction targets identified in each of the streams of the Strategic Reform Program. These cost reduction targets are the targets agreed and approved by Government. Achievement against the cost reduction targets are published in respective Defence Annual Reports.

As Defence does not use the gap to average performance percentages described in the DBA as its performance target, measuring performance against these “performance gaps” is inappropriate.

**Immigration and Citizenship**

*(Question No. 1421)*

**Senator Cash** asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 4 November 2011:

1. For each of the following financial years: 2008-09, 2009-2010, 2010-11 and 2011 to date, what is the current average processing time for visa applications at each overseas post in relation to:

   a. the migration program;
   b. the skilled program;
   c. the family program; and
   d. the refugee/humanitarian program.

2. For each of the following financial years: 2008-09, 2009-2010, 2010-11 and 2011 to date, what is the current average processing time for onshore visa applications in relation to:

   a. the migration program;
   b. the skilled program;
   c. the family program; and
   d. the refugee/humanitarian program.

3. How many requests for labour agreements for semi-skilled occupations have been received in the 2010-11 financial year and the 2011-12 financial year to date, and of those requests:

   a. how many have been approved and how long did it take to approve each agreement; and
   b. how many individually do those agreements cover.

**Senator Ludwig:** The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

The following tables provide average processing times in days for the skilled, family and refugee/humanitarian programs. Offices which have only processed small numbers of applications (less than 10) are not shown, as the small volumes of cases are not representative for the purposes of calculating an average processing time.

1. (a) Migration program—overseas posts.

   Processing times for the migration program as a whole are not maintained and are not meaningful, due to the variations in requirements for the different components. Processing times for the migration program are covered by the answers to the subsequent parts of this question - parts (b) skilled, (c) family and (d) refugee/humanitarian.

   (b) Average processing time, in days, for Skilled applications by overseas post

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**QUESTIONS ON NOTICE**
From 2009/2010, Business Skills visa applications (in the Skill Stream) were only processed offshore in Taipei and Hong Kong. From February 2011, Hong Kong has been the only offshore post processing Business Skills visa applications (Skill Stream).

(c) Average processing time, in days, for Family applications, by overseas post.

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** less than 10 applications finalised.

(d) Average processing time, in days, for Humanitarian applications by overseas post.

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Notes:

** less than 10 applications finalised.

Victoria Offshore Humanitarian Processing Centre (OHPC) processes applications from people living in Afghanistan, Bahrain, Iran, Iraq, Jordan, Kuwait, Lebanon, Oman, Pakistan, Qatar, Saudi Arabia, Syria, Turkey, United Arab Emirates and Yemen.

NSW Offshore Humanitarian Processing Centre (OHPC) processes applications from people living in Africa.

(2) (a) Migration program—onshore.

Processing times for the migration program as a whole are not maintained and are not meaningful, due to the variations in requirements for the different components. Processing times for the migration program are covered by the answers to the subsequent parts of this question - parts (b) skilled, (c) family and (d) refugee/humanitarian.

(b) Average processing time, in days, for Skilled applications by onshore processing location
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Notes:
** less than 10 applications finalised.
Onshore processing includes applications lodged onshore and offshore.

(c) Average processing time, in days, for Family applications, by onshore processing location.

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Notes:
** less than 10 applications finalised.
# only a small number of Ministerial intervention cases processed.
Onshore processing includes applications lodged onshore and offshore.

(d) Average processing time, in days, for onshore Refugee applications.

Onshore refugee applications are applications for Protection Visas. Figures are shown separately for Irregular Maritime Arrivals (IMAs) as processing times for IMAs are calculated differently. They are calculated from the time of arrival, rather than from the time of visa application.
Wednesday, 8 February 2012

SENATE

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QUESTIONS ON NOTICE


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(3) Labour Agreements for semi-skilled occupations.

In the 2010-11 program year:

- the department received 64 requests for labour agreements for semi-skilled occupations, 24 of which have been approved, with a median negotiation period of six months.
- 231 semi-skilled workers were granted a visa under a labour agreement.

In the 2011-12 program year, to 31 October 2011:

- the department received 18 requests for labour agreements for semi-skilled occupations, two of which have been approved with a median negotiation period of two months.
- 295 semi-skilled workers were granted a visa under a labour agreement.

**Indigenous Health**

(Question No. 1423)

Senator Boyce asked the Minister representing the Minister for Health and Ageing, upon notice, on 4 November 2011:

In regard to the department's Portfolio Budget Statements 2011-2012 (Budget related paper no.1.10):

1. Given that the department is working with the Department of Education, Employment and Workplace Relations to evaluate the Council of Australian Governments' Indigenous Early Childhood Development National Partnership (IECD NP) (PBSs p. 249):
   - a) what resources has the department committed to this, including how many staff and what level;
   - b) what will be the total cost of the evaluation; and
   - c) how much will be borne by the department.

2. Given that the department will monitor the implementation of elements two and three of the IECD NP (PBSs p. 249):
   - a) what activities will the department undertake as part of monitoring implementation, and how many staff will be required and what level.
   - b) will the department make any additional financial contribution to the implementation of the IECD NP; and
   - c) what is the predicted cost for the department of monitoring the implementation of IECD NP.

3. Given that Program 8.1 (PBSs p. 251) is linked to:
   - the Department of Education, Employment and Workplace Relations – to establish at least 35 children and family centres for the delivery of integrated health and early childhood education services. (Program 1.3)
   - the Department of Innovation, Industry, Science and Research –for the Australian Institute of Aboriginal and Torres Strait Islander Studies (Outcome 1)
   - the Department of Human Services (Medicare Australia) to administer Indigenous access to the PBS, under the Delivery of Pharmaceutical Benefits and Services (Program 1.2),
can details be provided for each of these programs on:

(a) the number of departmental staff that work on these programs/projects, by level and amount of time on an annual basis (full-time or part thereof), and if these programs/projects have not yet commenced what is the anticipated staffing contribution;
(b) any financial contributions made by the department to these programs/projects;
(c) the total cost of the department's contribution to these programs/projects including in-kind contributions; and
(d) the nature of the department's involvement, for example, policy advice, provision of expertise.

(4) What portfolio agency programs does the department fund through a purchaser/provider arrangement in the 2011-12 financial year; and can details be provided for each program, including the program, agency and amount on a yearly basis (including projected expenditure over the forward estimates).

Senator Ludwig: The Minister for Indigenous Health has provided the following answer to the honourable senator's question:

(1) (a) The Department has three staff working on the Indigenous Early Childhood Development National Partnership (IECD NP); a small proportion of this staff time is directed to the evaluation. No single staff member works exclusively on the IECD NP evaluation.
(b) Total cost of the evaluation is expected to be $1.2 million.
(c) The Department of Health and Ageing will contribute a total of $500,000 to the evaluation.

(2) (a) The Department works closely with other agencies and jurisdictions to ensure appropriate assessment and understanding of the program's delivery and progress.
(b) No additional financial contribution is expected to be made to the implementation of the IECD NP.
(c) The Department anticipates staff costs will be the only costs incurred for monitoring the implementation of the IECD NP.

(3) See answers 1 and 2 above. In addition, the Department works closely with other agencies to ensure policy alignment

(4) The Australian Institute of Health and Welfare (AIHW) receives some funding through purchaser/provider arrangements. The AIHW charges the Department for the collection and reporting of health and welfare related data. In the 2011-12 Budget, fee revenue from the Department was estimated to be $18.7m in 2011-12, with similar amounts anticipated over the forward estimate years. The revenues relate to AIHW's program 1.1 'Develop, collect, analyse and report high quality national health and welfare information and statistics for governments and the community'.

Better Start Program
(Question No. 1424)

Senator Siewert asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs, upon notice, on 7 November 2011:

In regard to the needs of Aboriginal and Torres Strait Islanders in the Better Start Program:

(1) Given large sections of Aboriginal communities experience widespread hearing loss, will there be a population based approach to hearing loss as a disability rather than an individual one, which can include many individuals who may not have supporting evidence of disability.

(2) Given that many Indigenous children experience fluctuating hearing loss and limited access to audiological services: (a) how will these needs be addressed by the Better Start Program; and (b) will
health centre identification of a history of chronic ear disease be used as a qualification for support rather than audiograms.

Senator Arbib: The Minister for Families, Community Services and Indigenous Affairs has provided the following answer to the honourable senator's question:

(1) The Better Start for Children with Disability Initiative is available to children with a moderate or greater permanent conductive hearing loss.

(2) (a) Children who are registered for Better Start are able to access a range of early intervention services including speech and language therapy. Eligible Indigenous children who live in outer-regional or remote areas would also qualify for a one-off payment of $2,000 to assist with the additional costs of accessing Better Start service providers.

(b) A letter from a health centre doctor diagnosing an eligible condition is sufficient for the purposes of Better Start registration.

Genetically Modified Crops

(Question No. 1425)

Senator Siewert asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 7 November 2011:

In regard to the current field trials of experimental genetically modified wheat, if any of this wheat were to be found in human or animal food supplies; (a) would a cleanup be required; if so, who would pay the costs of such a clean up; and (b) has the Government in any way agreed to limit the liability of those responsible for such contamination.

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

(a) Refer to Supplementary Budget Estimates written Questions on Notice 107 and 108.

(b) Refer to Supplementary Budget Estimates written Questions on Notice 109.

Kimberley Coast

(Question No. 1427)

Senator Siewert asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 7 November 2011:

(1) In regard to the social impact assessment which the minister is obliged to undertake in relation to the proposed Browse liquefied natural gas (LNG) precinct in the Kimberley, Western Australia, and given that the terms of reference for the Strategic Assessment contain no reference to how Social Impact reports will be considered or assessed and that the clarification to this point is Attachment C, titled Strategic Assessment – Endorsement Criteria which is attached to the original State and Commonwealth Agreement which states 'In arriving at a decision to approve an action or a class of actions the Minister must act in accordance with his obligations, including giving consideration to:

- issues relevant to any matter protected by a provision of the EPBC Act; and
- social and economic matters:
  (a) which specific social and/or economic matters is the Minister obliged to consider when deciding whether to approve an action or class of actions in relation to the proposed Browse LNG project;
  (b) how will any social or economic impact assessment report on which the Minister relies when making his decision be tested for veracity; and
  (c) given that chapter 14 of the Strategic Assessment's terms of reference recommends the establishment of a peer review panel to assess the social and economic impact reports prepared in relation to the proposed Browse LNG proposal, has such a panel been established; if not: (i) is such a
(1) Section 146F of the EPBC Act requires the Minister to take into account the principles of ecologically sustainable development when considering economic and social matters in making a decision on whether to approve an action or class of actions in relation to the proposed Browse LNG project.

(b) The Minister will only make a decision on whether to approve actions in relation to the proposed Browse LNG project once he is satisfied all relevant matters have been appropriately addressed.

(c) (i) The final terms of reference under the strategic assessment agreement signed between the Australian and Western Australian Governments does not make any recommendation for the establishment of a peer review panel.

(ii) The WA Government is still finalising the Plan and strategic assessment report. Once finalised and submitted to the Minister for consideration, the Minister will determine whether the proponent has adequately addressed the strategic assessment terms of reference.

(2) Yes.

(3) (a) Yes.

(b) The WA Government is still finalising the Plan and strategic assessment report, which will include an analysis of economically and technically feasible options outside the Kimberley, as required by the strategic assessment terms of reference. The Minister will only make a final decision on whether
or not to approve the proposed precinct once all matters relevant to the terms of reference have been appropriately examined.

(c) Yes.

(d) Refer to answer 3b.

(e) Refer to answer 3b.