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SITTING DAYS—2011

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FORTY-THIRD PARLIAMENT
FIRST SESSION—FOURTH 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 Thomas Mark Bishop, Suzanne Kay Boyce, Patricia Margaret Crossin, Mary Jo Fisher, David Julian Fawcett, Helen Evelyn Kroger, Scott Ludlam, Gavin Mark Marshall, Claire Mary Moore and Louise Clare Pratt
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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<th>State or Territory</th>
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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.

PARTY ABBREVIATIONS

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—A Thompson
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<tr>
<td>Prime Minister</td>
<td>Hon. Julia Gillard MP</td>
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<tr>
<td>Deputy Prime Minister, Treasurer</td>
<td>Hon. Wayne Swan MP</td>
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<tr>
<td>Minister for Regional Australia, Regional Development and Local Government</td>
<td>Hon. Simon Crean MP</td>
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<tr>
<td>Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate</td>
<td>Senator Hon. Chris Evans</td>
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<tr>
<td>Minister for School Education, Early Childhood and Youth</td>
<td>Hon. Peter Garrett AM, MP</td>
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<tr>
<td>Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate</td>
<td>Senator Hon. Stephen Conroy</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>Hon. Kevin Rudd MP</td>
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<tr>
<td>Minister for Trade</td>
<td>Hon. Dr Craig Emerson MP</td>
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<td>Minister for Defence and Deputy Leader of the House</td>
<td>Hon. Stephen Smith MP</td>
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<td>Minister for Immigration and Citizenship</td>
<td>Hon. Chris Bowen MP</td>
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<td>Minister for Infrastructure and Transport and Leader of the House</td>
<td>Hon. Anthony Albanese MP</td>
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<td>Minister for Health and Ageing</td>
<td>Hon. Nicola Roxon MP</td>
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<tr>
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<td>Hon. Jenny Macklin MP</td>
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<tr>
<td>Minister for Sustainability, Environment, Water, Population and Communities</td>
<td>Hon. Tony Burke MP</td>
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<td>Minister for Finance and Deregulation</td>
<td>Senator Hon. Penny Wong</td>
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<td>Minister for Innovation, Industry, Science and Research</td>
<td>Senator Hon. Kim Carr</td>
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<td>Attorney-General and Vice President of the Executive Council</td>
<td>Hon. Robert McClelland MP</td>
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<td>Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate</td>
<td>Senator Hon. Joe Ludwig</td>
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<td>Minister for Resources and Energy and Minister for Tourism</td>
<td>Hon. Martin Ferguson AM, MP</td>
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<tr>
<td>Minister for Climate Change and Energy Efficiency</td>
<td>Hon. Greg Combet AM, MP</td>
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[The above ministers constitute the cabinet]
GILLARD MINISTRY—continued

Minister for the Arts
Hon. Simon Crean MP

Minister for Social Inclusion
Hon. Tanya Plibersek MP

Minister for Privacy and Freedom of Information
Hon. Brendan O'Connor MP

Minister for Sport
Senator Hon. Mark Arbib

Special Minister of State for the Public Service and Integrity Superannuation
Hon. Gary Gray AO, MP

Assistant Treasurer and Minister for Financial Services and Superannuation
Hon. Bill Shorten MP

Minister for Employment Participation and Childcare
Hon. Kate Ellis MP

Minister for Indigenous Employment and Economic Development
Senator Hon. Mark Arbib

Minister for Veterans' Affairs and Minister for Defence Science and Personnel
Hon. Warren Snowdon MP

Minister for Defence Materiel
Hon. Jason Clare MP

Minister for Indigenous Health
Hon. Warren Snowdon MP

Minister Assisting the Prime Minister on Mental Health Reform
Hon. Mark Butler MP

Minister for the Status of Women
Hon. Kate Ellis MP

Minister for Social Housing and Homelessness
Senator Hon. Mark Arbib

Special Minister of State
Hon. Gary Gray AO, MP

Minister for Small Business
Senator Hon. Nick Sherry

Minister for Home Affairs and Minister for Justice
Hon. Brendan O'Connor MP

Minister for Human Services
Hon. Tanya Plibersek MP

Cabinet Secretary
Hon. Mark Dreyfus QC, MP

Parliamentary Secretary to the Prime Minister
Senator Hon. Kate Lundy

Parliamentary Secretary to the Treasurer
Hon. David Bradbury MP

Parliamentary Secretary for School Education and Workplace Relations
Senator Hon. Jacinta Collins

Minister Assisting the Prime Minister on Digital Productivity
Senator Hon. Stephen Conroy

Parliamentary Secretary for Trade
Hon. Justine Elliot MP

Parliamentary Secretary for Pacific Island Affairs
Hon. Richard Marles MP

Parliamentary Secretary for Defence
Senator Hon. David Feeney

Parliamentary Secretary for Immigration and Multicultural Affairs
Senator Hon. Kate Lundy

Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing
Hon. Catherine King MP

Parliamentary Secretary for Disabilities and Carers
Senator Hon. Jan McLucas

Parliamentary Secretary for Community Services
Hon. Julie Collins MP

Parliamentary Secretary for Sustainability and Urban Water
Senator Hon. Don Farrell

Minister Assisting on Deregulation and Public Sector Superannuation
Senator Hon. Nick Sherry

Minister Assisting the Attorney-General on Queensland Floods Recovery
Senator Hon. Joe Ludwig

Parliamentary Secretary for Agriculture, Fisheries and Forestry
Hon. Dr Mike Kelly AM, MP

Minister Assisting the Minister for Tourism
Senator Hon. Nick Sherry

Parliamentary Secretary for Climate Change and Energy Efficiency
Hon. Mark Dreyfus QC, MP
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<tr>
<td>Leader of the Opposition</td>
<td>Hon. Tony Abbott MP</td>
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<td>Deputy Leader of the Opposition and Shadow Minister for Foreign Affairs and Trade</td>
<td>Hon. Julie Bishop MP</td>
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<td>Leader of the Nationals and Shadow Minister for Infrastructure and Transport</td>
<td>Hon. Warren Truss MP</td>
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<td>Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations</td>
<td>Senator Hon. Eric Abetz</td>
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<td>Deputy Leader of the Opposition in the Senate and Shadow Attorney-General and Shadow Minister for the Arts</td>
<td>Senator Hon. George Brandis SC</td>
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<td>Shadow Treasurer</td>
<td>Hon. Joe Hockey MP</td>
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<td>Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House</td>
<td>Hon. Christopher Pyne MP</td>
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<td>Shadow Minister for Indigenous Affairs and Deputy Leader of the Nationals</td>
<td>Senator Hon. Nigel Scullion</td>
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<td>Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate</td>
<td>Senator Barnaby Joyce</td>
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<tr>
<td>Shadow Minister for Finance, Deregulation and Debt Reduction and Chairman, Coalition Policy Development Committee</td>
<td>Hon. Andrew Robb AO, MP</td>
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<td>Shadow Minister for Energy and Resources</td>
<td>Hon. Ian Macfarlane MP</td>
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<td>Shadow Minister for Defence</td>
<td>Senator Hon. David Johnston</td>
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<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>Hon. Greg Hunt MP</td>
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<td>Shadow Minister for Productivity and Population and Shadow Minister for Immigration and Citizenship</td>
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<td>Shadow Minister for Agriculture and Food Security</td>
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<tr>
<td>Shadow Minister for Small Business, Competition Policy and Consumer Affairs</td>
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SHADOW MINISTRY—continued

Shadow Minister for Employment Participation  
Hon. Sussan Ley MP  
Shadow Minister for Justice, Customs and Border Protection  
Mr Michael Keenan MP  
Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation  
Senator Mathias Cormann  
Shadow Minister for Childcare and Early Childhood Learning  
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Senator Hon. Brett Mason  
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Monday, 19 September 2011

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 10 am, read prayers and made an acknowledgement of country.

BILLS

National Health Reform Amendment (National Health Performance Authority) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator BOYCE (Queensland) (10:01): I am delighted to have the opportunity to speak on the second reading of the National Health Reform Amendment (National Health Performance Authority) Bill 2011, but not because I am delighted with the bill. This bill is not about reform, as the government would have us believe; it is about setting up yet another level of bureaucracy—a third level of bureaucracy, the National Health Performance Authority—to attempt to underpin the so-called reform that this government was so quickly going to put into place in December 2007. Have we seen anything yet? No. The government's explanatory memorandum tells us:

This Bill is intended to establish the National Health Performance Authority ... envisaged by the National Health and Hospitals Network Agreement as settled by the Council of Australian Governments (COAG) meeting in April 2010 and reconfirmed in the Heads of Agreement—National Health Reform of 13 February 2011.

Even in that there lies the fact that the government could not get it right between 2007 and 2010. Yet again, having thought they had COAG on side and agreeing with them in April 2010 people, were still looking at issues on 13 February 2011.

Perhaps some of the most instructive things to look at in discussing this bill are the explanatory memoranda. All bills have at least one explanatory memorandum attached to them, but this bill comes with an explanatory memorandum, a supplementary explanatory memorandum, a revised explanatory memorandum and a fourth supplementary explanatory memorandum. When you look at some of the changes that the government has been forced to put in place by the states to get them to agree to this, you understand where all the argy-bargy and change has gone on.

The government's amendment will insert a 'legislative acknowledgement of the role of state and territory health ministers as health system managers of public hospitals and local hospital networks' and require the authority 'to have regard to that role when performing its functions'. That was not how it was planned by this government, was it? That was not how the government started out, but the states rolled them once again. The authority for running the hospitals is with the states. What was it that was going to happen when Mr Kevin Rudd was elected Prime Minister? Isn't that exactly the problem he claimed he was going to fix?

We have another amendment requiring the agreement of the Council of Australian Governments before additional functions can be conferred on the performance authority. So we are not going to let this performance authority do anything about the performance of hospitals without the governments that have performed so poorly over so many years having the say-so on how it happens.

One of the most controversial changes that have been forced on the government by the state health ministers is the modification of proposed section 62, requiring that the performance authority notify the relevant state or territory health minister when
preparing a report showing poor performance by a local hospital network or public hospital—for the primary purpose, of course, of assisting the relevant state or territory health ministers to carry out their responsibilities as health system managers. This has absolutely nothing to do with giving the states the heads-up on poor performance or giving them the chance to work out how to spin their way out of the problems; it is all about health system management. Not only that, but the performance authority will be required to give a final draft report to the relevant state or territory health minister following notification of an assessment of possible poor performance within their jurisdiction and invite comments before finalising the report.

Now that they have all the whitewash sorted out, they can go ahead with putting in place this next level of bureaucracy, which will simply add cost without adding anything, it would appear, to the performance of the hospitals. That is the reason that the coalition has put forward an amendment saying that there must be an independent review of this authority, to be undertaken not later than 12 months after its commencement, and it must look at the operation and effectiveness of the performance authority. If it is simply going to produce information that health ministers can then rewrite on a whim, then what is the point of it? We also state that this review must include an opportunity for members of the public and healthcare professionals to make written submissions to the review. It must be completed within six months and its report must be tabled once the minister has received it. Unlike the potential reports that will go from the performance authority to the state ministers, this report cannot sit in a bottom drawer until the government works out how to spin its way out of it. As I said earlier, this bill is not about reform; it is about the semblance of reform, the semblance of doing something and the semblance of the federal government actually taking some control of the hospital system. But they have lost at every turn in actually getting control from the states on the subject of hospitals’ performance. There are absolutely no performance indicators attached to this bill that the proposed authority would monitor and report on, and yet the government says the authority will be responsible for monitoring the performance of healthcare providers. I think we need to know what the performance indicators are before we can hope that they will be monitored.

The bill also says that the authority will be responsible for reporting against clinical safety and quality performance standards, despite the fact that we already have a commission which presumably is going to be set up by this government to do that—one of the triumvirate of authorities that will have authority over almost nothing except organising to tell COAG what COAG wants to hear in the end. They will be responsible for reporting on waiting times, adverse events, patient satisfaction and financial management in both public and private hospitals, but the legislation lacks any detail about these functions and how the proposed authorities and the stakeholders think they will happen. It is just another layer of red tape imposed on a hospital system that this government could not control the way they had hoped to.

How can this authority be a success when there are no performance indicators and when there is confusion over the range of health services it will monitor? It is not even clear what a local hospital network will look like. State health ministers, despite the wording of the bill, would appear to have the opportunity to decide what a local hospital network looks like on a whim—a wonderful way of fudging figures from year to year if
you do not think you are going to like the outcome.

It is also unclear how the authority will obtain its data and whether it will simply be the information that the states want to feed in. I know in my own home state Queensland Health has been somewhat erratic and whimsical in the sorts of data it has chosen to provide. It is only in the last two years that it has managed to work out how to provide data on alcohol and other drugs related to hospital admissions and treatment. How does one go ahead with a preventative health strategy when one does not even have that data?

It is also very unclear how the authority would enforce requests for data. Again, the example I used before is a classic example of how the federal government and bodies such as the Bureau of Statistics and the Institute of Health and Welfare simply have to ask nicely and wait. If they do not get an answer from any particular jurisdiction, well, gee, they just do not get an answer from that jurisdiction! What is clear is that red tape and more red tape is a hallmark of this system, as are the inept attempts by this government to impose so-called reform onto our healthcare system. The legislation will add regulatory burden to hospitals already drowning in paperwork. I had a hospital administrator say to me the other day that they had been told by a bureaucrat, 'Oh, well, don't worry. Yes, you will have to do double reporting on it, but you could just report the same things to us that you are already reporting to others.' Wow, that sounds like reform to me!

There are already a number of local, state and national monitoring schemes that operate within the health area. At the local level, there are hospital boards and area and district health services with mechanisms for monitoring performance standards. Under a coalition government, of course, there would be far more devolution of authority to those local organisations that understand local needs. At the national level, there are also a number of performance-monitoring mechanisms. I hesitate to call it a performance-monitoring mechanism, although it is supposed to be, but the COAG Reform Council is responsible for reporting on the performance of the Commonwealth, state and territory governments in this space. The Institute of Health and Welfare collates and analyses huge amounts of data and has an amazing output of extraordinarily useful data. But, once again, it relies on the information provided by the jurisdictions, and at times that can be certainly less than optimal. The Australian Bureau of Statistics also collates and analyses health data and we have the government's brand new Australian Commission on Safety and Quality in Health Care who, amongst other things, report on the state of safety and quality in health care, including performance against national standards. We are two-thirds of the way through the great big new bureaucracy that will do nothing except reinforce the current structure within health.

There has been no attempt whatsoever by this government to replace the current system of multiple reporting requirements to multiple government agencies. Rather than replacing, the government is simply adding a whole multitude of new reporting agencies on top. This authority—the National Health Performance Authority—is just another impost on Australia's health system. Duplication of paperwork does not add to quality health outcomes for patients. It detracts from it. I would not expect that a government that has given us so many other inept programs—Building the Education Revolution, the insulation issues and now the solar cell issues—would understand this, but just
asking people to report does not help. In fact, we have examples from overseas and from some of the states that focusing only on meeting performance outcomes and cost-cutting targets, rather than on providing good quality care, can lead to patient deaths and to a lot of poor outcomes for many other patients.

I was bemused to see that the explanatory memorandum to this legislation says that its measures will have no regulatory impact on business or individuals. That statement would be laughable if the situation were not so serious, but it indicates that this government does not have a clue about the detrimental impact that its decisions have on the wellbeing of patients because it does not pay real attention to and does not consult properly with the actual users of our health system. But it is not only the increased regulatory burden that has everyone on edge. No-one, and I suspect this starts with the Minister for Health and Ageing, appears to be able to explain the relationship between the National Health Performance Authority, the Australian Commission on Safety and Quality in Health Care and the yet-to-be-legislated third arm of this wonderful brave new health world: the Independent Hospital Pricing Authority. No-one knows how the three of them are going to relate or work. This is something that is seen constantly by the Department of Health and Ageing, which of course is stuck with having to put the best face on the sort of information that government policy forces it into. No-one appears to be able to answer the question: how are they going to relate? Wait for the regulations, is the answer. If the regulations are anything like the legislation they will be a case of flying by the seat of our pants, waiting to see how loud the states scream about what we are doing and then just changing it all again to suit.

The data-sharing arrangements, responsibilities and functions of these three agencies remain a complete mystery, not just to the patients of hospitals and to other stakeholders but even to the people who are going to operate them. It is an exercise in seeing how it pans out when we start doing it in practice. That is a wonderful way to use taxpayer funds; I am sure that we will end up with another Labor government inspired mess that will take years to repair and, potentially, cost billions of dollars in lost savings to the health system along the way.

The National Health and Hospitals Reform Commission, in its final report *A healthier future for all Australians*, does not even mention in its recommendations the creation of a performance authority. It says there should be a national performance reporting and accountability framework, but it does not say there should be an authority. So what have we got? We have got an authority that has no authority and no framework for imposing its authority. Where is this going to end except in a complete waste of funds? The government says that the authority will deliver further transparency on the performance of health and hospital services by developing and publishing hospital performance reports and healthy community reports. It says that these reports will help to identify high performing organisations and will shine a light on areas for further development and investment in the future. It is all very well at primary school to reward good behaviour and ignore bad behaviour; I do not think we can use the same standards for the multibillion dollar health and hospital system of Australia. Identifying high-performing organisations and shining lights on further development and investment in the future does not seem to me to be the way to improve performance and hospitals. In other words, by the government's own admission, the authority is
a toothless tiger. It has been invested with no power, it is limited to the powers of the Commonwealth government in health care and it relies completely on the state and territory governments, private providers and NGOs to supply accurate performance data and accurate time data. So we are not quite sure what the government will do with that data except feed it back to the states so that they can whitewash it before it becomes public information—we will have nice little smiley faces, presumably, for the high performing hospitals and a little chat outside the classroom door for the others.

The net cost of the authority over four years is estimated to be $109.5 million. If you add this on to the other organisations that have been established—including the pricing authority, which, as far as I am aware, has not quite worked out how it is going to do anything just yet, despite the fact that the legislation is before the House of Representatives and on its way here—you will see that it is just a debacle. There is nothing that provides guidance on real governance, with real agencies undertaking real control, but the government continues to put further complexity put into our health system, with no provision for this to actually improve performance in the interim. Health reform by this government has been a complete and abysmal failure. It is time it said, ‘Actually, virtually nothing has changed except that we have set up lots of bodies to give the appearance that reform is on its way.’ It is not.

Senator IAN MACDONALD (Queensland) (10:21): Senator Boyce made some very valuable points in her contribution to this debate on the National Health Reform Amendment (National Health Performance Authority) Bill, as did Senator Fierravanti-Wells earlier, on behalf of the coalition. I will just indicate my concern about the way that health is going. I am no great expert, I have to confess to the Senate, on health performance and health reform. I have, however, recently had a relative who has been hospitalised in both public and private hospitals. In visiting that relative, some things have become quite clear. One of those things, particularly in the public hospitals in Queensland, is that there is a clear indication of understaffing of people who are actually involved in the health care of patients. Every time I go to a hospital—fortunately, those visits are a couple of years apart—there seems to be more and more bureaucracy and fewer and fewer nurses and even doctors on the floor.

I am concerned, as the previous speaker mentioned, that this new authority seems to have no particular power. The nation would be better off if we put the $109.5 million that this authority is going to cost into better conditions or perhaps into additional numbers of people who are working on the floor and helping people with their health problems. As the previous speaker mentioned: what is this new authority going to do to improve performance? The best people to determine how to improve performance are those who are actually performing. My association with these people suggests that their concern about performance comes from the long hours they are expected to work. I am talking about hospitals in Queensland—some in major capital cities and some in small country towns.

Madam Acting Deputy President, can I use this debate to congratulate those who do provide that service in hospitals throughout Queensland and, I guess, throughout Australia, although I have no experience there. They do a fabulous job. It is just that they seem to be continually overworked. They are trying to look after too many patients, and at times patients are in the position where they feel they are not being
well enough looked after. My experience, and again it is only anecdotal, is that all of those working in health care in the hospitals that I visited in Queensland are doing an absolutely fabulous job. They deserve every piece of congratulation and support we can give them. Setting up another $110 million authority of pen-pushers and bureaucrats makes me wonder how that is going to improve performance.

I understand that a lot of what this authority is going to do will depend on getting accurate performance data from NGOs, and I think the legislation actually says that. I wonder who these NGOs are. Could it be that the NGOs—non-government organisations—are associations like the Health Services Union? The Health Services Union would normally fit under the category of a non-government organisation, but we read in the paper, following the Craig Thomson affair, that it is really a dumping ground for Labor Party wannabes or wouldbes. We learn that if you want to get a senior position in the Health Services Union you have to be a member of the Australian Labor Party. That union has been involved with the Australian Labor Party for quite some time, but we read in the papers that suddenly, and against the wishes of the general secretary, a meeting was held—quickly convened—which then disaffiliated the Health Services Union from the Australian Labor Party. I read in the paper that this is all about payback for Senator Feeney. I do not know whether this is true; I do not know enough about the Australian Labor Party's internal affairs. I do know that Senator Feeney was one of those who plotted against the former Prime Minister, Mr Rudd, and installed the current Prime Minister, Ms Gillard. Is this a payback for Senator Feeney from those who supported Mr Rudd? I do not know. I do not pretend to even remotely understand—or, I might say, care—about what happens in the Australian Labor Party, but I found Senator Feeney not a bad sort of fellow.

Senator Fifield: There's worse.

Senator IAN MACDONALD: There is worse, as Senator Fifield says. I very rarely give praise to Labor Party politicians, but Senator Feeney seems to be doing a good job in the Defence area—in a part of the portfolio where I shadow him. He is diligent, he seems to be across that portfolio and he seems to do what is required of him in that. I would hate to lose him. It is reported that Senator Feeney wanted to leave the Senate to go to a lower house seat because his tenure in the Senate, on current voting indications, would be fairly limited. So he wanted to go to a safe seat in the lower house. But, with the Health Services Union, which apparently backs Senator Feeney, now no longer involved with the Australian Labor Party, Senator Feeney's chances of doing the numbers—or whatever it is you have got to do within the Labor Party to get pre-selection for a safe seat in the lower house—have dissipated and become rather untenable.

I raise this in the context of the debate on this bill. Is this performance data from non-government organisations? Is the Health Services Union a non-government organisation? If we were relying on data from the Health Services Union for the purposes of this bill, then it would seem we would be looking in vain, because I read in the papers—and I acknowledge that you cannot believe everything you read in the Age or the Sydney Morning Herald—that it appears that the HSU is now notable for the amount of data that has gone missing. Nobody seems to be able to find internal data of the union's own affairs. Surely we are then not going to rely on this union, as a non-government organisation, to deliver some performance data which will allow this authority to conduct its activities. Perhaps we could find
out in the committee stage of the bill whether the Health Services Union is a non-
government organisation for the purposes of providing performance data. I mentioned
these things in my speech on the second reading, so perhaps the relevant minister
might be forewarned and be able to get some information.

Perhaps we could then ask which data that is reported from the HSU has gone missing. Is it data that might be useful for this authority, or is it just data about various memberships or is it data about what has happened to hundreds of thousands of dollars of members' money that appears to have
gone missing? I appreciate that the missing data, the missing financial records, are, as I read, a matter of a police investigation in both Victoria and New South Wales at the present time. But it does raise the question of just what data has gone missing, how it has come to have gone missing, whether it is only, as the newspaper reports suggest, financial data of which a union official was using a credit card improperly, and what data there was that gave some detail of a printing contract that was entered into. Did that data indicate whether credit cards, to be paid for by the printing company, were issued to members of the HSU executive, who could then run up bills and not pay them back? I do not know what the answer to that is but perhaps it is something that could be inquired into in the committee stage. If we are relying on that non-government organisation to provide accurate performance data, then it would not seem to be a terribly satisfactory arrangement.

I am concerned that this authority is going to cost $109.5 million. If the government has that sort of money to splash around, I would much rather that they use it to help some of their low-paid workers in the health area. I am very conscious of course that the Health Services Union is a union which principally assists lower paid workers in the health area. If the union had not been spending so much time tracking down what happened to hundreds of thousands of unionists' membership dollars that went missing when Mr Thomson was in a position of authority, perhaps it would have been able to put a submission to the government saying, 'Is the $109.5 million for this performance authority a good expenditure of money or should we perhaps be using that $109.5 million to help with the wages of some of the lower paid workers?' I understand it is the lower paid workers that this union is supposed to be assisting.

These issues will continue to haunt this government. I can understand why a guy who was formerly the National President of the Australian Labor Party has arranged for the union to disaffiliate from the Australian Labor Party. I can understand that that is probably a fairly clever ploy to try to distance the Gillard government from whatever revelations will come out about the Health Services Union and the operations of that union by senior executive members who have very senior roles in the Australian Labor Party. I guess the y think that disaffiliating the union from the Australian Labor Party will excuse the Australian Labor Party from whatever shenanigans might have been going on within the union.

When one sees this happening in the Health Services Union, one can only speculate how rife the use of union funds for personal benefit is right throughout the whole union movement. I would hope that some of my colleagues on the other side of the Senate who are former union members might use the opportunity at some stage in the debate to assure us that the type of activity that is being alleged in relation to ALP members who held high positions in the Health Services Union did not occur in their union—that they were never recipients or
beneficiaries of shonky trading deals with printers or otherwise. One might hope that some of them would use the opportunity of debate in the Senate to criticise the Health Services Union and those who cannot seem to find out what happened to hundreds of thousands of dollars and to say: ‘This never happened in our union. There was never a prospect where free lunches were given or free credit cards were handed out or wives’ airline tickets were paid for or jobs were sought for members of the union who might want to get a benefit from someone from whom that job was being applied for.’ They are the questions that spring to my mind when we hear that it is the NGOs who are going to use performance data for this particular performance authority.

I would be interested in who actually constitutes the performance authority. Have the personnel been announced? I am not sure, and I have not heard that they have been. I assume that, until this bill goes through, there will be no steps taken to determine the personnel for the National Health Performance Authority. One would hope that this is not going to be an authority comprising people from the HSU, for example, or people from other health unions. One would hope that, when the authority is set up, it will be set up by people with real skills and real understandings and who are independent and can make a real contribution towards improving our hospital systems.

I agree with previous speakers from the coalition side who have questioned the relevance of this authority, the rules relating to it, where they are going to get their performance data, what powers they have, and—I guess the bottom line—how is this new bureaucratic organisation going to actually improve the services and the provision of health care for the patients. After all, that is what is relevant to this parliament and should be the main issue of importance to the federal government—is what we are doing with this bill going to improve the particular on-the-floor health care of patients who rely on the health system? I hope those questions can be answered, perhaps in the Committee of the Whole, later on.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:39): The National Health Reform Amendment (National Health Performance Authority) Bill 2011 establishes a key element of the Australian government’s health reform agenda—the National Health Performance Authority. The National Health Performance Authority will act as a watchdog over the performance of both public and private hospitals, local hospital networks and Medicare Locals. It will regularly report comparative information on the performance of these bodies and will give the public information in respect of consistently poor performance. Performance monitoring will support the improvement of healthcare delivery, safety and quality by all of these services. Poor performance will be identified to allow for remediation and superior performance will be identified to allow the dissemination of best practice approaches.

The establishment of the authority is a key part of the National Health Reform Agreement signed by all states and territories this month. It is a bill that has been endorsed by committee inquiries in both the House and the Senate. The government will be moving one small amendment during the committee stage, which will address issues to allow flexibility in the appointment of people with experience in the health field to the board. I understand that the opposition will be moving an amendment to introduce a review of the performance of the authority and, if passed, they will be supporting the passage of the legislation. On that basis the
government is happy to also support the opposition's amendment.

I thank the Greens for their support of this legislation and for their commitment to transparency in our health system and the opposition for finally coming to the party to support these reforms. Unlike the opposition the government pursues the tough reforms particularly when they involve more transparency for the Australian public. Standing on the shoulders of MySchool, MyHospitals and our FOI reforms, this authority will deliver for Australians unprecedented levels of nationally comparable information. It will also be the watchdog to detect poor performance in our public and private hospitals and primary care sector. I thank the members for their contributions, the officials for their hard work and the states for their cooperation with these reforms.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:43): I table a supplementary explanatory memorandum relating to the government amendment to be moved to National Health Reform Amendment (National Health Performance Authority) Bill. The memorandum was circulated in the chamber on 13 September 2011. This parliamentary amendment removes a section of the bill that further consideration has determined would unnecessarily constrain the appointment of members of the performance authority. As section 78 currently stands it would exclude people who have paid employment in the health sector and would result in a very narrow field of potential candidates. High calibre candidates with the relevant experience including those in relation to regional or rural expertise are usually engaged in paid employment in the sector of expertise. This section provides unnecessary constraints upon the authority compared with similar legislation. This section was part of a standard drafting text and was included in this bill by the department and parliamentary counsel, reluctantly without a full appreciation of the implications for this authority.

Any conflict of interest would still be governed by other provisions set out in the bill. These provisions require a member to disclose to the minister all interests that conflict or could conflict with the proper performance of the member's functions and inform other performance authority members as soon as they become aware of the interests in the matter being considered by the performance authority. That member may not be present or take part in the consideration of the matter unless the other members determine otherwise. Following this amendment, the bill will represent strong legislation that will deliver increased transparency for all of Australia's health system.

Senator FIERRAVANTI-WELLS (New South Wales) (10:45): I wish to ask a couple of questions in relation to the amendment. The amendment certainly broadens the scope of the legislation. We have been advised that it will ensure that people with relevant experience in the health system and who are still working in the health system will be able to be appointed to the board. I accept what the minister has said, but I do have a question, which is twofold.

First, there was some contention about the nature of the appointments during the committee stage. Section 71 of the legislation talks about the membership of the performance authority. It talks about a chair, a deputy chair and five other members. Subsection (4) of section 72 says that the
minister must ensure that at least one member of the performance authority has substantial experience or knowledge and significant standing in a number of fields, and it talks about the healthcare needs of people living in regional and rural areas and the provision of health services in those areas. I accept what the minister has said in relation to that. But what sort of people are envisaged as being appointed, and is it envisaged that a representative of any union will be appointed as a member of the performance authority?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:47): Thank you for that question, Senator Fierravanti-Wells. There will be a wide range of potential appointees. That has to be approved by COAG. Two of the appointments have already been made—that is, the chair and the deputy chair. All the prospective appointments for the remainder of the positions will come from that wide range of expertise and be approved by COAG.

Senator FIERRAVANTI-WELLS (New South Wales) (10:48): The bill makes provision for the establishment of committees and, again, a procedure in relation to that. Is it envisaged that members of the union will be eligible to serve on those committees?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:48): If the particular union official has expertise in the area of consideration then of course they could be considered, but at this point anything would simply be speculation. The government will make its decision about who the remaining five appointees will be, and that will then go to COAG for consideration.

Senator FIERRAVANTI-WELLS (New South Wales) (10:49): In relation to the state of union representation in the health services area at the moment, I would like a little more assurance from the minister as to what that entails precisely. Given what we are seeing revealed on a daily basis in the newspapers and various other places, and in the light of police investigations, I think the Senate deserves a more detailed explanation than the one the minister has given.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:49): I cannot give you a more detailed explanation than that, Senator Fierravanti-Wells. The issue has been the subject of discussion between the parties. There will be a set of criteria to determine the remaining five appointees, and it will then be up to COAG to make a decision about the acceptance or rejection of those additional five people.

Senator FIERRAVANTI-WELLS (New South Wales) (10:50): So, Minister, you are not ruling out that an appointee to the performance authority or any of its committees could be a member of the HSU or any other health union?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:50): All I am saying is that a criterion has been established for the appointment of the remaining five candidates. That process will take place. There will be consideration as to who the five candidates should be, and those appointments will then be taken to COAG for consideration.

The TEMPORARY CHAIRMAN (Senator Boyce): The question is that section 78 in item 130 of schedule 1 stand as printed.

Question negatived.

The TEMPORARY CHAIRMAN: We now move to opposition amendment 1 on sheet 7142 in schedule 1.
Senator FIERRAVANTI-WELLS (New South Wales) (10:51): I foreshadowed this amendment during the second reading debate. Without wanting to reiterate the concerns I raised in that speech, I would say that this bill will establish a whole new bureaucracy that places a lot of demand on health services, hospitals and other providers to provide data. It will be quite an onerous obligation on them. The burden is unchecked. The amendment proposed by the coalition will at least allow an independent assessment of the size of the task and how much red tape is created in the first 12 months. What our amendment goes to is that the minister must cause an independent review of the performance authority to be undertaken no later than 12 months after the commencement of this section. The review should examine the operations and effectiveness of the authority and provide a written report to the minister. It must also include an opportunity for members of the public and healthcare professionals to make written submissions.

Given the extent of the concerns that were raised by a whole range of submissions both in the House of Representatives examination of the matter and in the Senate examination of the matter, because this bill had to come back and because of—let us say—Minister Roxon's less than efficient way of proceeding with this matter, we have had so many explanatory memoranda in relation to this bill. The minister talks about finally coming on board. Well, if Minister Roxon had got her house in order much earlier, Minister, this matter would have come on, but you had to virtually rewrite the bill: (1) because of the concerns; and (2) because Minister Roxon, as with other matters in this so-called health reform, has not quite got her act together.

Having said that, I did want to clarify the record, because it has not been the coalition that has been tardy in this matter; it has been the minister, because there are so many concerns that have been put on the record in committee hearings in relation to this bill. Through our amendment we propose that the review be completed within six months and, obviously, that a copy of that report be placed before each house of parliament. I move amendment (1) on sheet 7142:

(1) Schedule 1, item 130, page 50 (after line 8), after section 109, insert:

109A Review of the Performance Authority
(1) The Minister must cause an independent review of the Performance Authority to be undertaken no later than 12 months after the commencement of this section.

(2) The review must examine the operation and the effectiveness of the Performance Authority and provide a written report of the review to the Minister.

(3) The review must include an opportunity for members of the public and health care professions to make written submissions.

(4) The review must be completed within 6 months of the commencement of the review.

(5) The Minister must cause a copy of a report prepared under subsection (2) to be laid before each House of Parliament within 5 sitting days after the day on which he or she receives the report.

[review of the Performance Authority]

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:54): Needless to say, I reject those criticisms of Minister Roxon. She really has been one of the standout ministers in what has been an excellent government.

Senator Mason: Even if you don't believe that.

Senator Fierravanti-Wells: If she's a standout, heaven help us.

Senator FARRELL: Senator Mason, I do believe it. I believe it because it is true. I
think that in her heart of hearts even Senator Fierravanti-Wells knows that most of it is true. The government does not oppose this section that would promote transparency in the way that the authority is operating, particularly since this is a body to promote transparency in the delivery of government services. While the length of time before the review should take place is short for a statutory authority, the government expects enough progress will have been made for a review to undertake a meaningful initial analysis of its operation and effectiveness. The government is happy to support this amendment given the opposition's support for the bill as a whole and its support for the previous amendment.

The TEMPORARY CHAIRMAN (Senator Boyce): The question is that the amendment be agreed to.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator FARRELL: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Schools Assistance Amendment Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator MASON (Queensland) (10:57): The September 2011 issue of the Institute of Public Affairs Review asked the question we have all been increasingly asking ourselves about the Gillard government: is this government worse than Whitlam? I come back to this question again today as the Senate debates the Schools Assistance Amendment Bill 2011, which seeks to postpone the implementation of the national curriculum for another year.

Is there a policy—is there perhaps one policy—where this government has not either broken its promise and then not bothered to implement it or, if it has commenced implementation, not made a complete shambles of it, gone over budget and completed behind schedule? Is there just one of those policies? Some years ago I argued in this chamber that debt is part of Labor's DNA. I noted that every Labor government since Federation, since 1901, for 110 years, has left Australia with more debt than when it first took office. All 10 Labor prime ministers since 1901 have left this country in more debt than when they came into office—every one since 1901. But over the four years of the Rudd-Gillard fiasco—or maybe, time will tell, the Rudd-Gillard-Rudd fiasco; who knows—it has become apparent that there has been another rather malignant mutation to the Australian Labor Party's genetic code; it is Labor's complete and utter incompetence. It is not just the usual generic problems we have come to expect of Labor governments, but a total, self-destructive inability to successfully implement any policy in a professional, or cost-effective or timely manner—not one policy.

Saddling future generations of taxpayers with tens of billions of dollars of debt is bad enough, but doing it in such a way that there is precious little to actually show for it is absolutely unforgivable. As Talleyrand once said, 'It is worse than a crime, it is a mistake.' And herein lies the tragedy. The coalition actually supports a national curriculum for Australia's schools. Uniformity of school curricula throughout our nation brings advantages with it. The opposition supports it in principle. Our concerns are not with the concept, not at all, but rather with the direction the national
curriculum is heading under Labor. Ms Gillard said in 2008 that the curriculum would take three years to develop and 'can start to be delivered in all jurisdictions from January 2011'.

Under this bill, non-government schools are required to implement the national curriculum by 31 January 2012. This is one year later than originally promised, all due to the government's bungling of this, yet another landmark commitment. They bungle even landmark commitments. Schools cannot implement a curriculum that is simply not ready. For this reason the coalition will not be opposing the bill. We can also note that the final version has not yet been approved, and most states will not begin implementation of the national curriculum until 2013 or indeed 2014.

The national curriculum has of course been plagued by problems right from the very outset. Perhaps the root problem with the draft curriculum is the decision by the Australian Curriculum, Assessment and Reporting Authority, ACARA, which has been tasked with developing and drafting the national curriculum, to weave three so-called 'cross-curriculum perspectives' through all the subject areas and all the national curricula no matter how much these perspectives and overarching themes are relevant to each subject. These cross-curriculum perspectives are: the Indigenous perspective, a commitment to sustainable patterns of living, and an emphasis on Asia and Australia's engagement with the region. These are the so-called cross-curriculum perspectives that weave their way through the national curriculum.

It is important that students learn about Aboriginal culture, their way of life and their impact on Australia's history. It is also important that students learn about the contribution of non-Western science towards the building of the body of modern knowledge. However, it is a matter of emphasis and a matter of priority. The coalition's initial reaction to the national curriculum is that once again the importance of the basics in education are downplayed in favour of the more trendy elements favoured by our educational and cultural establishment. Why not a cross-curriculum perspective that teaches students about the role and importance of liberal democratic institutions in shaping the society they live in? What about that perspective? Isn't that more relevant? I would have thought so. Or perhaps the heritage of the impact of the Judeo-Christian Western tradition, which touches on every aspect of life in a modern Western country like Australia, from arts and literature to philosophy and to science. What about that as a cross-curriculum perspective? I would have thought that was pretty relevant, as well. But, no, it is not included. Or what about the role of science and technology in the material progress of humankind, including its contribution to both creating and solving problems inherent in such progress? Wouldn't you think that was pretty important? Many of us think that is important, but, no, that is not included.

If—and it is a big if—the national curriculum is to have any cross-curriculum perspectives, such overarching themes that seek to provide a scholastic skeleton and superstructure for the curriculum, perhaps they should be even more practical rather than theoretical in nature. What about something more practical than theoretical in nature, if we have to have these cross-curriculum perspectives at all. So, instead of, for example, a 'commitment to sustainable patterns of living', which will be reflected where appropriate in national curriculum documents, why not—and this is the coalition's idea; a terrible idea, apparently!—have the national curriculum say: 'The
contents of all the individual subject streams of the national curriculum should be seen against the background of preparing students to face the challenges of life and work in the 21st century.' Don't you think that is pretty practical? I would have thought so, but that is not included, either.

Putting ideological issues aside—who am I to be ideological; when would I be so crass as to be ideological—let's look at some technical criticisms. They have been even more pronounced. And there are several technical criticisms. The national curriculum is too prescriptive, reducing individual schools' flexibility and crowding out other subjects. Not enough resources have been provided for teacher training or, indeed, for professional development. There are problems with standardising school starting ages, the transition from primary to secondary school and consistency of final leaving exams, my state of Queensland being a classic example: we have continuous assessment whereas in New South Wales they have final examinations. There are quite different forms of assessment throughout the nation. The national curriculum does not sufficiently recognise the diversity of students, including gifted and talented students, those with special needs or students who have English as a second language. It is ambiguous about whether the material within the national curriculum is meant to be mandatory or designed to be a core around which jurisdictions and schools may add a little 'local flavour'. These concerns are shared amongst key stakeholder groups, including teacher representatives and professional associations.

For these reasons I, on behalf of the coalition, will be moving two amendments in committee. The first relates to the importance of ensuring that schools are provided with appropriate support and assistance to implement the national curriculum. Currently, there is no nationally agreed or consistent approach across jurisdictions to ensure that all schools are receiving adequate support in the area of the professional development of teachers to be able to effectively implement the national school curriculum.

Our second amendment seeks to include specific representation of the non-government school sector, an increasingly large sector, on bodies charged with developing timelines for implementation of the national curriculum. Currently there is no requirement for representation of non-government schools on the Council of Australian Governments’ Standing Council for School Education and Early Childhood, or on its advisory officials' committee, the Australian Education, Early Childhood Development and Youth Affairs Senior Officials Committee.

Having adequate representation would add a safeguard that non-government schools would be adequately and appropriately consulted in the lead-up to decisions regarding the implementation time frames for the national curriculum. If a national curriculum is to serve the learning needs of Australia’s children, the implementation process must not be hurried in the manner of Mr Garrett’s Home Insulation Program or Ms Gillard's bungled school halls program. This is just too important to get wrong.

These two modest amendments would go a long way to alleviating some of the recurring concerns about the curriculum process. When the then education minister, Ms Gillard, promised 'A national curriculum publicly available and which can start to be delivered in all jurisdictions from January 2011', her press release of 15 April 2008 was titled, 'Delivering Australia's First National Curriculum.' Three and a half years later, Ms Gillard is still delivering, but the national curriculum
curriculum is stillborn. Those of us who have watched this saga unfolding, not to mention the fiascos of computers in schools and the school halls program, were not surprised that Ms Gillard's record as minister for education proved to be a very accurate foretaste of her tenure as Prime Minister—sad, but not surprised.

Senator Sterle: You know that is rubbish, mate! Tell me what school in Queensland does not deserve a school hall?

Senator Jacinta Collins interjecting—

The ACTING DEPUTY PRESIDENT (Senator Parry): Order! Senator Mason, have you completed your remarks?

Senator Sterle interjecting—

The ACTING DEPUTY PRESIDENT: Senator Sterle, Senator Collins is waiting to address the chamber.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (11:11): I think I will constrain myself to a traditional summing-up speech rather than respond to some of the inaccurate reflections from my colleague on the other side. The Schools Assistance Amendment Bill 2011 makes amendments to the Schools Assistance Act 2008 to provide a more certain legal framework for the non-government school sector in which to implement the national curriculum and provide greater administrative efficiency for prescribing the phased introduction of the Australian curriculum. It will repeal the current implementation date for non-government schools of 31 January 2012 and substitute a new provision enabling a standing regulation to prescribe the national curriculum and associated implementation time frames as agreed—and I stress 'as agreed'—by the Council of Australian Governments' Standing Committee for School Education and Early Childhood. The regulations will also allow the government to align curriculum implementation time frames for non-government schools with those for government schools agreed by ministers in December 2010. I will perhaps leave further reflections on some of the issues raised by Senator Mason during his contribution to the discussion of the repeat attempt at the amendments that we will deal with when we go into committee. I commend the bill to the Senate.

The ACTING DEPUTY PRESIDENT: The question is that the bill be read a second time.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

The TEMPORARY CHAIRMAN (Senator Parry): The question is that the bill stand as printed.

Senator MASON (Queensland) (11:13): by leave—I move opposition amendments (1) and (2) on sheet 7137 to together:

(1) Schedule 1, item 1, page 3 (lines 8 to 11), omit all the words from and including "require" to the end of subsection 22(1), substitute:

(a) require the relevant authority for the school or system to ensure that the school, or each school in the system, implements the national curriculum prescribed by the regulations in accordance with the regulations; and

(b) provide such funding as is necessary to ensure that each teacher in the school or system has received professional development in the implementation of the national curriculum in accordance with the regulations; and

(2) Schedule 1, item 1, page 3 (after line 11), after subsection 22(1), insert:

(1A) The national curriculum must not be prescribed unless the non-government school
sector has had input into its development through membership and/or observer status on the Australian Education, Early Childhood Development and Youth Affairs Senior Officials Committee.

[national curriculum—non-government school sector input]
The first amendment relates to professional development for teachers. You will recall that in my contribution to the debate on the second reading I touched on the fact that school teachers did not have sufficient background or training to make the most of the national curriculum; this has been a criticism that I have heard a lot about and I know Mr Pyne, as the minister in the House of Representatives, has also heard much about this. This is a fairly modest amendment. What it seeks to do is simply to ask the government to provide such funding as is necessary to ensure that each teacher in a school or the system has received professional development in the implementation of the national curriculum. It is a big change to schooling in this country, and the coalition wants to ensure that it is done correctly. The second point is to do with non-government school sector input. The coalition believes that the non-government sector should have input into the timing of the implementation of the national curriculum and that it should be done formally. So there should be formal powers in legislation for the non-government sector to participate in developing the time lines for implementation.

These are two quite simple amendments. There is nothing particularly complicated about them at all. I should add that both these opposition amendments have now been endorsed by the Independent Schools Council of Australia, the National Catholic Education Commission and the Independent Education Union. So the endorsement for both amendments is broad, right across the independent school sector.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (11:15): I think Senator Mason for moving these two amendments together. It may save the chamber some time. These amendments have already been moved and lost in the other place. They were lost because they are poor amendments that do nothing to enhance the delivery of the Australian curriculum. I shall repeat, for the benefit of the opposition, the arguments made by the Minister for School Education, Early Childhood and Youth in the House.

The first opposition amendment relates to the issue, as mentioned by Senator Mason, of teacher professional development. The Australian government is making a substantial contribution to the establishment of Australia's first national curriculum. This is the curriculum that the coalition often talked about but were unable to deliver, much like their early childhood agenda. Under the National Education Agreement, the Australian government and states and territories are jointly responsible for the development of the Australian curriculum. States and territories, including non-government schools and systems, are responsible for implementation of the Australian curriculum. This was a commitment under the National Education Agreement and is a requirement of the Schools Assistance Act. Implementation refers to delivery with appropriate support. This has clearly been understood by the states and territories since this was first discussed at ministerial council meetings. The first opposition amendment ignores this agreement. It is also fiscally irresponsible.

The opposition already has a $70 billion black hole, and this amendment would commit the Commonwealth to further millions of uncapped expenditure. There are over 100,000 non-government school-teachers in the teacher workforce in
Australia. The coalition refers to 'such funding as is necessary', without definition, in the amendment. The opposition have promised cuts of $2.8 billion and have yet to tell us what proportion of the $70 billion black hole will come from education—another $5 billion in cuts, $10 billion, $15 billion and now another uncapped promise.

All states and territories have agreed that the implementation of the Australian curriculum is their responsibility. They have committed to this. All states and territories have programs that could be used or redirected to focus on professional development for teachers to deliver the Australian curriculum. One significant benefit of the Australian government is also supporting the delivery of the national curriculum. The national digital resource collection, managed by Education Services Australia, gives schools access to over 5,000 resources aligned to the Australian curriculum. The Australian Institute for Teaching and School Leadership is delivering professional development in the form of the Leading Curriculum Change Professional Learning Flagship Program.

Let me move to the second opposition amendment, which is also an inaccurate reflection of current processes. Firstly, the Australian government believes strongly in school choice. The government's policies recognise this principle in practice. The Minister for School Education, Early Childhood and Youth has regular meetings with the non-government school sector and takes into account their views when making decisions at ministerial council meetings. The Australian Education Early Childhood Development and Youth Affairs Senior Officials Committee, AEEYSOC, is made up of senior officials of government departments across states and territories.

This committee was specifically established and formulated to provide support directly to ministers in relation to ministerial council meetings, and this is the key point. Membership of AEEYSOC is not an appropriate decision for the Australian parliament. It is a decision for the ministerial council and it is a decision for education ministers from all states and territories. I would also make the point that it is a decision that the coalition somehow forgot to make when they had the opportunity.

The non-government sector is represented on the Australian Curriculum, Assessment and Reporting Authority, ACARA, and the Australian Institute for Teaching and School Leadership, AITSL. The Australian government has also established the strategic policy working group chaired by the Department of Education, Employment and Workplace Relations secretary. It includes representation from the Catholic and independent sectors and was specifically established to consult on the government's education reforms. The Minister for School Education, Early Childhood and Youth personally chairs the cross-sectoral Australian government election commitments working group. This is a significant opportunity for formal consultation, and this is entirely reasonable given the importance of the non-government school sector. It is also more consultation than the former coalition government ever provided. The government will continue to consult with the non-government sector and to include the non-government sector in working parties and committees. These amendments should be defeated.

Senator MASON (Queensland) (11:21): The minister was eloquent, as always, but I think I did mention that the coalition amendments I have moved this morning have been endorsed by the Independent Schools Council of Australia, the National...
Catholic Education Commission and the Independent Education Union. There is a reason for that, and that is: there is no specific legislative device whereby the independent schools sector have a role in developing time lines for implementation of the national curriculum. What the opposition is asking for is simply a specific legislative charge for independent schools to have a capacity to be involved in the setting of time lines for the implementation of the national curriculum. I do not think that is asking too much.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (11:22): I should respond to Senator Mason's assertion in that respect. I covered many forms for which the non-government sector has the opportunity for input in terms of time lines. In fact, these very measures represent concerns from the non-government sector as to aligning themselves with the government sector and other matters related to when the curriculum changes should occur. Those consultation mechanisms will continue and will allow the non-government sector the opportunity to input into government decision-making processes.

Senator MASON (Queensland) (11:22): Mr Chairman, without being too argumentative, which as you know I would never be, that consultation is a matter of ministerial discretion rather than legislative right. That is what the government does not seem to understand.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (11:23): Sad as I am to reiterate the point that I made earlier, the consultation processes that have been allowed for the non-government sector by this government exceed by far what the former government put in place for this sector. The opportunities for consultation are there. The sector is working with this government and state and territory governments on the Australian Curriculum and the advances that we have made far exceed what was attempted by the former government.

Senator MASON (Queensland) (11:23): During my contribution on the second reading, I spoke about the cross-curriculum perspectives, and the minister, indeed the Senate, will recall that. They are the Indigenous perspective, a commitment to sustainable patterns of living, and an emphasis on Asia and Australian engagement with the region. They are the cross-curriculum perspectives that are weaved through the national curriculum. That is what the relevant authorities have done with the national curriculum. I ask the minister: why don't we have a cross-curriculum perspective that teaches students about the role and importance of liberal democratic institutions in shaping the society they live in?

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (11:24): Much as I am loath to take the Senate down this path, which has been journeyed many times by Senator Mason in Senate estimates, I can quite clearly indicate to Senator Mason that I have listened in detail to his concerns, as I am sure that any person looking at the advances that have been made to a national curriculum would have their own perspective on, but I have yet to encounter someone who has quite the ideological fervour for the particular issues that you raise, Senator Mason. Certainly, there will be some criticisms of some elements of a national curriculum from some sectors or some areas but all I have heard in the main is people relieved to see that progress in this area is occurring.
Senator MASON (Queensland) (11:25):
Does the minister believe, and does the government therefore believe, that the cross-curriculum perspectives of (1) Indigenous perspective, (2) a commitment to sustainable patterns of living, and (3) an emphasis on Asia and Australia's engagement with the region are more important than the importance of liberal democratic institutions, or the heritage and the impact of a Judaeo-Christian Western tradition, or indeed, the role of science and technology. Try that, minister.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (11:26): I will simply reiterate the point I made a moment ago. I do not intend to reprocuse what has been covered in Senate estimates session after session and I would encourage Senator Mason to follow his earlier remarks about avoiding the ideological focus that we seem to be commencing.

Senator MASON (Queensland) (11:26):
It is really unbelievable that we have a national curriculum being developed to standardise curricula throughout the country and, as you know, the opposition agrees with that in principle. Of that there is no argument. But this is an enormous change to curricula offered to Australian children throughout our country and yet you cannot get a straight answer out of the government to suggest that the perspectives it is weaving through the national curriculum for the apparent benefit of our children are more important than the cross-curriculum perspectives that I just suggested.

The government has never had the courage to do that. Not once. I have never had the minister, either in estimates or in this place, have the courage to stand up and say, 'No, Senator, you are wrong. Indigenous perspectives, a commitment to sustainable patterns of living and an emphasis on Asia and Australia's engagement with the region are more important than the importance of liberal democratic institutions, or the heritage and the impact of a Judaeo-Christian Western tradition, or indeed, the role of science and technology.' No-one on that side has ever had the courage to make that point. Not once, in 18 months.

Mr Pyne and I have prosecuted this case up hill and down dale and not once has anyone on that side ever said, and neither has ACARA, that those cross-curriculum perspectives that have been put to be taught to every kid in this country are more important than the role of science and technology, the Judaeo-Christian ethic and the importance of liberal democratic institutions. We have never had a straight answer from this government in 18 months, and still it cavils and squirms and swerves. You cannot get a sensible answer out of ACARA either, which is to administer this program. It is someone else's responsibility, yet this is the most far-reaching change to curricula this nation has seen since 1901. You cannot get a sensible answer to that question. What does that say about the entire national curriculum when the minister is not even prepared to stand up and say, 'I am proud of these cross-curriculum perspectives because they underpin the new national curriculum.' No-one in the Labor Party is prepared to say the three it has chosen are more important than the three I nominated. It has not happened once in 18 months.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (11:29): Well—

Senator Mason interjecting—

Senator Sterle: You're scaring me, Brett.

Senator JACINTA COLLINS: Thank you, Senator Sterle, for that interjection,
because that is what continues to occur here. I had hoped that Senator Mason would be in one of his better moods today, but it seems as if we are journeying back down that ideological scare campaign. He asks whether the government is proud of the national curriculum and the cross-curriculum perspectives, and the answer to that is a simple and straightforward yes. Let me address some of the concerns that Senator Mason continues to raise. He says that neither ACARA nor the government has given sensible answers to his questions. Unfortunately, he has been provided with sensible answers time and time again. What is critical here, though, is that he refuses to accept those answers.

I mentioned that from my point of view in dealing with this policy area I have yet to come across anyone raising with me these concerns about the cross-curriculum perspectives in the manner that I have heard Senator Mason raise them on several occasions. This is an opposition scare campaign which is failing to gain any significant traction. An amendment was moved in the House and it failed. These amendments have been moved here now, so let me address a couple of those in case somebody listening has some genuine concerns with the issues that Senator Mason has raised.

Liberal democracy is one of the issues that Senator Mason says should be part of a cross-curriculum perspective. The Westminster parliamentary system, Judaeo-Christian backgrounds and science and technology are present in the history and science curricula—not in the cross-curriculum perspectives but in the core subjects. Why Senator Mason feels that these particular areas must be significant cross-curriculum issues—or must be, should I highlight, at this particular point in time—is, I believe, simply to do with fearmongering.

The opposition is chomping on an ideological debate because Senator Mason and Mr Pyne are outside the process involving the state and territory ministers and stakeholders and their consultations through the various measures that I highlighted before and outside the process with ACARA. It is time that the opposition simply got on board, accepted the national curriculum and let it be implemented.

Senator MASON (Queensland) (11:32):
Let us be straightforward and frank. Does the minister and does the government believe that the three nominated cross-curriculum perspectives are more important than the three cross-curriculum perspectives that I nominated—the importance of liberal democratic institutions, the Judaeo-Christian western tradition and the role of science and technology? Does she on behalf of the government believe that the three nominated by the government are more important than the three nominated by me on behalf of the opposition?

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (11:33): Unfortunately, this question of Senator Mason’s is starting to become somewhat repetitious. Senator Mason, I will not be drawn on answering that question in the way you seek. Indeed, nobody would, because your attempt to make those sorts of value characterisations is not appropriate. I have said, as I mentioned before, those particular matters of liberal democracy, Judaeo-Christian background and science and technology are all covered in core subjects. Why Senator Mason continues to insist that these matters must be part of the first cross-curriculum perspectives is beyond me.

Senator MASON (Queensland) (11:33):
That is very interesting—'value
characterisations'. You might ask, Mr Chairman, what values are characterised by the three cross-curriculum perspectives nominated by the government and by the ones that the opposition have nominated. You might ask about the characterisation of those values. The opposition supports liberal democratic institutions, the Judaeo-Christian western ethic and the role of science and technology. We think they are more important than the Indigenous perspective, a commitment to sustainable patterns of living and an emphasis on Asia and Australia's engagement with the region—or at least equally important as those. Those are values.

The CHAIRMAN: The question is that opposition amendments (1) and (2) on sheet 7137 be agreed to. A division having been called, I remind honourable senators that divisions cannot take place before 12.30 on Mondays. The debate is adjourned accordingly.

Progress reported.
(Quorum formed)

Australian Energy Market Amendment (National Energy Retail Law) Bill 2011
Second Reading

Debate resumed on the motion:
That this bill be now read a second time.

Senator HUMPHRIES (Australian Capital Territory) (11:38): This bill amends legislation to apply the National Energy Retail Law, NERL, the National Energy Retail Rules and the National Energy Retail Regulations as Commonwealth law to facilitate its nationally consistent and effective application. It also provides for conferral of functions and powers on Commonwealth bodies acting within the framework, including the Australian Energy Regulator and the Australian Competition Tribunal, and provides for judicial review of decisions of the Energy Regulator under the National Energy Retail Law. This bill ensures that the Australian Energy Market Act 2004 operates as the Commonwealth's application act for the National Energy Retail Law set out in the schedule to the National Energy Retail Law (South Australia) Act 2011, which received royal assent on 17 March 2011. It also makes necessary consequential changes to other Commonwealth legislation.

The NERL is the final major component of the national energy market reform program agreed by the Council of Australian Governments in response to the 2002 COAG energy market review, Towards a truly national and efficient energy market, and set out in the Australian Energy Market Agreement. The bill gives administrative and legislative effect to part of a reform program agreed by COAG. Participating jurisdictions have committed to commencing legislation applying the NERL by 1 July, 2012. The amendments to Commonwealth legislation in this bill will ensure that relevant Commonwealth bodies which are conferred with functions, powers and duties under the NERL, including the AER, are able to perform those functions and duties and exercise those powers from the commencement date. The coalition is pleased to support this bill which continues the work of the previous coalition government and that of my colleague the Hon. Ian Macfarlane.

Unfortunately, there is every sign that the important work commenced by the coalition in 2002 is being countered by other aspects of this government's energy policy. Since the Labor government came to power, electricity prices across Australia have increased on average by about 50 per cent and gas prices have increased on average by about 30 per cent. It is forecast that electricity prices will double by 2020, even before this government's new policy proposals are taken
into account. It is therefore quite amazing that this government is so doggedly pursuing a policy that has as its objective forcing up the price of energy and eroding the benefits Australians have enjoyed as a result of access to affordable, reliable and increasingly competitive supplies of electricity.

This is exactly what the Labor-Greens carbon tax will do: it will force up the price of electricity by another 20 per cent over the increases already in the pipeline. The carbon tax, which will impact on individual Australians at a rate 400 times greater than that of the most comparable scheme—that in Europe—will force a dramatic increase in electricity prices and place our industries at competitive disadvantage.

The carbon tax also launches an assault on the very industry that provides the majority of Australia's base load electricity, the coal industry. It will dramatically downgrade the value of Queensland and New South Wales electricity assets without providing any compensation. The vast majority of the government's $5.5 billion compensation package for electricity generators will go to the highly emitting brown coal generators in Victoria and South Australia. An ACIL Tasman report released by the Baillieu government puts the figure for the Victorian generators at 97 per cent of the compensation package. This leaves Queensland and New South Wales out in the cold when it comes to their black coal fired generators, despite the fact that they are facing multibillion dollar write-downs in the value of their assets because of the tax. The O'Farrell government in New South Wales has estimated that its black coal fired power stations will suffer a loss of value of at least $5 billion because of the Gillard government's carbon tax. Even in Queensland, Labor Premier Anna Bligh has complained about the lack of compensation for Queensland assets, which she claims will be written down by about $1.7 billion. In fact, it will almost certainly be much more than that.

The significant losses in value for generators have important ramifications for energy security and will also drive up electricity prices for consumers. In the context of this bill, which the coalition supports, it must be asked what the value is of ongoing energy market reform when the government is simultaneously engaged in energy market sabotage. And all this is at a time when the government's long promised energy white paper—due in 2009—has still not been delivered.

I would submit that the energy market needs two things. It needs the confidence of knowing where the reforms are headed and the confidence of knowing that its investments are safe. At this point in time, it has neither of those things. What it has is policy chaos and the promise of new taxes. Despite the reforms continued by this bill, we have a government that has shown no commitment to the ethos—a reliable and low-cost energy sector—that has underpinned our competitive advantage for a very long time. The coalition supports this bill because we are committed to keeping energy prices low for industry and for households. Whether any aspect of this is supported by the Gillard government will not become clear until it releases its white paper, for which we continue to wait. However, the evidence, from the debate underway in the other place, is that its commitment is very much against the grain of the subject matter of this bill.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (11:45): The Greens will be supporting the Australian Energy Market Amendment (National Energy Retail Law) Bill 2011. I note with interest that Senator Humphries talked about
sabotage of the national electricity market; there is only one group of people sabotaging ongoing reform in the national electricity market, and that is the coalition because of its attitude to renewable energy, to energy efficiency and to bringing about the changes necessary to bring Australia into a competitive position in a low-carbon economy.

National electricity market reform is essential. In fact, it has been way too slow, consistent with the COAG process generally. My main criticism is that the COAG process tends to be a great big black hole where the federal government puts issues that are in the too-hard basket. Issues stay at COAG for an interminable length of time before any real reform comes out the other end. I am very pleased to say that there is strong recognition that the problem we have at the moment with electricity prices rising around the country is because there has been a failure to invest and that that failure to invest has been because of a lack of certainty. We are getting lots and lots of complaints around the country from councils that want to make new, green suburbs but are dissuaded from doing so because the energy market operator, because of the rules of the market, says it is too hard to balance the grid—it is all too difficult, everything is too hard.

The other problem with the way in which the national electricity market works at the moment is that its bias is on the supply side. That cuts out the real potential for energy efficiency in demand side management, which is why, in the course of negotiating the agreement with the government, there were two really critical recommendations: one was that the Australian Energy Market Operator look at planning for 100 per cent renewable energy; the other was that the federal government lead the process through the Ministerial Council on Energy to look at the bias in the national electricity market towards creating more and more supply side and instead enable more demand side management. The reality is that we need intelligence added to the grid. We need a smart grid operating right around Australia so that we can take advantage of what is happening and recognise that consumers want to be prosumers. They want to produce electricity from their own households and businesses, be empowered to consume energy, implement energy efficiency and be able to proactively engage with energy supply. There is a lot of business out there for people who can aggregate energy demand side savings and negotiate in the market on that. We are already seeing significant efforts made to bringing on renewables to shave off the peaks and make all sorts of improvements. Of course, with new battery technology we are going to get to the point where we will be able to avoid building substations as suburbs and businesses will be able to take on storage to go with their renewable energy initiatives and energy efficiency initiatives. That will lead to substantial savings.

Just as we had an enormous revolution in telecommunications, with mobile phones and mobile technology, which has made virtually redundant the idea of having to have a landline, there is going to be a real revolution in the electricity market in years to come. People need to think about what that actually means: what it means for us into the future; what it means when people decide that they will become self sufficient and disconnect themselves from the grid. They also need to think about what it means over time, especially people with large areas of roof space—for example, large warehouses or shopping centres, particularly the large outlets of various commodities. They might decide they can actually benefit by managing their own electricity. We will see substantial changes. We need massive reform to the
national electricity market, and I am look forward to seeing that happen.

We also have issues with the renewable energy target and whether that can be fulfilled in the way that the parliament expected it to be, because we have ended up with this perverse outcome of three main retailers who are vertically integrated and are not signing contracts for new renewable energy. There is real concern about what will happen and whether we will end up with sabotage of the renewable energy target. The role of the three energy retailers will become clearer next year, when there will be a review.

We support these reforms, but they are only part of an ongoing process of electricity market reform. We look forward to an accelerated reform process and to the ministerial council's getting its head around the changes taking place in energy right around the world, but particularly here in Australia where fantastic new technologies are being developed not only in renewable technology, but in battery storage technology. Unless we get ahead of the game and think about what it is going to mean, we are going to end up with the national electricity market and the ministerial council scrambling to catch up.

I look forward to the implementation of the agreement that the Greens, the government and the Independents have come to, to see AEMO start planning for 100 per cent renewable energy, to see the Commonwealth take a lead at the ministerial council to bring about the changes to the national electricity market to give greater acknowledgment of demand side management and to see a much more proactive engagement with the future of energy and energy service delivery in this country.

**Senator SHERRY** (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (11:52): Firstly, I thank the speakers who have contributed to this debate on the Australian Energy Market Amendment (National Energy Retail Law) Bill 2011. It is an important debate, as Senator Milne has pointed out. The bill sees the Commonwealth play an important facilitating role in implementing the cooperative legislative regime of the Council of Australian Governments—known as COAG—for regulating the relationship between energy retailers and their customers. This regime is the final major component of the national energy market reform program agreed by COAG in response to its 2002 Energy Market Review 'Towards a Truly National and Efficient Energy Market' and set out in the Australian Energy Market Agreement.

By way of an important aside, there is also a range of very important reforms under the COAG auspices that I have particular familiarity with and responsibility for in the area of what is known as the seamless national economy deregulation overseen by the Business Regulation and Competition Working Group, which I co-chair with my colleague the Minister for Finance and Deregulation, Senator Wong. It has 27 deregulatory projects across important parts of the economy to reflect national regulation as distinct from a somewhat fragmented and inefficient state and territory regulation. That has been agreed to by state and territory leaders in the Council of Australian Governments. Some important reforms that I have referred to from time to time are also being carried out under the auspices of COAG. In fact, more reform is being done in this area than we have seen in many decades.

By applying the national energy retail law as Commonwealth law the bill will help reduce the regulatory burden on energy
retailers, open the market to greater competition and provide a stronger range of specific energy-consumer protections. This bill amends three Commonwealth acts. The Australian Energy Market Act 2004 as amended will apply the new national energy retail law set out in the schedule to the National Energy Retail Law (South Australia) Act 2011 (SA), and the rules and regulations made under it, as a law of the Commonwealth in Australia's offshore areas.

The Australian Energy Regulator and the Australian Competition Tribunal will have important roles in overseeing the proper operation of this legislative regime to ensure efficient and competitive outcomes in the energy market to protect the long-term interests of energy consumers. To this end, this bill amends the Australian Energy Market Act 2004 and the Competition and Consumer Act 2011 to explicitly allow the new national energy retail law to confer relevant functions and powers and impose duties on these two Commonwealth bodies. Under the national energy retail law, the regulation of all energy retail businesses, except in Western Australia and the Northern Territory, will be undertaken by the Australian Energy Regulator bringing the whole energy supply chain under national regulation for the first time.

The Australian Energy Regulator will oversee a robust compliance and enforcement regime across all participating jurisdictions in a manner that will contribute to the achievement of the national energy retail objective. It will also have a number of new approval functions. The amendments to the Australian Energy Market Act 2004 contained in this bill provide jurisdiction to the Federal Court to hear proceedings under the national energy retail law. This bill also amends the Administrative Decision (Judicial Review) Act 1977 to ensure that the administrative decisions of the Australian Energy Regulator under the national energy retail law are subject to appropriate rigorous judicial review.

In summary, the amendments in this bill represent a significant legislative step towards a truly national energy retail regime under a national energy regulator. This cooperative scheme will ensure that Australia enjoys strong energy customer protections and the benefits of competitive and efficient energy markets while minimising the regulatory burden on industry. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

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

Senator SHERRY: by leave—I move:
That this bill be now read a third time.
Question agreed to.

Bill read a third time.

Migration Amendment (Complementary Protection) Bill 2011

Second Reading

Debate resumed on the motion:
That this bill be now read a second time.

Senator CASH (Western Australia) (11:58): I rise today to speak on the Migration Amendment (Complementary Protection) Bill 2011. The bill before the Senate seeks to amend the Migration Act 1958. The current bill is based on a previous bill titled the Migration Amendment (Complementary Protection) Bill 2009, which was introduced into the Senate in 2009 but was not subsequently debated and
lapsed on 19 July 2010 when parliament was prorogued for the 2010 federal election. Prior to the prorogation of the parliament in 2010, the Senate Legal and Constitutional Affairs Legislation Committee considered the earlier bill and made a number of recommendations.

I note that in the second reading speech of the Minister for Immigration and Citizenship he makes the observation that the bill comprises a number of key points. These include, firstly, protection visa applicants will continue to have their claims first considered against the refugee convention related criteria set out in Australia’s migration legislation. Secondly, applicants who are found not to be refugees under the refugee convention will have their claims considered under the new complementary protection regime. Thirdly, this approach recognises the primacy of the refugee convention as an international protection instrument and is supported by the UNHCR. Fourthly, the bill establishes new criteria for the grant of a protection visa in circumstances that engage Australia’s non-refoulement obligations under human rights treaties other than the refugee convention. Fifthly, Australia will not return a person to a place where there is a real risk that a person will suffer particular types of significant harm contained in the relevant human rights treaties, namely: the arbitrary deprivation of life—having the death penalty carried out—being subjected to torture, being subjected to cruel or inhumane treatment or punishment, or being subjected to degrading treatment or punishment.

The opposition further notes that the bill also provides for a range of consequential amendments to the Migration Act that are to be inserted by the bill. The opposition also notes that if the bill is agreed to in its present form amendments to the Migration Regulations 1994 will be required to complete implementation of complementary protection in the protection visa subclass. The government claims that it has identified a number of significant lacunas in the existing law and is seeking to address these lacunas. The government further claims that the Migration Act as it currently stands provides that only those people fleeing persecution for one of the five reasons outlined in the Convention relating to the Status of Refugees—namely, race, religion, nationality, social group or political opinion—are eligible to receive a protection visa through the usual process. As a consequence of the construct of the current law, persons who are fleeing from other acts of barbarism or threats to their life can find that, because of the provisions of the current Migration Act, they are not eligible to receive a protection visa, and any application from them must be rejected by the department and also by the Refugee Review Tribunal notwithstanding instances where Australia’s non-refoulement obligations and other international treaties ensure that we cannot and will not send them back to their countries of origin. Having been rejected by the department and/or the Refugee Review Tribunal as a consequence of the current law, the applicant must then appeal to the minister, who has the legal capacity to exercise a discretion as to whether the applicant should be granted a protection visa. The government seeks to remove the discretion of the minister in certain circumstances and substitute this ministerial discretion with a codified regime which will be the subject of judicial review.

The coalition says at the outset that for the minister to give away the capacity to exercise his discretion is a blatant abrogation of the responsibility that this parliament had vested in the minister for very cogent reasons. It is a cop-out at the highest level of authority that is vested in the minister. Senators will be aware that, when dealing
with claims for refugee status, complementary protection refers to a state's obligations to nonrefugees—that is, people who do not satisfy the 1951 refugee convention definition—who are nonetheless in need of protection on the basis that they face serious violations of their human rights if sent back to their country of origin. As we know, a refugee is defined in the 1951 refugee convention, along with the 1967 protocol, as being:

... any person who ... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country ...

Australia is a signatory to that convention.

The government claims that an objective of this bill is to amend the Migration Act 1958 to better meet Australia’s human rights obligations with respect to nonrefoulement under international law, and that a key aspect of the bill is the reduction in reliance on ministerial intervention powers with respect to noncitizens seeking protection in Australia from the risk of harm overseas. The government also claims that this bill will eliminate a significant administrative deficiency in the visa application process, making the process more efficient, transparent and accountable.

The coalition recognises that there are always going to be some persons whose personal situations mean that they do not qualify under the refugee convention and who therefore cannot be considered in the protection visa process, even though a nonrefoulement obligation should arguably arise. Recent cases reported in the media about women who may be subject to genital mutilation or honour killings if they return to their home countries are prominent examples, and there are many other complex or one-off situations that may arise. Where an individual does not meet the refugee convention criteria, but is clearly at serious risk, the minister has the power to exercise his or her discretion. This safeguard has been in place for decades and there is no evidence to suggest that it has been anything other than effective. It is a tried and proven system which meets Australia’s international obligations and which protects those who are in genuine need of such protection.

The minister has stated this bill will help Australia better meet its international obligations. He is not saying that Australia is not currently meeting our international obligations. In fact, the minister’s office has confirmed that no-one who would be considered under the new provisions has previously failed to obtain a protection outcome under the current ministerial intervention arrangements—not one person. Between 1 January 2010 and 22 October 2010 the minister finalised 1,690 requests for intervention. Of those, the minister granted visas to a total of 438 people. According to the minister’s office, of those 438 visas, only six satisfied the requirements of the proposed new complementary protection provisions.

In evidence given to the Senate Legal and Constitutional Affairs Legislation Committee inquiry, the Department of Immigration and Citizenship advised that of the 606 visas granted by the minister using section 417 powers in 2008-09 program, only 55 were granted out of the humanitarian program, and less than half of these cases involved nonrefoulement issues. Consistent with evidence previously provided to the Senate committee, DIAC and the minister’s office have reconfirmed that they do not expect the numbers of applicants being granted protection visas under the complementary protection provisions to increase at all. The question is therefore this: why does the government need to introduce a statutory
framework to deal with such a small number of cases?

It is pertinent at this point to note the seven main 'issues' that the Senate Legal and Constitutional Affairs Committee identified from the written submissions it received in 2009. The issues were also referred to in the Parliamentary Library briefing note on the current bill. They include: the complexity of the test and/or the difficulty in meeting it, particularly the requirement that a person be at risk of irreparable harm; the distinction in the bill between personal and generalised violence, and the intention of the bill to disqualify applications on the basis of the risk to a person not being personal; the apparent unworkability of the death penalty provision, which required that the death penalty be carried out; the imposition of an additional intention criterion in the definitions of 'cruel or inhuman treatment or punishment' and 'degrading treatment or punishment' and the splitting up of the definitions; the inconsistency of proposed subsection 36(2C) with the non-derogable provisions of the CAT and the ICCPR; the undesirability of quantified terms of imprisonment in the existing statutory definition of 'serious offence'; and the exclusion of statelessness from the protection framework. It is interesting to note that the majority of these issues have not been addressed in the current bill.

We on this side of the Senate believe that the issue that is at the heart of the bill is the question of ministerial discretion and we further say that this bill is designed, in part, to transfer the exercise of ministerial discretion to a codified regime that will introduce appeal provisions which would not have been brought into play under the current provisions relating to ministerial discretion as such decisions are not appealable. We believe that empowering a minister to exercise his or her discretion to determine an outcome of a given issue is one of the most important facets of ministerial responsibility in a minister's duty to act in the public interest.

We also note that, in March 2004, there was a report tabled by the then Senate Select Committee on Ministerial Discretion in Migration Matters. In chapter 4 the report noted that the Commonwealth Ombudsman expressed the following view about access to parliamentarians and the use of ministerial discretionary powers:

One great strength of our political system is that members of parliament—Minister included—are members of the community and move broadly through the community. They listen to what people have to say and their knowledge of the world—their sagacity and their wisdom—and of deserving cases is triggered by what people have to say … It is a strength of the system that a Minister, for example, can go to a particular ethnic community function or to some other function and people can speak to him or her and attract his or her attention. But that inevitably leads to the allegation that the Minister has favoured the community that he or she has just visited as against a community that did not issue an invitation to the Minister. One can see that there is an element of partiality or favouritism but, as I said, on balance I think we regard that as one of the strengths of our system. It is one of the points of access to official and political power that, overall, we would prefer to preserve.

The report continues:

Most of the submissions to the Inquiry recognised the importance of maintaining the capacity for the Minister to exercise discretion as an instrument of last resort.

Chapter 4 then concludes:

Australia's rigorous approach to the selection of migrants harnesses the positive effects of human mobility while undercutting the illegal trade in people. The continuing success of our immigration programs depends on the support of the Australian public. This support in turn depends on the fairness, integrity and rigour of our migration programs. If the distinction
between a well-managed and generous Migration Program and informal and unregulated movements breaks down, public confidence in the Migration Program, as well as our very successful policy of multiculturalism, would be undermined.

The Minister's discretionary powers must be seen in this context. They allow the Minister to exercise his or her judgement as to whether to overturn an outcome flowing from the Migration Act which may have lead to an unintended harsh result.

Without ministerial discretionary powers, considerable pressure would be placed on the rigorous migration selection criteria we have in place and we could be forced to take a less rigorous approach by lowering Australia's standards in the selection of migrants.

All this bill does is open up another avenue for onshore applications that goes well beyond the requirements of the refugee convention. The government, with this bill, run the risk of creating a further policy incentive for people smuggling while, by their own admission, the bill will not assist one extra genuine claimant. In stark contrast the current process, which includes ministerial discretion, maintains a flexibility that avoids these outcomes whilst affording protection to those who need it consistent with treaty and other obligations.

This bill is unnecessary, counter-productive and risks being represented as yet another softening of Australia's immigration laws, which sends a clear message that Australia is an easy target to people smugglers and unlawful noncitizens seeking entry. If the bill is passed a departmental decision not to grant complementary protection will be appealable. It seems that the lessons of the past have not been learned as this will inevitably mean that decisions may take many months if not years to be resolved if the initial decision is unfavourable and is appealed. This exacerbates an already fraught situation. For these reasons, the coalition will not be supporting the bill.

**Senator HANSON-YOUNG** (South Australia) (12:12): I rise to add the Greens' contribution to the Migration Amendment (Complementary Protection) Bill 2011 and commend the Minister for Immigration and Citizenship on his commitment to introduce a system of complementary protection and finally bring Australia into line with other Western countries in meeting our core human rights protection obligations under international law beyond that of the Convention relating to the Status of Refugees. I say this very seriously in relation to this piece of legislation because it is important for us to recognise our obligations under international law. Of course, it is somewhat ironic that we are debating this particular bill today, which would give necessary protections to people who do not necessarily fit the refugee convention, when at the same time—a quarter past 12—we have our Prime Minister meeting with Tony Abbott, the Leader of the Opposition, to discuss exactly how we should trash and undermine our obligations to the refugee convention. It is somewhat paradoxical that we can discuss the need for protection, the need to expand protection for vulnerable people, while at the same time, in another vacuum, discuss how we strip those rights away from people.

This legislation has taken two years to get to this place. I am thankful that it has come forward today. The Greens will be supporting it and I am disappointed that the opposition will not be. I also think members of the government need to strongly think about what laws we introduce into this country, what treaties and conventions we sign, and what we do to uphold our obligations under them. If it is right to introduce domestic legislation that upholds our obligations under the refugee convention, it is right that we stand by those conventions, that we stand by our domestic
laws that uphold them, even when the going gets rough and even when people want to be drawn into the ugly politics, the race to the bottom of who can be the toughest, meanest and most cruel to asylum seekers. This current political debate is an absolute farce. What we should be doing is putting Australia in line with other countries in the world, in line with where we were 60 years ago when we led the way in standing up for human rights, in standing up for some of the world's most vulnerable people.

The term 'complementary protection' essentially refers to a state's protection obligations under international law to people who cannot be returned to their home country safely but who do not strictly fit under the definition of 'refugee' as defined by the refugee convention. Many other states in the world have ensured the introduction of this type of complementary protection, and it has taken Australia until today to seriously consider it. Given Australia is a signatory to the major United Nations human rights treaties, we have a commitment to upholding non-refoulement obligations under article 33 of the 1951 Geneva convention, which prohibits signatory states from returning people to a country where they would be prosecuted, killed, tortured or subjected to cruel and degrading treatment. Yet, as it currently stands, these complementary protection obligations that Australia is a signatory to are met only through section 417 of the Migration Act, whereby the Minister for Immigration and Citizenship has the non-reviewable, non-compellable power to use his personal discretion to grant protection visas. Obviously, going through that process has meant that the length of time to determine whether somebody is indeed in need of protection and should be given it has dragged on and on, and we see very vulnerable people caught up in the system. Amending the act to make it easier and clearer to uphold our obligations and set down the groundwork for ensuring that this type of complementary protection can be given will not just help the individuals in need but also help streamline the rest of the review and application processes for other people applying for protection visas.

While the minister is required to table any decision to intervene in parliament, he is under no obligation to explain or justify any decision not to exercise discretion, nor is there the presence of any merits review of the decisions made by the minister. That is obviously very worrying, and it is incredibly dangerous when we are talking about desperate people fleeing dangerous and life-threatening circumstances to continue to rely solely on a system of ministerial discretion that is poorly suited to protecting against non-refoulement under the International Covenant on Civil and Political Rights, the conventions against torture and the conventions on the rights of the child.

Of course, we know that the Convention on the Rights of the Child, which is one of the international laws, will be breached if the government gets its way in amending the Migration Act in the broader sense to dump vulnerable people in a far-off land. Let us make sure that those types of protections are upheld regardless of whether children arrive here without their families on a boat or whether they arrive here without their families on a plane. We need to ensure that we protect the rights of children regardless of their mode of arrival. If they need protection, Australia should be big enough, wise enough and sensible enough to offer it to them.

Under the current legislation, there is of course an obvious lack of transparency, and this bill would go some way to dealing with those issues. Asylum seekers who do not fit the definition of 'refugee' as defined under the Geneva convention but who are in need
of protection are currently forced to go through a lengthy and expensive process in order to have their actual claim to protection assessed at the ministerial level. As I said, this system will help to streamline that process. It will help to ease the pressures currently before the Refugee Review Tribunal, because you will not have to go through all of that process simply to get the ministerial intervention which should have been obvious from the start—that a young nine-year-old Vietnamese boy in detention in Darwin, who has not been given the opportunity to apply for a refugee protection visa but who is obviously a young boy without his family, should not be dumped back in Vietnam simply because Australia does not have a way of protecting him. This bill would help to ensure that we actually offer protection where protection is needed.

In 2006 former Senator Andrew Bartlett introduced a bill that sought to establish a new category of visa, known as 'complementary protection', to deal with claims made in Australia by people whose circumstances did not meet the refugee convention definition of a 'refugee' but nonetheless had compelling humanitarian or safety reasons as to why they could not be returned to their country of origin and did not have a place to go other than this country. This legislation basically mirrors that. It does not offer a different category but it does offer the opportunity for a protection visa under these new criteria. It should be noted that when former Senator Andrew Bartlett introduced that legislation only the Greens supported it. Both the Labor Party and the coalition dismissed it.

Although Australia has ratified the International Covenant on Civil and Political Rights, the optional protocol and the abolition of the death penalty, the Convention on the Rights of the Child and the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, we have failed to pass adequate legislative measures to comply with our non-refoulement obligations. So this is all about trying to get our house in order. As I said, it seems bizarre that we are talking about this at the same time as the government of the day is trying to rip away our domestic footing for upholding the rest of the protection elements under the refugee convention and the Convention on the Rights of the Child when it comes to refugee and asylum seeker children. For many years refugee advocates have argued that the refugee convention alone is inadequate in defining actual protection needs in the modern-day environment. The Refugee Council of Australia argued in their Position Paper on Complementary Protection:

As the Convention specifies that a person must face or fear persecution, that is they must be individually targeted for who they are, what they are or what they believe in, victims of such events are unlikely to qualify for protection.

So, of course, that is why we get reviews and reviews and reviews. I hear the opposition talk a lot about how clogged up the system is because people are having their cases reviewed. It is very difficult, unless we bring ourselves up to the standards of the rest of the world in how we understand the needs of protection, the complexities of people fleeing persecution, torture and degrading treatment, to avoid those types of lengthy processes.

Despite the Greens’ obvious support for the objectives within this bill, we remain concerned that some wording contained within the bill could result in some applicants still falling through the gap when seeking protection. The Greens are concerned that proposed section 36(2A) of the bill does not explicitly enshrine all of Australia's non-refoulement obligations—in particular, we agree with the Australian Human Rights Law Resource Centre’s
submission that this section of the proposed bill does not reflect the full scope of children's rights which engage Australia's protection obligations. I would be interested to hear what the Australian Human Rights Law Resource Centre think about the government's proposed amendments to the Migration Act flagged on Friday. I assume they would be horrified at the idea that we are stripping absolute protections away.

It is well known that international law supports the extension of non-refoulement obligations based on the ICCPR, the Convention Against Torture, Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child beyond the grounds contained within the bill. It is absolutely important that we continue to work to strengthen our role in the global community to protect our fellow human beings, not doing everything we can to run away from our legal and moral obligations.

While the explanatory memorandum refers to all three instruments, only the ICCPR seems to be explicitly referred to in the actual legislation before us—and that is a concern. Why aren't we prepared to stand strong when we talk about the rights of the child? Why aren't we prepared to stand strong when we talk about the rights of people not to have to be scraping for support after they have been tortured? Why aren't we, if we sign these international conventions, prepared to accept that that means not just a nice signature, not just a nice press conference with other world leaders, but the opportunity to ensure that Australia lifts standards in our region, lifts understanding in our own communities, that these are basic standards of how human beings should treat each other? Or that the government, the parliament of Australia, will stand by those standards—promote them, protect them and uphold them? The last couple of months have seen absolute disarray in the debate when it comes to what our obligations are under international law.

Concern around the standard of proof that an applicant is required to meet under proposed section 36(2)(aa) is also an issue that the Greens are worried about. I urge the government to reassess this. We have spoken to the government about this; it was in our report into the inquiry into this bill and the government needs to look at that. Amnesty International argued in its submission that the wording contained within this section of the bill:

… could lead to divergence and inconsistency in the interpretation of the requirements for complementary protection, in particular the dual conditions of the risk being 'real' as well as 'necessary and foreseeable'.

These are obviously issues that people have. This bill is not perfect, but it is absolutely important that we get this passed.

We also have concerns about the term 'irreparable harm' being used in way which seems to suggest that the minister must not only believe that there is a real risk that a person may be subjected to torture or another specified violation of human rights but that, if they were to be returned to a country, also that the violation will result in irreparable harm. I think some of the language in this bill should be reflected upon: 'necessary and foreseeable' and 'irreparable harm' set a threshold for protection that is much higher than that imposed by international human rights law, which usually only requires a 'real risk' of harm to be assessed.

Subsection 36(2A) outlines an exhaustive list of matters that are to be considered necessary requirements for complementary protection, and the Greens welcome, in particular, the inclusion of the risk of the death penalty being imposed as an eligibility criterion. I know this was not in the first
version of the legislation, before the last election, but the government has taken that on board and looked at it in the new version, so that is a good thing. It would have been helpful for those other issues to be addressed as well. The definition is not precisely right but, as I said, I would prefer the Greens pass this legislation in the first instance than to have it held up any longer.

Another point I would like to touch on is the issue of statelessness. While I acknowledge that the government is aware of current and past failures to resolve the status of stateless people in a timely manner, the fact is that we are a signatory to both the Convention Relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. This means we have an obligation to develop mechanisms for recognising stateless people that come to Australia for protection. We know how many asylum seekers are detained in immigration detention centres across the country who, despite a very real risk of persecution and torture were they to be sent back to the places they have fled, the very nature of them being stateless means that the risk to them is even higher. And our current process by which we deal with their applications is long, confusing and complicated. So, for these people, our dealing with this issue and upholding our obligations under the various conventions that deal with statelessness would make it much easier. It would mean these people would not have to spend years and years of their lives becoming even further damaged, which impacts on their already fragile nature.

The last point in debating such a historic piece of legislation is that it would have been wonderful to have done it two years ago. We must not forget the ongoing commitment and advocacy of all the refugee, church and legal organisations, as well as the many individuals, who have lobbied both the previous and the current governments over the years to introduce a form of complementary protection to finally bring Australia in line with most other Western countries in adhering to our protection obligations, as defined in international law. While we remain concerned about it, the complementary protection model before us will not adequately address all of the holes in our overall protection framework. We recognise the need to pass the legislation that is long overdue.

Finally, there is the matter of all of the long, hard fighting and lobbying that the sector has put into the issue of women who face persecution simply because they are women and are sent back to precarious places in the rest of the world, and children who are unable to apply for refugee protection but are nonetheless here without their parents and need to be offered safety. Considering all of the groups that have fought so hard for this, the question to the government is: is all of this work going to be undone; is it all going to unravel? If you had it your way none of these people would be able to apply for protection in the first place, because you want to send them to a far off land without any guarantees for their protection, without any guarantees that the place they are being sent to will look after them and that they will not necessarily be sent back into harm's way, when the simplest thing for us to do is to stand by the conventions and the international treaties we have signed. If we have signed the refugee convention, the convention against torture and the convention on the rights of the child, we must abide by those because they are important instruments we signed. We signed them because we believed that it was the right thing to do. Don't undo all of this good work just because Tony Abbott has goaded you in a race to the bottom.
Senator IAN MACDONALD (Queensland) (12:32): This is an important debate and I want to support my colleague in what she has said in relation to this bill. Whilst I appreciate that, unlike other treaties, perhaps the refugee convention is not one that is absolute and cannot be derogated from, it seems to me that the government is being a bit hypocritical in bringing forward this bill talking about supporting international covenants and yet is currently in the throes of sending refugee applicants to a country that does not support the refugee convention. I know Ms Gillard has promised in the past that she would never send any refugees or asylum seekers to a country that did not support the refugee convention, which, like her promise 'There will be no carbon tax under the government I lead', is simply one of those promises that Ms Gillard does not think she has to abide by. So, I wonder why it is that we are taking these steps in legislation and yet it gives government more power in an area where they have proved that they do not really follow the commitments they have made previously and the commitments they have made to the refugee convention.

The other matter I want to raise is that in all of the talk about refugees and asylum seekers and where they will be sent for offshore processing, I do not think it comes through clearly enough that Australia and all Australians support the intake of refugees into this country. We have picked a figure of almost 14,000. Whether that figure is right or wrong is perhaps a question for another debate, but we as a country have said that we will take about 14,000 refugees every year. But the concern with the boat people coming from Malaysia and Indonesia is not about not accepting refugees coming in—all Australians accept that refugees should be allowed into this country—it is really a question about queue jumpers.

There are millions of people living in squalid refugee camps right around the world who have been determined by the UNHCR to be refugees. There is no question about it, they have fled persecution, death and things that put their lives and their families' lives in danger. But they do not get to Australia because, whilst they wait in these squalid camps right around the world, some other people are coming in ahead of them. The people who are applying may well be refugees and may well have very good cases. They all do, however, seem to be quite wealthy, because we know they are paying people smugglers ten, fifteen or twenty thousand dollars to get here. So they are clearly would-be Australians with plenty of money. Unfortunately, a lot of those existing around the world in the squalid refugee camps do not have a lazy $15,000 they can pull out of their pockets and get to a people smuggler and get to Australia tomorrow. They have to wait, in many cases for years, before they ever get the opportunity of coming to places like Australia. This is part of the debate which, regrettably, gets lost in Australia. Those of us who are interested in the debate should be better aware—and I am surprised that the media does not make this point more often. It is not that the coalition is against refugees; quite the contrary. We welcome refugees in accordance with the rules. But, every time we take a boat person from Malaysia or Indonesia who has paid a lot of money to a criminal to get them here, we are blocking out a genuine refugee who has been patiently waiting their turn in accordance with the rules in some squalid camp somewhere around the world. That person will have to wait another year or another 10 years for every boat person that we allow in, jumping the queue. I think that needs to be better considered by those who are so forceful in advocating the plight of the boat people from Indonesia or Malaysia.
With that, I support Senator Cash in her comments on the bill and indicate that I will be opposing it.

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (12:38): I thank all the senators for their contributions to the second reading debate on the Migration Amendment (Complementary Protection) Bill 2011. I remind the chamber that this bill amends the Migration Act to eliminate a significant administrative hole in our protection visa application process. I remind senators that the bill will build on Australia's framework for assessing claims for protection under the Convention relating to the Status of Refugees and provide a protection visa decision-making process that is more efficient, transparent and accountable. The amendments in this bill are important and necessary to address inefficiencies in the current protection framework.

This bill permits claims made by protection visa applicants which may engage Australia's non-refoulement obligations to be considered under a simple, integrated and timely protection visa application process. Under the Migration Act as it currently stands, only those people seeking protection for one of the five reasons outlined in the Convention relating to the Status of Refugees—race, religion, nationality, social group or political opinion—are eligible to receive a protection visa through the usual process. Applicants who fall outside these categories are not considered refugees and consequently their applications must be rejected by the Department of Immigration and Citizenship and also by the Refugee Review Tribunal.

But some of these people are fleeing significant harm, such as women fleeing so-called 'honour killings'. These people can fall outside the categories recognised by our current protection visa process. Under the current system these people, who have often fled their countries in fear of their lives, must go through several administrative processes knowing that they are going to be rejected, in order to access ministerial public interest powers. At present we make them go through a process of applying, failing, seeking review and then failing again, just so that they are then able to apply to the minister for personal intervention.

I commend the bill to the chamber.

Question agreed to.

Bill read a second time.

Third Reading

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

Senator ARBIB: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a second time.

Schools Assistance Amendment Bill 2011

In Committee

Debate resumed.

The CHAIRMAN: A division was called prior to 12.30, when the division could not take place, so I will now put the question again. The question is that the amendments moved by Senator Mason on sheet 7137 be agreed to.

Question put.

The committee divided. [12:46]

(The Chairman—Senator Parry)
Bill reported without amendments; report adopted.

Third Reading

Senator JACINTA COLLINS: I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

Family Assistance Legislation Amendment (Child Care Financial Viability) Bill 2011

Debate resumed on the motion:
That this bill be now read a second time.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (12:51): I rise today to make some remarks about the Family Assistance Legislation Amendment (Child Care Financial Viability) Bill 2011. That bill amends the A New Tax System (Family Assistance) (Administration) Act 1999, or the family assistance administration act, to provide for the assessment and monitoring of the financial viability of large long-day-care centre operators of approved childcare services in the context of the approval and continued approval of such services for the purposes of the family assistance law and to authorise the secretary to engage an expert to carry out an independent audit of such an operator where there are concerns about its ongoing financial viability.

That is obviously the very technical outline of the bill. As many people would remember, the collapse of ABC Learning created a certain angst and concern out there in the community, and the government has responded by introducing this piece of legislation. The coalition certainly has no issue at all with sensible regulations, but there are a couple of issues regarding this legislation that need some remarks. Firstly, I go to the issue of red tape. One of the things about this legislation that will create a real
difficulty for many of the childcare centres is the red tape that will be imposed. A lot of the discussions I have with childcare centres are often around the onerous burden of red tape and the regulations that those childcare centres have to deal with. I note that the member for Farrer said recently that she had heard from one childcare centre that did not provide care for newborn to two-year-olds but was still required to have cot death information within its sleeping policy. We need to take some note of that type of red tape and burdensome work that falls on these childcare centres. That is one of the concerns with this bill that is before us today.

According to the explanatory memorandum, this bill will affect about six operators across the country. According to the explanatory memorandum, 25 sites across Australia are needed in order to come under the ambit of the bill and there are six large providers who would do so. It is worthwhile noting as well that the regulation impact statement, according again to the EM:

… provides an assessment and information from the consultation process conducted with the childcare sector on the two regulatory measures below:

- Developing enhanced measures that required large child care providers to provide financial information in order to assess and monitor their financial viability on an ongoing basis; and

- Creating a new legislative power to enable an independent audit (audit power) of a child care provider to be commissioned where there are concerns about its financial viability and the failure of the provider could have a material impact on the market or a section of the market.

Certainly, we need to make sure that parents and families in the community are reassured that their childcare centres are operating appropriately and that there is certainty about the operation of that childcare centre. It is interesting to note, though, that in particular all the larger operators currently have their own measures in place to ensure that financial viability. So, in some ways, we could see this legislation to be a bit of a kneejerk reaction by the government to the collapse of ABC Learning. My understanding is that those larger centres do have those appropriate measures in place already. You would assume that under the Corporations Act the requirement for those centres to operate appropriately would also be there.

I have mentioned the regulatory burden that is going to fall on childcare centres as a result of this legislation. One of the other issues that is of particular concern to us is the provision in the bill that any other information required by the secretary can be sought. That raises some questions about the type of information that will be required by the secretary. It could mean a multitude of things; it is not particularly clear in the legislation. There is certainly some concern from our side of the chamber about what that 'other information' is. What are those multitude of things that that could perhaps relate to? Perhaps the minister might be able to inform the chamber during the course of this debate how we can get a clearer picture of exactly what 'any other information required' relates to.

Also, one of the concerns about that other information required—even having received a clarification—is the potential for childcare centres to need to seek outside assistance, whether it is outside consultants or financial analysts that may be necessary to assist those childcare centres with the information needed and sought by the secretary. So there are a number of things about the nature of this bill that really concern us.

It seems that the government's rationale for this legislation following the ABC Learning collapse is that large childcare providers might go 'belly up' and we need to
know about it in advance. In some ways that reflects some of the concerns out there in the community. But, interestingly, the focus is only on those larger six operators. Coming from a regional town and travelling through regional communities, particularly small communities, I would say that there would be just as much impact from a small centre going 'belly up' as a larger regional centre because often in our regional communities there is only one small centre. There is not that luxury of choice of providers that we see in the city. It is interesting to see the nature of this legislation being skewed towards those larger providers.

The department, and I am sure the government, as indeed the coalition, are quite satisfied that measures are in place at the moment for those smaller centres with regard to their financial viability. It would stand to reason then, given that there is that acceptance and satisfaction of those smaller centres, that there is not the same level of satisfaction when it comes to the larger centres. As I mentioned before, the largest centres already have their internal measures in place when it comes to ensuring their financial viability and they are subject to the Corporations Act. It would seem a little unusual, taking those things into account, that the government is not assured that the largest centres will also be able to ensure their financial viability, as it is satisfied with the smaller centres.

We know that this is going to cost around $1.9 million to administer. Compared to some other figures we discuss in this place, as I am sure the parliamentary secretary would know very well, this does not seem a particularly onerous amount. But what we need to look at is the fact that that $1.9 million is going to employ more bureaucrats in the department to administer this program, which we on this side of the chamber by and large believe is superfluous to needs. We really believe that those measures are already in place to ensure financial viability.

The issue of the regulatory burden, though, is foremost for us on this side of the chamber. What we need to be doing is ensuring that childcare centres can most appropriately go about their business in the most seamless and practical way that they can. We need to look at this piece of legislation and ask: is it going to achieve something that is not currently in place? From this side of the chamber, we would say probably not. We believe measures are in place currently to deliver the financial assurance that we are looking for, so probably not. Is it going to place a greater burden on childcare centres when it comes to their operations? Yes, it is. I make particular reference to the provision that 'any other information required by the secretary can be sought', because there simply does not seem to be clarity—

Senator Jacinta Collins: It doesn't say that.

Senator NASH: I will take that interjection from the parliamentary secretary. If it does not say that then I am sure she will correct me. I will stand corrected if I do not have the wording entirely right, but I understand that the secretary will have the ability to ask for further information. We need some clarity around that. I think childcare centres would like to be assured of the type of information that would be sought in any particular instance, if there are going to be any further regulatory burdens relating to that and, in particular, if there are going to be any further costs associated with acquiring the information that might be needed by the secretary.

With that, we on this side of the chamber support sensible regulations. There are a number of issues that we have raised with regard to this bill and we certainly want to
make sure that, going into the future, childcare centres can operate as efficiently and effectively as they possibly can, without any added burden through any legislation that may or may not have the desired effect. We suspect it will not. We think it is quite likely that the measures are in place to ensure financial viability and it is appropriate to place those concerns on the record.

Senator URQUHART (Tasmania) (13:03): I rise to support the Family Assistance Legislation Amendment (Child Care Financial Viability) Bill 2011. The overnight collapse of ABC Learning in 2008 was not just a business failure but, because of the industry's close reliance on government subsidies, a failure of public policy. The previous government strongly encouraged private sector childcare provision but did not back that up with rigorous regulation to see policy outcomes achieved. Instead, they promulgated a hands-off attitude with the old adage of 'let the market decide' and allowed the sector to consolidate. Big players emerged, such as ABC Learning, which relied on government subsidies for almost half of its revenue. When a sector is as subsidised as the provision of childcare services, appropriate checks and balances are required to ensure that a provider is financially viable—to protect taxpayers' dollars and ensure that families have appropriate childcare services available to them. The previous government allowed taxpayers' money to be used to subsidise a company that was more focused on acquiring childcare centres than running them.

When ABC Learning collapsed the Labor government acted swiftly, finding $58 million to assist the sector to enable 90 per cent of the children to continue to go to childcare centres. This bill will seek to ensure intervention like this is not required again by strengthening the provisions of the A New Tax System (Family Assistance) (Administration) Act 1999 that relate to the financial viability of large long day care centre operators—those who operate 25 or more centres—who apply for or receive child care benefit. This will make financial viability a specific prerequisite for the large operators to gain approval to operate, and continue to operate, long day care centres.

The bill allows the Department of Education, Employment and Workplace Relations to collect financial information from large operators and those with a significant connection to the operator so that the secretary can determine the financial viability of services. It also proposes to empower the secretary to instigate an independent audit if there are concerns arising from financial information provided. These two measures are intended to help achieve ongoing stability in the childcare industry in light of the experience gained from the collapse of ABC Learning Centres over the past few years, where it was demonstrated there can be a significant level of business risk associated with the operation of large long day care centres.

The bill will affect the six largest operators of long day child care as the government recognises that it is these largest operators that have the greatest capacity to disrupt the childcare market if they fail financially, affecting childcare provision for families and the employment of those working in the industry. But the government also recognises the importance of ensuring that smaller providers are not burdened with overregulation but are provided with some certainty in their industry. I understand that there is a provision for the secretary to amend the definition of a large operator.

The potential for early detection of problems and then the application of competent professionals to find a solution is
a proactive measure that the Gillard Labor government is implementing. An independent audit of a particular provider will now be able to be commissioned where there are concerns about its ongoing financial viability. The audit will allow a range of issues to be investigated in greater depth and will draw on appropriate expertise to assess the outlook for a provider and develop strategies to minimise the financial issues or manage them in such a way as to protect continuity of care for families utilising the service. It is the protection of continuity of care that is at the forefront of this government's mind. This is strong, effective regulation that seeks to protect Australians from a repeat of the disastrous collapse of ABC Learning Centres when approximately 16,000 childcare workers, who had committed their lives to nurturing Australia's youngest residents through their formative years, did not know if they still had a job to go to. Almost 100,000 families across the nation were left wondering what they would actually care for their children. Their lives were interrupted. Their ability to go to work, study or catch up on life's many other tasks was cast aside by the bursting of yet another bubble that was too big to fail.

Many Australians' way of life depends on the provision of long day care centres. Without adequate day care provisions, this country will grind to a halt. It was the decisive action of the Labor government that meant that 90 per cent of those centres could continue to operate for Australian families today. Through making financial viability an obligation on the shoulders of large long day care centre operators, this Labor government seeks to ensure that a collapse of the magnitude of ABC Learning is never again felt by Australians. I urge all senators to support this bill.
financial issues with large providers so that these issues can be managed quickly and effectively.

We are committed to strengthening stability in the childcare industry so that parents can be confident that their care arrangements are there to support them when they need them. Since 2008, this government has introduced a range of new measures to better ensure the financial viability of childcare providers, including tighter application requirements for childcare service approval and requiring operators to give the department 42 days notice of their intention to close. The changes the government are putting forward in this bill are further evidence of our commitment to improving the childcare sector in Australia by ensuring the stability, support and continuity of care.

Let me take a moment to address some of the other issues raised by Senator Nash. Her reflection that this may be a knee-jerk reaction can be easily countered by the work that has occurred in this parliament and, indeed, in the Senate itself since the collapse of ABC Learning. Her colleagues joined me and other senators in unanimous recommendations related to child care in general and also addressing some of these issues around financial viability. This is not a knee-jerk reaction.

She also reflected on her concerns about red tape. I think Senator Urquhart has dealt with that in part. These measures are targeting the larger providers who Senator Nash herself acknowledged often have the appropriate auditing procedures in place so that red tape is not a significant issue. We see these measures as an appropriate balance between the national interest in the provision of childcare services and the concerns of operators that they not have significant red tape imposed upon them.

Senator Nash also raised a concern about what other information might be sought by the secretary. On this point I can be quite clear. The only information that can be required under proposed section 219GA is financial information for the purposes of determining the financial viability of a large operator. Under proposed subsection 219GA(2), financial information can be required from the operator itself or from another prescribed listed organisation. But this is only with respect to financial information about the large operator relevant to its financial viability assessment. So I think the concerns that this could be seen as an information-hunting exercise by the secretary are clearly dealt with in the provisions in the bill which clearly specify that we are referring to financial information relevant to a financial viability assessment.

Let me take a moment also to put these measures in the context of other work that has been occurring in child care. We have had previous discussions where the national agenda for early childhood has been highlighted. Indeed, introducing a national agenda for early childhood was a measure much paraded by the Nationals minister of the time, Larry Anthony. The approach that the Labor government has taken has been to put in place a genuine, substantial, comprehensive, universal national agenda for Australia’s early childhood. This was paraded for many years under the Howard government, but was never implemented. Instead, we saw the problems highlighted by Senator Urquhart. I will take a further moment to reflect on some of those. We saw the enormous growth of ABC Learning as a childcare operator. For many years I was the shadow minister for early childhood. Despite many concerns being raised over many years by stakeholders and by the opposition, no genuine attempt to ensure that a balanced market delivering early childhood services
was maintained. We saw a very aggressive acquisition policy by ABC Learning, we saw operators from other sectors within childcare complaining about these aggressive strategies, we see concerns about viability and other financial issues still being pursued today, with respect to some of the directors of ABC Learning, and we saw much instability in the sector. These days, we see a sector that is working towards delivering better, uniform and reliable services to Australia's children. Every now and then, you hear concerns about one element or another, but we need to ensure that the difference with respect to early learning, the Labor government's agenda for early childhood and the universal delivery of early childhood services in comparison with what was provided in previous years is understood.

We will not go back to the unhindered growth of one childcare operator at the expense of service delivery across the board. We will not return to an imbalance of private childcare operators compromising the capacity for longstanding community services to continue to provide services to communities. Senator Nash highlighted some of the smaller providers operating in regional Australia: these are the very areas where the demise of ABC Learning created the most significant problems. These are the areas where ABC Learning Centres established in competition with a longstanding local service provider, drove that provider out of business and then failed. These are the areas where families were left wholly and solely dependent on one operator, and that operator was ABC Learning.

Today, with a more active approach to the delivery of children's services, the Commonwealth is making enormous improvements to the delivery of services across the board—not only with respect to the quality and standards being delivered, but also with respect to the scope, number of childcare providers, number of childcare places, accessibility and affordability. All of these issues have been addressed by this Labor government. The measures contained in this bill around maintaining the financial viability of services and monitoring them will ensure that any problems or issues are addressed early, rather than many years after the event. I come across people who are astounded that they continue to hear, in recent months, reports about legal proceedings relating to ABC Learning when it collapsed back in 2008.

Rather than these measures being a knee-jerk reaction, and highlighting again that it was in 2008 that this collapse occurred, they are quite sensible measures that will ensure that we do not allow those problems to develop again. We have learned from ABC Learning the types of indicators that we must be wary of if we see such problems developing again. Indeed, legal proceedings will continue to provide us with some useful insights into what areas should be monitored more carefully.

Of course, there are areas beyond the viability of large, long day care operators that remain a concern in relation to the delivery of child care in Australia. The Labor government has a very active plan for addressing those issues and those concerns. Issues around the number of childcare places and the affordability and quality of child care will continue to be very important matters for this Labor government. I look forward to watching in more detail the quality agenda as it continues to unroll across the various types of child care services and to seeing the improvements in relation to accessing child care that I can reflect upon twofold: the financial burden faced by families in accessing child care has been halved by this Labor government. The affordability for Australian families accessing child care is
very different to what it was six or eight years ago. Families now get sufficient support to access childcare places and can have much greater confidence that those childcare places are providing good quality care.

Much of the debate around the quality of child care has not really touched on how working Australians—mums and dads leaving their child in a childcare centre—respond. I was reading a report recently about accessing child care—I think it was over the weekend. There were, if I recall, five points on how to make sure you get that childcare place. I was a little surprised at the lack of advice on assessing the quality of a childcare place. For many years, advice on good quality child care has been prepared for parents and families, this occurred within the union movement and it occurred within governments at different levels as well, to try and help parents understand the sorts of factors that can be critical in the quality of the child care that they receive. I recall people reflecting on the ABC learning model of child care—sometimes called the accounting model of child care—which was a pretty cynical view that an accountant would invest in child care if it provided, back in those days, 80 places and its staffing was done on that basis. It was a significant challenge to the community service providers who were delivering child care at the time. Those community services have survived, they have become more efficient and they have generally continued to produce quality child care.

By the same token, I should also highlight that this is not an argument between the different sectors providing child care. Private providers of child care have continued and continue to deliver good quality child care. It is not an argument about one source of delivery as opposed to another. What is important is that we all understand the appropriate guidelines to ensure that quality child care is delivered and that that message is passed on to parents as well.

I am pleased to be able to say today that we have worked towards a much better child-carer ratio for the most vulnerable of children in child care. For those children under two who need better care and attention there are now measures in place that will deliver much better quality and ensure a better carer-child ratio. On that note, and noticing that Senator Mason has now been able to join us, I will conclude my discussion, hoping that I have answered the questions from Senator Nash about what information might be required in these measures. I recommend to the Senate that the bill proceed.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Crossin): 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 JACINTA COLLINS: I move:
That the bill be now read a third time.
Question agreed to.

Bill read a third time.

BUSINESS

Rearrangement

Senator JACINTA COLLINS: I move:
That intervening business be postponed till after consideration of government business order of the day no. 10 (Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010).

Question agreed to.
BILLS

Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010

Second Reading

Debate resumed on the motion:
That this bill be now read a second time.

Senator MASON (Queensland) (13:26):
I rise to speak on the Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010. Here we are again debating a bill to decide whether students should be forced to pay for services they do not want or do not use. For 35 years this issue has been debated. While I am no mathematician, I can count: the Left now has the numbers. It is a paradox. When this issue was first canvassed 35 years ago in the mid-70s people used to take socialism seriously—socialists were actually taken seriously. They are not any more. So this is the Left’s cause celebre for an ideological twilight—reintroducing this bill, again, to force students to pay for services they cannot or will not use. They are hoping like hell to extract money from students for purposes the Left deems appropriate.

The coalition oppose this bill because we do not believe that students should be forced to pay for services that they would not or cannot use. It is that simple. It is not a complicated debate. Under this bill, every one of one million Australian students will be forced to pay $250 per year regardless of their ability to pay or their ability or willingness to use the services that their fees will be financing. This amounts to a $250 million new tax on those in our society who, in many cases, can least afford to pay for it. Students are already struggling under the tough economic conditions. This bill means $250 less for textbooks, study materials, transport and cost-of-living expenses or, at best, $250 more in HECS debts.

This bill represents a broken promise by the Labor Party—by the government—which made a commitment before the 2007 election not to reintroduce compulsory student union fees. That was the commitment the government made prior to the 2007 election. Surprise, surprise! They have broken their promise. The student amenities fees is justified as a way of providing services for students who choose to use them but paid for by all students—whether they are rich or poor, black or white, full time or part time, internal or external students—for the sake of student services that can only and will only be used by some students. Labor and the Greens will train this next generation of politicians courtesy of the compulsorily extracted student dollar. Students are being forced to pay a levy for services they either cannot or will not use so that a small minority of mainly administrators and budding student politicians can benefit.

Many things have changed since the mid-1970s when this debate was first witnessed. So much has changed and yet the government does not understand this. This debate is a debate well out of its time. The changing demographics and culture mean that most students today simply do not have the time, the inclination or even the opportunity to use the services offered. This is not like when I went to university 30 years ago, when most students were on campus full time and there was a smaller student cohort. Over the last 30 years the student cohort has changed immeasurably.

Universities of today are mainstream; they are not elite. More students are older. Many more study part time and in the evenings due to competing work and family commitments. Many more take advantage of greater flexibility and competition, as well as opportunities that new communications
technologies bring to study externally. For example, there are around 130,000 students studying externally. These students will never have the opportunity to use the services which they are forced to pay for. They are going to be charged the fee as well. They are going to be up for the fee but they will never use the service. One hundred and thirty thousand students study externally and they will not have the opportunity to use the service but they will be slugged with the fee.

When I started at uni it was a different world, but that is where the government is stuck. Not nearly as many students studied part time 30 years ago; nearly all were full-time. There were not so many students from overseas. Certainly there were not as many Indigenous kids and young Australians from low socioeconomic backgrounds. The cohort, the composition and the demographics of the undergraduate population in Australia have changed enormously. Yet this bill does not reflect that—no, everyone is slugged by it. Rich or poor, black or white, internal or external, part time or full-time, they are all slugged by it.

Today's students see their higher education more as a way to gain credentials rather than chalk up the so-called university experience on their personal development CV. Just as people go to work to work and not to socialise, students today go to universities to gain an education, not to while away their free time on extracurricular activities, as I and many of my contemporaries did. That is the contemporary reality. The world has changed and far more Australians go to university, and when they go to university they go to get a credential for work.

Generation Y, which is the vast cohort of undergraduates in Australia, is far less collectivist, less committed to institution-alised civil society, whether inside or outside the walls of the university. They would much rather and much more readily join a group on Facebook than any group at university. They are still interested in sports and hobbies and activities—that is true—but they are far more inclined to organise and customise their own free time than to rely on others, like student unions, to do it for them. They would say, 'I will organise it.' They might join a local club. It does not have to be a university club. They might join a group. It would not necessarily be a university group. That is the enormous cultural difference that has occurred over the last 30 years since I was at university.

Second, students themselves, unlike student politicians, are not interested in student unions or the services student unions provide. Fifty-nine per cent of students voted against compulsory fees in a poll commissioned by the Australian Democrats. At most, only five per cent of students ever vote in student union elections. A similarly small minority currently voluntarily join student unions and pay the fees. This means that an overwhelming majority of students do not want to pay student union fees until they are forced to do so. They will not pay unless they are forced to do so. They do not want to join a student union, but this bill forces them to do so and to pay a fee, even if they do not want to.

Third, services and activities provided by student unions are largely superfluous. They already exist and are being provided by the universities themselves, by the government or by the non-government voluntary sector. Many of them are free, others are heavily subsidised and all of them are available to university students without any prejudice or indeed without discrimination. When people outside of university need help they go to Centrelink, they might go to legal aid or they may of course go to any non-government organisation, such as Lifeline. When people
outside of university are interested in a pastime, an activity or a sport, they join together in a club to pursue that pastime, activity or sport and they all contribute money to the common pool towards their club or association. They choose to join a club and pay a fee. That is what most people do. But apparently that does not operate in a university world. Students do not want to be treated differently to anybody else. Outside of university, they certainly would not expect that everyone in their suburb should be forced to pay a levy or a tax so that they can enjoy beer appreciation or, indeed, rugby union. No-one else would expect that, but apparently here, for undergraduate Australian students, that is appropriate. That is what this bill does.

In the end, if clubs and services offered on campus are deemed valuable they will earn the patronage of students without any compulsion. If they are worth while, they will earn the patronage of students without compulsion. The University of Queensland in my home state has proven this. It has a thriving student life and the provision of quality services, activities and entertainment without compulsory union fees. For those that doubt that this is possible, let them come to UQ.

Fourth, the system remains open to political abuse and is devoid of effective enforcement mechanisms. The opposition is concerned about the effective enforcement of this legislation. While the bill prohibits universities or any third parties that might receive money from spending it in support of political parties or political candidates, there is nothing to prevent the money being spent on political campaigns, political causes or quasi-political organisations, per se, where the students, whose money is being spent, agree with those causes or purposes or not. That is what the opposition is concerned about.

Even with a prohibition on the direct support for political parties and candidates—and I accept that that is in the bill—one has to wonder how this prohibition will actually be policed. Neither the bill nor the guidelines provide any credible enforcement and sanction mechanism. The bill merely states that it is up to the universities to ensure that the money is not spent on political parties and candidates without providing universities with any powers to enforce this. There is no departmental monitoring to ensure compliance with the guidelines on how the money will be spent. It will be up to individual students, in effect, to be whistleblowers. Even then it is at the minister's discretion whether any penalty is to be imposed. In addition there will be no policing or penalties for universities that act in breach of the guidelines.

I understand that the Greens want to give more control to student unions over money compulsorily taken from students. The Greens believe that is actually democratic. The coalition thinks that is rather strange logic. The Greens have no problem forcing—there is no choice here—students to pay this fee in the first place. They do not seem to see any hypocrisy at all. The vehicle for democratic control will be union student elections where, on average, about five per cent of students turn up to vote—usually a bunch of left-wing activists. These left-wing activists would never get the money out of students unless it was compulsorily acquired and distributed on a student franchise of about five per cent. All this is when we are trying to attract more low SES students, Indigenous students and kids from regional and rural areas into our universities. Those groups will not be hanging around campuses and student unions. They will be out working in part-time jobs or studying externally, and they will not have access to these so-called student union goods. They, the Labor Party
and the Greens, will force them to pay to foot the bill, even though they will not use the services. They will be working at McDonalds, the local kebab shop or laundrette while the left-wing activists spend the loot. The left-wing activists will be spending the loot while the kids from disadvantaged backgrounds are working part-time. That is what will happen. The Greens have very funny ideas about democracy.

Fifthly, this is compulsory student unionism by stealth. This bill, in effect, attempts to re-impose a compulsory fee which would, in turn, fund the activities of a student union. This legislation allows the funds collected by universities to be used for student representation, thus, political activities of student unions will be funded by all students whether they like it or not. Furthermore, in the past, student unions have proven themselves to be very adept in using the profits from allowable activities to effectively cross-subsidise activities for which direct funding was not allowed. That is what they have done in the past. It was very naughty. They were using legitimate activities to cross-subsidise the not so legitimate activities. You would not believe that would happen, would you? No. Freedom of association including freedom not to join an association remains one of the core beliefs of the coalition.

In the end we have two groups. We have, firstly, those who have to pay the fee. Let us call them 'the unwilling and unhappy givers'. There are about one million of them. Let us call them 'the reluctant one million'. Overwhelmingly the first group, the reluctant one million, does not want to pay the fee. Then we have another group, the second group, those that get the money. The first pay the money; the second get the money. Let us call the second group 'the happy and self-righteous takers'. Let us call them 'the rent seekers'. The government and the Greens believe that the unwilling and unhappy givers, the reluctant one million, should pay a tax—because that is what it is—to the rent seekers. At least the Left is consistent, I will give them that.

The vested interests are, as always, very well organised, very, very vocal and they want the money. One million students on the other hand find it difficult to get their voices heard and they most definitely do not want to pay for services that they do not want or cannot use. They need the Senate to protect their interests because no-one else will. The coalition unreservedly and emphatically opposes this bill.

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (13:43): It is with pleasure that I rise to speak on the Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010. The introduction of voluntary student unionism, VSU, in December 2005 and the subsequent abolition of services and amenities fees under the Howard government has had a devastating impact on university life. The introduction of the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005 or, put more simply, the VSU legislation, ripped $170 million in funding out of student services and amenities under the Howard government has had a devastating impact on university life. The introduction of the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005 or, put more simply, the VSU legislation, ripped $170 million in funding out of student services and amenities in universities across the country. The ramifications of the VSU have been felt on every campus around Australia and have been particularly severe for students at small and regional universities. We have heard reports from around the country about the full-scale withdrawal of welfare and support services, the closure of sports clubs, the collapse of social and cultural groups and the silencing of an independent student voice.

What is more, since the introduction of VSU there has been a greater emphasis on
user-pays systems and a commercial orientation in the way that universities and even student organisations operate their organisations and deliver their services. The increased commercial focus and the subsequent price increases for campus services, coupled with the pressures associated with the concurrent HECS increases, have put even more financial pressure on our students. The result of this is that our students, most of whom are already working part-time hours to assist with the ever-increasing costs of undertaking university study, are feeling the increased financial pressure. As a result, student participation in the non-academic parts of the student experience and campus life has suffered. We should also acknowledge that through VSU, as student organisations tried desperately to cope with the funding shortfall, there have been more than 1,000 redundancies and a 30 per cent reduction in employment across the student services sector.

Thankfully, today we have the opportunity to introduce legislation that will rebuild and revive the student experience and essential student services on university campuses across Australia. This legislation will restore resources for representation and advocacy as well as vital services and amenities that have either been lost or seriously diminished under VSU.

This is not about petty ideology; this is about restoring tangible and essential support services and restoring representation for our students on our campuses. This legislation is about taking the burden back off our institutions, which have been diverting funding from teaching, learning and research to prop up student organisations and essential services. We have witnessed the collapse of independent, autonomous student representative bodies across our campuses.

When this legislation was voted down by those opposite in its previous form, there was disappointment far and wide. Universities Australia Chief Executive Dr Glenn Withers said:

Students most in need will suffer most from the failure of this legislation to pass the Senate. We cannot let this happen again. I hope that those opposite may be prepared to support this bill this time—although from Senator Mason's contribution it appears that is not going to happen—to allow the provision of funding for essential student services, for representation and for advocacy on our campuses.

The proposed amendment gives higher education providers the freedom to choose whether or not to charge a fee for student services and amenities of a non-academic nature. The bill amends the Higher Education Support Act 2003 to allow universities to levy a service and amenities fee which is to be capped at $250 per year. The government recognises the financial burden on tertiary students. That is why this bill includes measures to mitigate any financial problems that students may experience as a result of the introduction of the fee. The bill requires universities who levy the capped fee to give eligible students the option of a HECS-style loan under a new component of the Higher Education Loan Program, HELP. The introduction of fees and the level at which they are to be set are matters that the government has said should be worked out by institutions, taking into account the views of their students.
Moreover, our universities will have the flexibility to charge different fees depending on a student's mode of enrolment, ensuring that distance or part-time students are not levied the same amount as those studying full time on campus.

Let us get one thing straight: this legislation is not a return to compulsory student unionism. Those opposite can try to distort the issue and the purpose all they like. The Howard government's VSU legislation was never about giving students choice about membership of student organisation; it was about crushing the student voice. This legislation before us today, however, is about re-investing in the social and cultural capital on our campuses. It is about ensuring that student services and amenities are restored and that the student voice is resourced.

There are no changes to section 19-37(1) of the Higher Education Support Act, which prohibits universities from requiring students to become a member of a student organisation. Students will still have the choice of whether or not to become a member of their student union. The difference will be that students will again be supported by the essential services and amenities they received prior to the introduction of VSU. Resources for student advocacy and representation will be restored and student organisations and institutions will again be able to offer the tertiary student experience that we regard so highly.

Whilst those opposite want to make outrageous claims that the service and amenities fees collected will be used for or diverted to supporting political activities, that is simply not the case. This legislation prohibits service and amenities fee income being spent by either the higher education provider or the student organisation on supporting a political party or candidate in any local, state, territory or federal seat.

Whilst student organisations may criticise the government from time to time, surely that is their right and their freedom of expression. Many other advocacy groups, representing all sections of the community and society, criticise the government but we do not legislate to de-fund them, as it seems those opposite succeeded in doing to our student unions.

We must also acknowledge that this legislation is not the 'dream fix' that our student organisations wanted. It is, as the Group of Eight universities have described, a sensible compromise that will enhance the quality of Australia's higher education system. We have consulted widely on this legislation and on the issues associated with VSU. We have established guidelines for representation, advocacy and student services and amenities. These guidelines include national access to services benchmarks and national student representation protocols. We have ensured universities have flexibility and choice in how to administer funding but that, overall, funding allocation is to be determined in accordance with student views and student need.

It is time to act now to restore vital services and amenities on our campuses and to reinvest in the student experience. In my home state of Tasmania, I have heard first-hand accounts of the hardship that the Tasmania University Union and students at UTAS and the institution itself experienced as a result of VSU. At UTAS, there were substantial cuts to the Student Representative Council, the SRC, to the Postgraduate Council, to student publications, to the Societies Council and to the Sports Council. Advocacy and referral services were scaled back significantly across the state. The TUU was only able to support one full-time staff member in Hobart and one in Launceston to support all undergraduate and postgraduate students at the university, and on the Cradle
Coast campus they could only support a part-time advocate, meaning there were only 2.5 advocates for around 18,000 students. Research activities and submissions were diminished—almost non-existent.

Building campus culture post VSU has been difficult and there is phenomenal pressure on student representative and other volunteers who are working with limited resources to service the student population. The TUU had to close down computer labs in Hobart, and has had many clubs and societies fold. The student gallery in the art school had severe funding cuts and welfare initiatives, including emergency food packs and short-term loans, became almost non-existent. The commercial outlets run by the TUU could no longer provide subsidised food for students on campus and the organisation was forced to pay a commercial rent to the university for the space they occupied. Moreover, UTAS forced the amalgamation of the student organisations across the state, a precondition to a funding agreement. This in itself was a difficult enough task and consumed nearly three years of university and TUU time and resources.

I know that across the country we have heard similar horror stories and I hope that today we can take action to address the devastation caused by VSU. In restoring the provision of funding for services and amenities, we need to recognise and acknowledge the vital role that student unions play in universities. Student organisations are essential vehicles for the student voice on campus, in the sector and in the broader community. This is not legislation aimed at supporting outrageously corrupt, extremist activist outfits.

Senator Mason interjecting—

Senator CAROL BROWN: I could be singing from your song sheet there, Senator Mason! This is not a return to compulsory student unionism. This legislation is about investing in the student experience on our university campuses and restoring the student voice. This bill is quite simply about ensuring that higher education students have access to basic amenities and essential support services, as well as access to independent democratic student representation. This legislation is about supporting essential services. It is about bringing back welfare initiatives, counselling services and childcare, and health, sport and fitness services for our students.

It is a move welcomed by everyone, it seems, except those opposite—the Australian Campus Union Managers Association, Australian University Sport, the Group of Eight, the vice-chancellors of regional universities and many others. The National Union of Students and the Council of Australian Postgraduate Associations have expressed some concerns with the legislation but see it as a step forward for students across the country. The Australian government is committed to ensuring that higher education students have access to the amenities and services they need as well as access to independent, democratic student representation.

This bill provides for measures that support a balanced, practical and sustainable solution to rebuilding student support services. These measures were, as we know, originally announced by the Hon. Kate Ellis MP, the Minister for Youth, on 3 November 2008 and were reinforced in the regional Australia package announced in September 2010. They include the imposition of requirements on higher education providers who receive funding for student places under the Commonwealth Grants Scheme to ensure the provision of, and access to, information on basic student support services of a non-academic nature. There was an imposition on these higher education providers of
requirements ensuring the provision of student representation and advocacy. It allowed higher education providers to choose to implement a compulsory student services and amenities fee—capped at $250 per student per annum—to help provide student services and amenities within set guidelines and provided eligible students with the option of a loan for the fee through the establishment of a new component of the Higher Education Loan Program, Services and Amenities HELP.

The longer we delay this legislation and deny funding to vital student services, the more difficult it will be for our universities and our student organisations to rebuild and revive the campus experience. I urge you all to support our students and support this bill. I commend the bill to the Senate.

Debate interrupted.

QUESTIONS WITHOUT NOTICE
Carbon Pricing

Senator COLBECK (Tasmania) (14:00): My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. I refer the minister to research released today by the Australian Trade and Industry Alliance which shows that nine out of 10 jobs in Australia's manufacturing sector will face the full impact of the government's carbon tax. Does the minister stand by his statement last week that 'the carbon tax would provide a boost in manufacturing', or does he now accept the statement of Australian steel industry head Don McDonald that 'a new tax is the last thing we need'?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:00): I thank Senator Colbeck for his question. I do stand by my remarks. I believe that—

Senator Abetz: Yes, the facts never get in the way.

Senator CARR: the fact of the matter, Senator Abetz—the fact of the matter—is that there has been some misleading analysis undertaken by a group of companies that are campaigning against the carbon price. I go to a lot of industry association dinners and to functions—

Senator Fierravanti-Wells: Yes, you look like you do.

Senator CARR: and to processes—oh, I see—

The PRESIDENT: Senator Carr, ignore the interjections. They are disorderly. Just address the chair.

Senator CARR: I do not have your girlish figure; that is true, Senator. But, Senator, whenever I go to these functions I may well note the official statements that people make but then I speak to individual companies. Individual companies are telling me repeatedly that, while conditions are tough, while circumstances are difficult, the opportunities for new investment are very substantial.

Just today I have had people come to my office pointing out that there are many billions of dollars in new investment coming forward irrespective of the changes we are making in regard to climate change and that the companies are very anxious to take advantage of the $20 billion in assistance that the government is providing, in terms of co-investment, which will lead to a very substantive transformation of manufacturing in this country.

So I do stand by the statements that I have made. I stand by the fact that we have world-class research facilities in this country; that science and research is providing an enormous opportunity to reinvent companies in this country to develop new products, new
industrial processes and new markets. That is the future for manufacturing in this country—an innovative future, a prosperous future for Australian manufacturers.

Senator COLBECK (Tasmania) (14:03): Mr President, I ask a supplementary question. Given that 42 per cent of European manufacturing jobs are shielded under the EU carbon tax scheme, compared with Australia, where only nine per cent of people employed in manufacturing are likely to be shielded, doesn't this contradict the government's claims that its carbon tax will not put Australia's international competitiveness at risk?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:03): What I can say is that circumstances in this country are very different from circumstances in Europe. I would also point out that the government is providing a $9.2 billion jobs and competitiveness package—

Opposition senators interjecting—

Senator Wong: That's the big difference—our economy's growing.

Senator CARR: You just have to look at the unemployment numbers. You have to look at the growth numbers in this country. You have to look at the economic security in this country in comparison to what is happening in southern Europe. You only have to look at these things in a cursory way. Of course, with the ignorance peddled by those on the other side, there will not be scrutiny of this because they do not have a policy position of any substance. What they have is an attempt to peddle fear and to suggest that there is no reason for us to be optimistic about the future. The Jobs and Competitiveness Program that the government is providing in the legislation that is before the parliament at the moment will provide support to activities that generate over 80 per cent of the emissions within the manufacturing sector. Eighty per cent of manufacturing activity is covered by these programs. (Time expired)

Senator COLBECK (Tasmania) (14:04): Mr President, I ask a further supplementary question. Given that the government's compensation package will cover only nine per cent of those employed in manufacturing, what assurances can the minister give to the other nearly 900,000 Australians whose jobs will be at risk as a result of this job-destroying tax?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:04): I would be only too happy and glad to promote the notion that we are in the business of supporting jobs, of making Australian industries stronger, of making Australia have a more creative and resilient manufacturing sector because of the new investments that will be attracted as a result of the clean energy and efficiency programs that we are pursuing. I will be able to talk to Australian workers about the prospects in the new industries that are opening up in this country and in the transformation of old industries. I will be very confident about the opportunities for Australian workers to enjoy the standard of living that they have a right to expect—opportunities which you were only too happy to take away with your policy, which is about sacking people, about reducing the rights of workers and reducing the economic opportunities for blue-collar workers in this country. We know the hypocrisy, the sham and the crocodile tears that those opposite are peddling, and they will not wash with Australian workers.

Middle East

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:05): My question without notice goes to Senator Conroy, the Minister representing the
Minister for Foreign Affairs. What will be Australia's position in the United Nations as the issue of recognition of Palestine as an independent state arises in the Security Council this week?

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) (14:06): I thank Senator Brown for his ongoing interest in this area. The Australian government is committed to peace and security in the Middle East and to supporting progress in the Middle East peace process. Australia consistently and strongly supports a negotiated two-state solution that will allow a secure and independent Israel to live side by side with a secure and independent future Palestinian state. Australia continues to urge both parties to return to direct negotiations as a matter of urgency as the only way a just and enduring peace can be achieved. Australia is a friend and close partner of Israel and has a strong and longstanding commitment to Israel's right to security and self-defence. Australia is also making a tangible contribution to the peace process through support for the Palestinian people. Since 2007 the Australian government has provided nearly $170 million in humanitarian and institution-building assistance to the Palestinian Authority and refugees. On 18 September in New York, Foreign Minister Rudd and Palestinian Prime Minister Fayyad signed a five-year development partnership with the Palestinian Authority, which includes regular budget support delivered through the World Bank and scholarships focusing on disciplines critical to institution building.

Mr Rudd underlined to both sides Australia's strong support for a negotiated two-state solution during visits to Israel and the Palestinian territories in December 2010 and March and April 2011. The government is closely following developments around a possible UN resolution on Palestinian statehood. We note statements on this matter by President Abbas and Prime Minister Netanyahu in recent days. Foreign Minister Rudd is discussing this matter in person as Australia's representative at the UN General Assembly meeting. The government will make a decision on the matter closer to the time of any vote after a text is circulated.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:08): Mr President, I ask a supplementary question. In view of the fact that many other countries, including Spain, Ireland and Sweden, are supporting the move for recognition of Palestine as an independent state, what are the arguments that Australia sees as impeding its way to agreeing with that position?

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) (14:08): As I thought I indicated in my earlier statement, we support a negotiated two-state solution. I thought I was reasonably comprehensive in terms of Australia's support for that process.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:08): Mr President, I ask a second supplementary question. Just to be clear: the question I asked of the minister was not about negotiations; it was about recognising Palestine. What are the reasons that Australia might have for not having joined other similar countries in moving in that direction?

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) (14:08):
Assisting the Prime Minister on Digital Productivity) (14:09): I am happy to take the remainder of that question on notice and seek any further information that the Foreign Minister might like to supply.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:09): Mr President, I ask a further supplementary question. In view of the complete failure of negotiations since 1967 to move towards the recognition of Palestine or to broker peace between the two states in the two-state solution that the minister is referring to, can he chart some other course to a two-state solution other than recognising Palestine so that the world can then move towards seeing that they live in peace? (Time expired)

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:10): Thank you for offering me the opportunity to resolve the Middle East process in a 60-second answer and provide all my diplomatic skills at the forefront. I am happy to take that on notice, Senator Brown, and defer to the Foreign Minister. I appreciate that I could have a lash outside the off stump, but I think I will let Mr Rudd speak for himself.

Carbon Pricing

Senator CROSSIN (Northern Territory) (14:10): Mr President, my question is to the minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. Can the minister outline to the Senate the importance of the government's plan for a clean energy future for our economy? Has the minister seen any proposals to repeal the legislation to implement the plan, and what would the impact be if that step were taken?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:11): My thanks to Senator Crossin for the question and for her ongoing support for action on climate change. The government's plan is clear. We have a plan in which polluters pay, Australian pensioners receive increased payments, Australian families get tax cuts and Australian families get increased family payments. It is a plan to cut pollution, to create clean energy jobs and to move to a clean energy economy. But again I say: pensioners receive higher payments and Australian families get tax cuts and increased family payments.

What we saw on the weekend was the shadow Treasurer not only boasting that he was going to be Treasurer in a few months time but being clear that the opposition's relentless negativity even extends to the increased pension payments and the other benefits under the carbon package—the clean energy package. So let us be very clear: the policy that Mr Hockey has signed those opposite up for is lower pensions, higher taxes and lower family payments. That is the policy you have signed up for: lower pensions, higher taxes and lower family payments. That is the policy of the coalition. I hope Mr Hockey took that through shadow ministry because those opposite are going to have to campaign to Australian pensioners at the next election on why they do not deserve an increase in the pension. They will have to campaign to Australian families on why they do not deserve increases in family payments. And they will have to campaign on why people in this country do not deserve an increase to the tax-free threshold, because that is now the coalition's policy. (Time expired)

Senator CROSSIN (Northern Territory) (14:06): Mr President, I ask a supplementary question. Does the government remain committed to the bipartisan target of a five
per cent reduction in emissions by 2020, and is the minister confident that this target still retains widespread parliamentary support?

Senator WONG (South Australia—
Minister for Finance and Deregulation) (14:06): The government remains committed to the target and the opposition leader says he remains committed to the target—

Senator Cormann interjecting—

The PRESIDENT: Senator Cormann, I remind you that interjecting is disordered.

Senator WONG: As I said, Mr President, the opposition leader keeps saying he is committed to the target, although I notice some reports in the paper over the weekend that indicate members of the coalition are concerned that Mr Abbott will in fact walk away from the five per cent target—very interesting. There might be a reason for that. The reason for that is the cost. Because what is clear from the Treasury modelling which has been released is that the 'subsidies for polluters scheme', which is Mr Abbott's policy, will cost almost five times the stated coalition policy—some $48 billion out to 2020 and an extra $1,300 in tax paid by Australian households every year. That is $1,300 more in tax. Not only do they stand for lower pensions; they stand for higher taxes for Australian households.

Senator CROSSIN (Northern Territory) (14:14): Mr President, I ask a supplementary question. Minister, thank you for that answer and that dollar amount. Has the government's plan for tackling climate change been fully costed and can the Australian public be confident that alternative approaches are based on a similarly robust analysis?

Senator WONG (South Australia—
Minister for Finance and Deregulation) (14:15): In answer to the first question, the government's plan has been fully costed. In answer to the second question, it is quite clear that the alternative approach put forward by the opposition has not been properly costed and will lead either to a massive blow-out in the budget or to a massive hike in taxes on Australian households. They are the only two alternatives. Those on the other side have a subsidy-for-polluters model, which involves either a massive blow-out in the budget or a massive hike in the taxes on Australian households. Those on the other side want to hide their costings. That is why they do not want the Parliamentary Budget Office. That is why they do not want to have to put forward their costings. They know their costings do not add up and their policies do not add up. What we do know is that those opposite stand for ripping away the pension increase, a massive tax hike on Australian families— (Time expired)

Carbon Pricing

Senator BERNARDI (South Australia) (14:16): My question is to the Minister representing the Treasurer and the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. Given that the Treasurer has announced there is updated economic modelling of the carbon tax, can the minister advise when this modelling will be released and how many Australians will be worse off under this updated modelling?

Senator WONG (South Australia—
Minister for Finance and Deregulation) (14:16): The Treasurer made an announcement yesterday. I am sure that Senator Bernardi, being a hardworking frontbencher, unlike some of the ones that Senator Vanstone was referring to, would have read the Treasurer's Economic Note, which makes clear that the Treasurer will be releasing updated modelling this week that shows the impact of the carbon price on the entire economy. Some additional figures were released on Sunday. I remind the good
senator that the household assistance package, as I previously indicated to the Senate, was based on the $23 per tonne carbon price.

If the Senate is concerned about the impact on Australian households, if the senator is the fiscal conservative he professes to be, then he really should be speaking to his leader and his shadow Treasurer, who are putting forward a policy which will mean a massive tax hike for Australian households. It is as simple as that. Those on the other side, by virtue of the policies they have put forward, are proposing a $1,300 tax hit on Australian households, a policy which will cost $48 billion out to 2020, more than double the economic cost of the government's package. The coalition have also signed up, as I said earlier, to clawing back from Australian pensioners the increase this government will legislate and to increasing the tax applied to Australian households and Australian families. Those opposite oppose the tripling of the tax-free threshold and, of course, the family payment system, which they will also claw back. If Senator Bernardi cares about the economic cost of his policy, I suggest he perhaps rock up to a shadow ministry and have a chat to his economic team.

Senator BERNARDI (South Australia) (14:18): Mr President, I ask a supplementary question. What extent of international action to reduce or limit emissions of greenhouse gases has Treasury assumed in its newly released carbon tax modelling? Specifically, what emissions reductions are assumed in the modelling?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:19): I am not going to pre-empt the release of the modelling. (Time expired)

Senator BERNARDI (South Australia) (14:20): Mr President, I ask a further supplementary question. Can the minister explain how spending $3.5 billion of taxpayer's money, which will be raised in the form of higher electricity charges to purchase foreign credits, amounts to cleaning up the Australian economy, as claimed in its advertising campaign? Given the nature of this, when will the government withdraw its misleading and expensive advertising campaign to do with this carbon tax?
The campaign by some in the coalition against international trading has to be one of the most short-sighted and, frankly, xenophobic bits of policy we have seen in this debate in a long time. Those moderates on the other side ought to be ashamed of the way this is being peddled. I would make the point that even members of the Australian Industry Group network said, 'We understand that the cost of abatement might double if we try to achieve the full abatement domestically. You are doubling the cost for Australian business if you seek to achieve the full abatement domestically.' Similar comments were made by the Business Council of Australia. It is extraordinary that the coalition, a party which is supposed to be sensible on the economy, would come in here and say, 'We want to double the cost for Australian business of— (Time expired)

Container Deposit Scheme

My question is to the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, Senator Conroy. Last weekend saw hundreds of Clean Up Australia events all over the country. Given that the July 2010 consultation regulation impact statement found that a container deposit scheme with a 10c deposit on beverage containers would increase recycling to over 80 per cent and reduce litter volume by 19 per cent, can the minister update the Senate on why nothing at all was forthcoming from last Friday's meeting of environment ministers on a national container deposit scheme and outline whether the government intends to bury this initiative under further delays or whether there will be progress towards a national scheme?
consultation period. The reason for the extended period of consultation is that it will take in the Christmas-New Year period.

Senator LUDLAM (Western Australia) (14:25): Mr President, I ask a supplementary question. A spokesperson for Coca-Cola Amatil has reportedly claimed that the Northern Territory container deposits law breaches the Commonwealth Mutual Recognition Act and the company is reportedly planning legal action against the Territory’s scheme. Has the Commonwealth government received any legal advice on the matter? If not, will the government seek legal advice on this matter?

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) (14:25): That it is a specific question, Senator Ludlam. I am happy to take it on notice to see what information the minister can make available to you.

Senator LUDLAM (Western Australia) (14:25): Mr President, I ask a further supplementary question. To what extent has Coca-Cola Amatil made representations to the Commonwealth government on this matter? Has the company made any threats of legal action during the EPHC process or any of the RISs or any of the other stultifying series of processes that this thing has been subjected to? At any time has Coca-Cola Amatil made direct representations to the government?

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) (14:26): As I am sure you are aware, I would not have been in any of those meetings so I will have to seek further information from the minister and see what we are able to table to assist with answering your question.

Carbon Pricing

Senator MARK BISHOP (Western Australia) (14:26): My question is to be Minister for Small Business, Senator Sherry. Can the minister outline to the Senate how the Gillard government is giving Australians a fair share of the mining boom through the minerals resource rent tax? What would be the consequences of a later government reversing the MRRT and the carbon price?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:26): The government is using—and I have outlined in some detail—what the $11-plus billion in revenue from the mining tax over the forward estimates will be used for. It will be used to boost retirement savings in the form of superannuation and to fund tax cuts for small business and companies. About one-third of the proceeds will be used to fund the tax concessions that follow the increase in the super guarantee, which lifts the retirement income for millions of Australia and cuts the contributions tax for low-income earners. Some 3½ million Australians will receive a tax cut on their superannuation from the mining tax revenue.

On the weekend we had a rare outbreak of honesty from Mr Hockey, the shadow Treasurer. He confirmed that the Liberal-National Party, if they ever get into government, are going to reverse the mining tax. They are going to pass $11 billion in revenue back to the mining companies. And I might say that this $11 billion is tax the mining companies have agreed to pay.

At the same time, the Liberal-National party has to come up with money to make up
for the $11 billion in tax revenue they are going to pass back to the mining companies. In order to make up for the $11 billion, they are going to have to increase tax on small business by reversing the new write-off provisions and they are going to have to increase the superannuation contributions tax on the 3½ million Australians who currently pay. Also, the standard tax deduction, which will benefit 6½ million Australians— (Time expired)

Senator MARK BISHOP (Western Australia) (14:29): Mr President, I ask a supplementary question. How will the government's tax reform package, funded through the MRRT, provide tax relief for small businesses and companies?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:29): As I have mentioned, the government is effectively providing a tax cut to small business by increasing the instant write-off of goods purchased from $1,000 to $6,500. This means an increase of $1,500 in cash flow to over two million small businesses as a reward for those businesses as they invest. This is one of the measures to be funded by the $11 billion in revenue from the mining tax, which the Liberal Party is now going to give back to the mining sector. It is going to give that $11 billion-plus back to the mining sector. At the same time, the Liberal Party has decided it is going to have to increase taxes for small business to pay for this handing back of $11 billion in mining tax. At the same time, the Liberal Party will not be able to proceed with the company tax cut for small business, because that is funded from the mining tax. (Time expired)

Senator MARK BISHOP (Western Australia) (14:30): Mr President, I have a further supplementary question. Is the minister aware of any alternative policies to ensure that Australians get a fairer return for the resources they own?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:30): As I have said, the Liberal and National parties decided to hand back the $11 billion-plus in revenue from the mining tax. Quite extraordinarily, as I have mentioned, the mining companies have agreed to pay this tax. I cannot recall a time in Australian history when a political party bidding for government has decided to hand back a tax that the companies have agreed to pay and at the same time increase tax on superannuation and increase tax on small business, at a time when these mining companies are making very, very significant—indeed, record—profits. Look at BHP's $23 billion net profit announced last month. It is no wonder these mining companies agree to pay increased tax, but it is so extraordinary that the Liberal and National parties want to hand back the $11 billion they have agreed to pay. They want to give it back to them and at the same time increase superannuation taxes and increase— (Time expired)

Carbon Pricing

Senator BIRMINGHAM (South Australia) (14:31): My question is to the Minister representing the Treasurer and the Minister for Climate Change and Energy Efficiency, Senator Wong. I refer the minister to the new partially leaked Treasury modelling of the government's carbon tax and ask the minister two very specific questions. Firstly, has this modelling been completed? Secondly, does this modelling still assume that real wages will adjust to offset the impact of the carbon tax so as to maintain full employment?
Senator WONG (South Australia—Minister for Finance and Deregulation) (14:32): I love the way the tactics committee sees the word 'modelling' somewhere and then decides they want to talk only about modelling for the entirety of question time. It is a pity the senator did not listen to my response to Senator Bernardi, wherein I pointed out that the Treasurer had flagged the release of this modelling this week. I am not sure how the senator comes to suggest that there has been a leak. Some aspects of it, and the fact of it, were released in the Treasurer's economic note. That is hardly a leak.

The coalition cannot come into this chamber pretending to actually care about the economic costs of action on climate change when its own policy has been so poorly costed and will lead to a doubling of the economic cost of achieving the five per cent target. But you do not have to believe me. It is what the Treasury says. It is what the Business Council of Australia has referenced.

The PRESIDENT: I draw the minister's attention to the question.

Senator WONG: The question goes to the modelling and the economic cost. Those on the other side, if they are interested in the economic cost, should perhaps look at some of their own policies. Again, I refer the good senator to the note released by the Treasurer. He made reference to the fact that the modelling will be released this week, as previous modelling has been—unlike anything on the opposition's side when it comes to both the economic and the fiscal cost of this policy.

Senator BIRMINGHAM (South Australia) (14:34): Mr President, I ask a supplementary question. I again ask the minister if she can confirm whether the modelling to which the Treasurer has referred has been finished yet. Further, can the minister explain why the government claims that the carbon tax has no impact on employment when—unless they have reversed their previous approach—the government's modelling starts with the assumption of there being no impact on employment? Will the minister inform the Senate how much lower real wages will be in 2020 under the carbon tax?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:35): I again say to the good senator that this modelling will be released when the government releases it, and I am not going to be drawn into a discussion of modelling that the government has not released. I would make the point that the modelling the government has released to date shows that with a carbon price we can grow our economy, we can grow our incomes and we can increase the number of jobs in Australia. The economic cost of our policy is far less than the economic cost of the policy that the opposition says it would implement. It is a joke to come in here and say, 'We don't believe that incomes will continue to grow' when the opposition's policy will cost the economy more and will cost Australian taxpayers more.

Senator BIRMINGHAM (South Australia) (14:36): Mr President, I ask a further supplementary question. Does the government believe it appropriate that this modelling be subject to scrutiny by the joint select committee established to consider the government's carbon tax legislation? If so, will the full modelling be released before Treasury fronts that committee on Wednesday morning of this week? If so, how many hours or minutes beforehand can we expect to see it?

Senator WONG (South Australia—Minister for Finance and Deregulation)
Firstly, in relation to the committee, the functioning of the committee is a matter for the committee. In relation to the release of the modelling, I have answered that question previously. But I will make two points. Firstly, does anyone in this chamber believe that the coalition cares about the content of this modelling or the content of this policy? They do not care about it, because they only have one answer to anything that comes into this chamber or the other place: 'No, no, no, no, no.' That is the entirety of the coalition's policy, whether on climate or on anything else. No-one listening to this debate would be under any illusion that you actually care about the substance.

Senator Birmingham: Mr President, I rise on a point of order on relevance. I asked two questions related to the joint select committee that is looking into the carbon tax legislation about whether this modelling would in fact be presented in time for that committee to ask the Treasury about it. If the minister could address those direct questions, she might have some chance of being directly relevant to the matter.

The PRESIDENT: The minister is answering the question. The minister has 10 seconds remaining.

Senator Wong: This government has released an extraordinary amount of information in relation to the economic cost of its policy. It is a pity that the opposition cannot do the same.

Broadband

Senator Bilyk (Tasmania) (14:38): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister inform the Senate of any recent updates to do with pricing and affordability under the National Broadband Network and how it will benefit local residents across Australia, and in particular those people 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) (14:39): I thank Senator Bilyk for her ongoing interest in this issue. The Gillard government has always proudly stood firm by our decision to support uniform national wholesale pricing. The desire to see those in the bush pay the same as those in the city is something that we do not just pay lip service to; we are delivering on it. As a policy, this is critical in initially narrowing and ultimately defeating the digital divide experienced by so many in rural and regional Australia. This, I might add, will see 70 per cent of premises in regional and rural Australia connected to fibre.

Just today iiNet, Australia's second largest fixed line internet retailer, released their pricing plans. They are not only competitive with existing offerings in the marketplace but are providing plans and services at speeds that simply would not be possible under the opposition's 20-something failed broadband plans. The CEO of iiNet, Michael Malone, was quoted today as saying:

We have long recognised the power of a ubiquitous open access network to transform our business. The NBN allows us to deliver what we have always stood for: faster, more reliable broadband for less.

Not so long ago, Telstra were retailing their HFC cable at speeds of 100 megabits down and two megabits up, with 200 gigabits of download quota, for $179.95. The threat of entry from the NBN has seen that reduce to $109.95 per month. But compare that with the price that iiNet are now offering. (Time expired)
Senator BILYK (Tasmania) (14:41): Mr President, I ask a supplementary question. Can the minister please inform the Senate of any other recent public statements on the issue of pricing on the National Broadband Network?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:42): This question has to be asked: why would you want to be a member of the National Party when the Liberals just ignore you and it is the Labor Party that is implementing the policies that you have always campaigned for? If anyone is any doubt whatsoever, let me refer you to comments made by none other than the Senate's own Senator Barnaby Joyce during an interview with Laurie Oakes back in 2005 when he called on his own government to give the 20 million people who live in such a vast country the ability to have parity of service and parity of price into the future. How times have changed. The doormats in the corner are just used to wipe the feet of the city based Liberal Party while we on this side, the Labor government, continue to deliver for regional and rural Australians.

(Time expired)

Carbon Pricing

Senator RYAN (Victoria) (14:44): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. I refer the minister to reports that Standard & Poor's has lowered the credit rating for the largest electricity generator in my home state of Victoria, Loy Yang Power, due to concerns about the government's proposed carbon tax. Given that a government commissioned report by Deloittes warned earlier this year that some power stations would be 'at the mercy of the banks' when it came to refinancing and uncertainty over the carbon tax, what assurances will the government provide to the four major Victorian brown-coal power generators and Queensland's Millmerran power station, which will be affected by the carbon tax?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:44): The government is extremely conscious of the importance of managing the
transition in the energy sector. That is why, as part of the Clean Energy package the Prime Minister has announced, there is a very significant amount of money focused on ensuring that transformation in the energy sector.

I would make the point that the policy of those on the other side also involves a range of funding for the electricity generation sector. The difference, of course, is that that is not transparent and they have not been very clear at all with the industry what that would involve. The government announced assistance under the Energy Security package being provided to generators on the basis of emissions intensity. We believe that the package will ensure the sort of energy security that is expected, and we will continue to work with the regulators to ensure that that occurs.

I am asked to comment specifically in relation to particular energy assets. I want to make it very clear to the senator that I do not think it is appropriate for us to pick and choose in the context of Senate question time. What will occur? A fund has been funded and the principles around which assistance will be allocated have been outlined, but I do not think it is economically sensible to come into this chamber and make specific comments about specific assets, as the senator has invited me to do.

Senator Cameron: He said he had not looked at Direct Action because it was not worth looking at.

Senator Ryan: Be quiet, 'Senator Doormat'. Given that there is expected to be a 30 per cent increase in these wholesale prices under the carbon tax, does the government expect these costs to be passed on as increased power prices?

Honourable senators interjecting—

The President: Order! When there is silence on both sides we will proceed.

Senator Wong (South Australia—Minister for Finance and Deregulation) (14:47): First, I am not going to and cannot comment on what may or may not have been said in a meeting at which I was not present. Second, I remind the senator that the Energy Security Fund to which— Senator Brandis interjecting—

Senator WONG: According to your leader they are precious, actually—Jamesian and precious.

The President: Senator Wong, ignore the interjection and answer the question.

Senator WONG: I would like to, Mr President, but they seem to be very excited today. The Energy Security Fund to which I referred includes an administrative allocation of free permits and cash payments worth about $5½ billion over six years to highly emissions-intensive coal-fired electricity generators.

In relation to Victoria, my recollection is that the member for North Sydney has also confirmed that the coalition's policy would be to shut down coal-fired power generators in the Latrobe Valley and replace them with gas, and of course you do not have the assistance that the government is proposing.

Senator Ryan (Victoria) (14:49): Mr President, I ask a further supplementary
question. Given that the government has admitted that its carbon tax will drive up electricity prices by 10 per cent in the first year alone, what impact will forcing generators, who have already been heavily impacted by the carbon price to pay for future permits, have on energy affordability?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:50): First, in relation to the electricity price—and I acknowledge that that was one of the questions in the first supplementary—I make the point that, again, unlike the coalition, the government is in fact increasing assistance to Australians in its household compensation package, which does not exist under the coalition's policy. We will provide more money to Australian pensioners; you will take that back. We will provide more money to Australian families receiving Family Tax Benefit; you will take that back. We will cut taxes for Australians earning up to $80,000 a year; you will increase taxes. So it is very clear who has the policies to deal with increases in electricity prices, which would also occur under your policy given that you wish to switch to gas. You just will not have any assistance package. That is the primary difference between your policy and ours.

Social Housing: Australians with Disabilities

Senator MOORE (Queensland) (14:51): My question is to the Minister for Social Housing and Homelessness, Senator Arbib. Can the minister update the Senate on what the government is doing to help build appropriate housing for Australians with a disability? And what is the importance of providing supported accommodation to Australians with disabilities?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:51): I thank Senator Moore for her question. This is an extremely important issue for people with a disability and also for the many thousands of families and carers who want to ensure that in future there is supported accommodation for members of their families. Recently the Parliamentary Secretary for Disabilities and Carers, Senator McLucas, announced that $60 million is now available under the government's new Supported Accommodation Innovation Fund to provide housing for people with a disability. This funding will deliver up to 150 innovative, community based, supported accommodation places, with the Australian government providing the capital funding. As Senator McLucas has said, people with disability are desperate for more accommodation options, and this new fund will encourage innovation in the way supported accommodation services are provided. The government is looking to community organisations to develop accommodation options so that they can bring in their local support networks as well as their existing resources—resources such as land—to help leverage the funding. This funding, of course, is on top of the Australian government's $100 million capital injection in 2008 to build more than 300 supported accommodation places for people with disability, which are on track to be delivered by 2012. This funding will also help people with a severe disability to live as independently as possible in the community and to fulfil their potential.

Senators would also be aware that we are building the foundations for a National Disability Insurance Scheme into the future. This reform is quite possibly the most significant social policy reform since Medicare and is a once-in-a-generation opportunity. But we know that it is going to take time, and the government are acutely
aware that the demand for better services and for supported accommodation is upon us now.

Senator MOORE (Queensland) (14:53): Mr President, I ask a supplementary question. Given the importance of providing access to appropriate housing as described, Minister, how is the Australian government working to make social housing more suitable for Australians with a disability?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:55): By 2013-14 the Australian government’s contribution to specialist disability services will be around $1.35 billion. That is compared to $620 million under the former Howard government. It is more than a doubling of the funding.

We do not know, of course, whether the coalition will be to afford to fund these incredibly important projects that assist Australians with disability to get access to housing and services. The opposition spokesman on finance, Mr Robb, when questioned about the black hole on Channel 10 recently, said in relation to the $70 billion figure: ‘That is the order of the magnitude. No, it's not a furphy. We came out with the figure.’ So we know there is a $70 billion black hole. We know that every time the coalition have this sort of black hole they go straight for services, so we can expect cuts to services across disability, across housing, if the coalition get back into power.

Climate Change

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:56): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. Does the government expect that the Durban climate change conference, to which Australia is sending a 40-strong delegation, will deliver a new, legally binding framework to replace the Kyoto protocol, which expires next year?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:56): I thank the senator for his question and the new-found interest of the coalition in
international climate change policy. However, I suspect it might be short-lived.

Senator Abetz: Oh, Durban will be.

Senator Wong: No—I will take that interjection—I suspect your interest is short-lived, Senator Abetz.

The President: Ignore the interjections; just address the question, Senator Wong.

Senator Wong: In relation to expectations, obviously Australia will continue to play the constructive role that we have played internationally on the issue of climate change since this government was elected. Obviously these international negotiations are not easy, and it is true that the issue of the Kyoto protocol is something that I have no doubt will be discussed.

At Durban I am advised that our priority is to take forward a range of the structures and systems that support global action on climate change. These include, first, the progress of new global markets for trading in carbon permits, something that those opposite used to support but appear now to be walking away from; second, an adaptation framework, which is intended to help vulnerable developing countries manage the impacts of unavoidable climate change; and, third, establishing a framework to reduce deforestation in developing countries.

It is the case that we need comprehensive and concerted global action if we are to avoid dangerous climate change. It is also true that the Kyoto protocol has been a core part of progress for the past two decades and many of its elements will be important to the post-2012 global framework.

Senator Fifield: Mr President, I raise a point of order on relevance. The minister has been going for a while and is almost at time, but she has not as yet indicated whether she is confident that there will be a new, legally binding framework to replace Kyoto.

The President: The minister has six seconds remaining. There is no point of order.

Senator Wong: I have made clear that these are international negotiations. I hardly think that in the Australian Senate I am going to determine the outcome. (Time expired)

Senator Fifield (Victoria—Manager of Opposition Business in the Senate) (14:59): Mr President, I ask a supplementary question. Is the minister aware of a survey undertaken by the World Bank which found that nearly 90 per cent of global carbon market participants were pessimistic about there being a new, legally binding, multi-lateral framework reached anytime soon? Without such an agreement, what guarantee is there that other countries will do anything close to their fair share in reducing emissions?

Senator Wong (South Australia—Minister for Finance and Deregulation) (14:59): No, I am not aware of the particular survey to which the senator refers. But I would say this: those on the other side do come into this place and go out to the public and make the assertion which was implicit in the question—that other countries are not acting. That is untrue. Some 89 countries, accounting for over 80 per cent of global emissions and 90 per cent of the global economy, have pledged to reduce or limit their carbon pollution by 2020. Australia's top five trading partners—China, Japan, the US, Republic of Korea and India—and another six of our top 20 trading partners have implemented or are piloting carbon trading or taxation schemes. China has the world's largest installed renewable energy electricity generation capacity, and India has a tax on coal. (Time expired)
Senator Fifield (Victoria—Manager of Opposition Business in the Senate) (15:00): Mr President, I ask a further supplementary question. I refer the minister to findings of the UN Environment Program that pledges made under the Copenhagen Accord would at best provide 60 per cent of what is required to meet a two-degree stabilisation target. Why has the government modelled its carbon tax on scenarios that rely on far stronger global action when even the voluntary, non-binding pledges made under the Copenhagen Accord do not come close to meeting Labor's modelled scenarios?

Senator Wong (South Australia—Minister for Finance and Deregulation) (15:01): Let us be clear what is being put in that question. What is being put in that question is: 'Because it is hard for the globe to avoid more than a two-degree temperature rise, somehow Australia should walk away from action on climate change.' That is what is being put. What is being put is: 'Because this is really hard, we should just not do anything.' That is the proposition of the opposition. Paradoxically, they pretend that they actually do want to do something, because they have signed up to a five per cent target, a target that under their policy would be achieved at double the economic cost to the Australian community.

Senator Brandis: Mr President, I rise on a point of order. I draw your attention to standing order 73(4):

In answering a question, a senator shall not debate it.

Plainly the minister is debating the question.

The President: There is no point of order. The minister has 19 seconds remaining.

Senator Wong: I am responding to what is at the core of that question, which is the proposition that, because avoiding dangerous climate change is hard, therefore we should not do anything about it. That is essentially what is being put by the opposition. It is a ludicrous proposition, one even John Howard did not agree with. (Time expired)

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

QUESTIONS TO THE PRESIDENT
Parliament House: Energy Use

The President (15:02): Last week, Senator Bob Brown asked me a question without notice about energy saving measures at Parliament House. With the concurrence of the Senate, I shall incorporate the answer in Hansard.

The answer read as follows—

PRESIDENT OF THE SENATE
PARLIAMENT HOUSE
CANBERRA

Answer to Senator Bob Brown's Question without Notice to the President of the Senate on 15 September 2011 concerning energy use reduction targets for Parliament House.

Energy reduction targets for Parliament House

(1) A series of actions are being planned which will reduce energy consumption and reduce greenhouse gas production. These include:

(a) Campaign to educate and change the behaviour of building occupants;

(b) Completion of existing capital works projects including:

(i) improved energy metering;

(ii) upgrade of some internal and external lighting;

(iii) replacement of aging chillers; and

(iv) continued virtualisation of computer servers.

(v) Planning for the introduction of a trigeneration plant to provide baseload electricity for Parliament House.
(2) In total, these measures will reduce greenhouse gas production by well over 10% from 2010-11 levels. Final savings in energy consumption are still being assessed.

(3) I can further advise:

(i) Over the life of the building energy consumption has already reduced by 58%.

(ii) Reductions in energy cost are less easy to predict. We have just entered into contract with reduced tariffs for 2011/12, but tariffs are expected to increase in future years.

(iii) The current small solar energy trial may provide useful lessons for further future savings.

JOHN HOGG
President of the Senate
19 SEP 2011

QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS

Alcohol Pricing

Senator LUDWIG (Queensland—
Minister for Agriculture, Fisheries and
Forestry, Manager of Government Business
in the Senate and Minister Assisting the
Attorney-General on Queensland Floods
Recovery) (15:03): I seek leave to
incorporate further information in answer to
a question that was asked by Senator Di
Natale on 23 August 2011 in relation to the
government's response to the Preventative
Health Taskforce report.

Question agreed to.

The answer read as follows—

The Minister for Health and Ageing has
provided the following answer to the honourable
Senator's question:

The Government's response to the Preventative
Health Taskforce Report, Taking Preventative
Action —A Response to Australia: The Healthiest
Country by 2020 — The Report of the National
Preventative Health Taskforce, noted that an
independent review of the Australian taxation
system has already been commissioned.

In responding to that review (the Australia's
Future Tax System Review), the Government said
that it would not change alcohol tax in the middle
of a wine glut and while there is an industry
restructure underway. Therefore no modelling is
being undertaken at present in relation to the
taxation and excise regime.

In addition, the Government has noted the
Preventative Health Taskforce's recommendation
about developing the public interest case for a
minimum (floor) price and has tasked the
Australian National Preventive Health Agency
(ANPHA) with developing this concept for
further consideration by Government.

Drought

Senator LUDWIG (Queensland—
Minister for Agriculture, Fisheries and
Forestry, Manager of Government Business
in the Senate and Minister Assisting the
Attorney-General on Queensland Floods
Recovery) (15:03): I seek leave to
incorporate an additional answer to Senator
McKenzie's question to me on 15 September
2011.

Leave granted.

The answer read as follows—

All programs are costed through the budget
process to project uptake and allocate funding.
The costings assumptions are agreed with the
Department of Finance and Deregulation before
being accepted.

The modelling for the EC Exit Grant was
predicated on the amount of areas with EC-
declarations.

The 2011-12 budget allocation of $9.6 million
targeted those farmers located within recent EC-
declarations. These farmers had the shortest
amount of time to recover from the effects of the
recent drought.

The central part of the modelling took into
account the number of EC Exit grants paid in
2009-10, and applied those results to the new
target group.

Historical data of applications, grants and
rejections was also used to project the budget
required for the farmers located in EC-declared areas that were current on or after 1 July 2010.

**Tarkine Wilderness**

**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 answers to questions taken on notice from Senator Milne last week.

Leave granted.

_The answers read as follows—_

The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answers to Senator Milne's questions regarding the Tarkine Wilderness taken on notice on Tuesday 13 September 2011:

**Question 1:**

What was its [the Australian Heritage Council] recommendation and can the minister give an unequivocal guarantee that the Australian Heritage Commission assessment was restricted to the natural and cultural values of the area, as is required by law?

_Answer:_

The Australian Heritage Council is yet to provide its final assessment of the natural and cultural values of The Tarkine against the National Heritage criteria.

**Question 2:**

Has Minister Burke met with Tasmanian Ministers Green and Wightman, who are opposing heritage listing and advocating the destruction of the national heritage values of the Tarkine to facilitate Venture Minerals' tin mine at Mount Lindsay? If so, when did he meet them? If not, is such a meeting scheduled and will Minister Burke explain to these ministers that his responsibility is to protect areas of outstanding heritage significance to Australia, not facilitate their destruction?

_Answer:_

Minister Burke spoke to Minister Wightman on Friday (16 September 2011) at the Environment Ministers' meeting and they agreed to discuss the issue further.

**Question 3:**

Will the federal government now give consideration to nominating the Tarkine for World Heritage listing so that it can be permanently protected?

_Answer:_

The National Heritage values of The Tarkine are yet to be established. It would be premature to consider nominating The Tarkine for World Heritage consideration until the National Heritage process has been completed.

**ANSWERS TO QUESTIONS ON NOTICE**

**Questions Nos 673 and 674**

**Senator ABETZ** (Tasmania—Leader of the Opposition in the Senate) (15:04): Pursuant to standing order, I ask Minister Carr, representing the Minister for Immigration and Citizenship, for an explanation as to why answers have not been provided to questions on notice Nos 673 and 674, asked on 30 May this year.

**Senator CARR** (Victoria—Minister for Innovation, Industry, Science and Research) (15:04): Thank you, Senator Abetz, and thank you for the advice that you were going to ask this question. I have sought information from the relevant department. The answer I have been given is that the questions posed by the senator seek information regarding a significant number of complex and sensitive issues, the details of which are contained within narrative reporting prepared by officers of the Department of Immigration and Citizenship detention service provider.

The answers were asked by the senator on 30 May. Question No. 673 related to contraband and weapons in immigration detention centres since 1 January 2008. Question No. 674 related to incidents of violence in immigration detention centres...
since 1 January 2008. In order to provide accurate responses to these questions, departmental officials are closely and diligently examining all situation reports going back to 1 January 2008. These situation reports are produced after each relevant incident and cover details of major, minor and critical incidents. Departmental staff are required to examine each and every single one of these reports with appropriate care so as to ensure that the Senate receives an accurate answer. Responses will require careful checking to ensure that all information provided is accurate, current and addresses the matters raised.

I have been assured that the department is putting in a significant effort to provide the responses as soon as possible. The Senate should note that these questions on notice are in addition to almost 800 questions taken on notice from the budget estimates in May of this year, and many of the questions asked at the Senate estimates sought detailed information on a significant number of complex and sensitive issues. These questions represent a significant burden on the resources of the department. The department, I am assured, is committed to providing responses to parliamentary questions on notice and is putting a significant effort into providing responses as quickly as possible, and all endeavours will continue in this regard.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (15:06): I move:

That the Senate take note of the minister's explanation.

I will not delay the Senate for long, but, as the minister himself indicated, these questions were asked on 30 May 2011. I then wrote to the minister on 19 July and again on 1 September 2011, and on each occasion those written inquiries did not even elicit a letter in response.

If we are to believe that which the minister has just told the Senate, one has to ask: why was it not possible for the minister or the department to advise me of that when written requests were made for an explanation as to the delay? I thought it somewhat ironic that it is this minister in particular who should raise the argument of burden on resources, given the number of questions that he used to place on notice when he was in opposition.

The questions, with respect, are not that complex. One of the questions was: What measures and/or procedures are in place to prevent contraband or weapons being brought into detention centres? I would have thought that that would be a written document or something that could be responded to immediately. Here we are, waiting month after month and the government cannot even respond to such a most basic of questions. We also had incidents of violence being asked about in question 674. If there is so much information that needs to be gleaned, it would seem that we have a great multiplicity of incidences involving violence, which, of course, is a matter of concern.

I will not delay the Senate any further other than to indicate that if we are to accept these ministerial explanations without even being given an end-time as to when we might have an answer, it would be appropriate for the minister and the government to treat the Senate with respect and respond to the written requests, which I made on two occasions before finally raising it in the chamber.

Question agreed to.
QUESTIONS WITHOUT NOTICE: 
TAKE NOTE OF ANSWERS 
Carbon Pricing

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (15:09): I move:

That the Senate take note of the answers given by ministers to questions without notice asked today relating to a proposed carbon tax.

Many people around Australia would have been listening to question time today, many of them wanting to know about, and hoping that there would be some provision of information about, the exact process of how one of the most important changes to our taxation system, to the future of this nation, is going to be debated. As many would know, this is a very, very unpopular tax.

Sadly, the Gillard Labor government—curiously, it seems under direction from the Greens—has introduced 19 bills, that is, 1,100 pages of very complex legislation on a whole range of levels. Ordinary people are very concerned about many of those levels. A lot of very ordinary people have indicated to me that they would like to have their point of view. Sadly, the government has given the joint committee that was formed last Thursday, 15 September, and the Australian public—those who are really concerned that the Australian parliament listen to their particular concerns about whatever job or what circumstances they find themselves in—just one week. That is right, one week for the Australian people to have an input into one of the biggest changes to this country's economy, its taxation, right down to the way that we live.

I am not sure what sort of a democracy the government advocates. One week for Australians to read, understand and comment on 1,100 pages of detailed legislation I think confuses informed democracy for some other place. I remember the GST legislation—it took five months and four committees, and they actually held hearings. I understand, and I just forgot that little part of it, the government says, 'We are cancelling the hearings. Sorry, we are no longer going around Australia, as parliament always should, to listen to what people have to say.'

A lot of people, instead of being detailed and writing their submission, want to make an oral submission. They want to appear before a joint House and Senate committee and have a say. But no, 'We have cancelled that.' It is like saying, 'Sorry, we are cancelling democracy.' This is the biggest tax, the biggest change in this place, and they say, 'You've got a couple of days and then we are cancelling democracy.' All of this has been at the behest of the Greens.

It is interesting to see that the Greens have come into this place. I used to sit on the other side and get lectured, originally by just Senator Bob Brown. He has been joined by a variety of others but the thematic is the same: 'Don't gag debate' and 'Let's have complete transparency'. This was possibly before your time, to those Greens senators who are here, but believe me, I listened carefully because I have not been on that side since then. At a time when the New Zealand government is scaling back its ETS, when the carbon price in Europe is collapsing, why is the government rushing to put in place the most expensive carbon price in the world and locking it in?

Is this a government that thinks of what is in the national interest or, again the thematic, 'I am thinking about what is in the Labor Party's interests'? What is in the Labor Party's interests is simply acceding to the wishes of the minority groups, and the minority group I am speaking of are the Greens. For sure, if the Greens need to keep Labor in power, they will hang on to power at whatever cost, particularly the national cost.
In one of her answers, the Minister for Finance and Deregulation, Senator Wong, claimed that the coalition was fighting increases in pensions. We are saying, 'No, no increases in pensions.' How duplicitous. The increase is simply compensation for dollars that have been ripped out of pensioners' handbags. The truth is that the compensation is only once. The tax is forever. The tax will go up and up every year and the compensation for ripping dollars out of the handbags and pockets of pensioners will not go up. That is the truth. That is the sort of information that people are asking for and need to get. I suspect they are never going to get it out of those opposite.

What about this fantastic modelling? The only thing that we cannot seek is the taxation modelling.

Senator Ludwig interjecting—

Senator SCULLION: To the minister interjecting, I tell you this: you have given Australia a clear indication today: No hearings, no democracy, let's count it into a week. On the Wednesday, when the only people of import—the Treasury—are scheduled, will its modelling be there for our scrutiny? I bet your bottom dollar, it will be absent.

Senator STERLE (Western Australia) (15:14): I look forward to contributing to this debate because I think there are some shocking mistruths. I note that Senator Scullion, who is no doubt a fantastic fisherman and Northern Territorian—and I am envious of you, Senator Scullion, because I am not a good fisherman—talks about ordinary people who are concerned. Ordinary people should be concerned by the great mistruths that have been put over the last nine months by Mr Abbott and those opposite. There have been some shocking accusations in this mother of all scare campaigns, and that is why ordinary people need to hear that they will be winners out of this carbon tax. Contrary to great popular belief, the scrutiny all these months has been on what the government may do but, sadly for all Australians out there, what they are confronted with is what the alternative government will do if the Liberals are successful at the next election. They have had a wonderful opportunity to slide under the radar and they have not had the blowtorch put to them when they have talked about their grand plan.

Let us go through Mr Abbott's grand plan of direct action. Mr Abbott's direct action plan has been assessed by Treasury officials. I know that some on that side might want to have a crack and say the assessment is not true, but if the Liberals are successful at the next election it will be these same people in Treasury who advise them. The Liberals and Nationals were squeezed after the election last year to put costings on the table for the policies which Mr Robb, Mr Hockey and Mr Abbott took to that election. They were dragged kicking and screaming but had to relent to the request of the Independents to see their costings, and these same Treasury officials came out and found a black hole of $11 billion, I think it was. So what have the Treasury officials actually told us about Mr Abbott's direct action plan? They identified that this will cost an average of $1,300 per household in tax. What Mr Abbott is going to do is tax taxpayers, tax Senator Scullion's 'ordinary Australians', and give the money to the heavy polluters, whereas we will be compensating nine in 10 Australian families.

It is also very important to note that last week the same people in Treasury who will be advising the next government, whether it be us or the other side, also identified that under Mr Abbott's direct action plan the price of carbon is estimated to go from $23 a tonne—the Gillard Labor government's cost—to $69 per tonne by 2020. It may be
argued by those opposite that we are just making up figures. Well, we are not. Treasury came up with that.

But the biggest criticism of the opposition's plan came last week from none other than the Australian Industry Greenhouse Network. Who makes up the Australian Industry Greenhouse Network? Let me throw a few names to you, Mr Deputy President. I think these people could be considered to be relevant companies and relevant industry associations in Australia. We have none other than the Minerals Council of Australia as a member of the Australian Industry Greenhouse Network condemning the opposition's direct action plan. The Australian Industry Group is also a member of the Australian Industry Greenhouse Network. We also have none other than the Australian Coal Association, the Australian Food and Grocery Council and the Australian Institute of Petroleum. Then we have some individual business members which I would like to share with the Senate: Rio Tinto, Woodside, Alcoa, BlueScope Steel, Caltex, Chevron, CSR Ltd, ExxonMobil and Wesfarmers—reputable Australian companies. I honestly believe that Senator Scullion's ordinary people do need to be told. The more opportunity we have to expose the opposition for the fraud and the mistruths that they have been spreading throughout the community, the sooner I know Australians will embrace a carbon tax. (Time expired)

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (15:19): In responding to answers given by the government this afternoon, one thing is very clear. The most salient fact of all is that you cannot believe anything this government says. You cannot trust one single thing it says, particularly when it comes to the carbon tax, because what did we have before the last election from the Prime Minister? Let me see. What was the quote? 'There will be no carbon tax under a government I lead.' That is pretty clear, even if you are not a rocket scientist. I think most people out there in the community would hear, 'There will not be a carbon tax under a government I lead,' and think, 'If I vote for this government, I'm not going to get a carbon tax.' But lo and behold, what do we have now? We have 1,100 pages of legislation giving the Australian people a carbon tax. You cannot trust a single thing this government does. That was an absolute corker. The Prime Minister, Julia Gillard, lied to the Australian people. There is no two ways about it. She lied to the Australian people.

But it gets even more interesting, colleagues, because at the time, I have a recollection, the Prime Minister made some comment that before the introduction, before even the thought of any introduction, of some sort of carbon tax or ETS there would be community consultation. 'Community consultation' was the phrase.

Senator Cormann: Consensus.

Senator NASH: Thank you very much, Senator Cormann—community consensus. This government has just given the Australian people about five days for that community consultation; five days for the people of this country to make a submission to the inquiry—and there are three days left, mind you. That is absolutely appalling. Not only did the Prime Minister lie, saying there was not going to be a carbon tax, but she did not even go for option B and allow community consensus. How can the Australian people trust anything this government says?

Interestingly, according to the Productivity Commission, there is not another country that has what we are about to introduce or is going to have it. That is not
me. That is not my colleagues on this side. That is not scaremongering, which Senator Sterle likes to refer to. That is a fact. Going through this 1,100 pages of legislation, we can see that the impact on the hip pockets of average Australian people, every single Australian, is going to be huge, and—this is the crux of the whole matter—for what? Nothing. It is not going to change the climate one little bit. Even the most rusted-on global warming believers out there are smart enough to figure out that the carbon tax is not going to change the climate. So why are we putting this country at risk for this government's frolic and tax grab through this carbon tax? It is not going to change the climate one little bit. That is why we should not be going down this road.

What the government are putting forward is simply not going to achieve what they say they are trying to achieve. We only have to look at the regional impacts to see that. The government likes to say that we are scaremongering. I like to say, 'We are not. We are simply informing the Australian people of the truth.' You only have to look at some of the examples, particularly in regional Australia, to see the impact that this is going to have. Senators on the other side might be completely in denial, but this is going to have an enormous impact. We know that the Murray-Goulburn Co-operative is going to incur carbon costs of over $5,000 per farm. Guess where that is going to be paid from? It is the farmers at the bottom of the food chain who have absolutely no ability to pass any of these costs on. It is simply wrong. Rice farmers' costs on average are going to go up $10,000 a year per farm. This is not scaremongering; this is fact. The list goes on and on. One of the real kickers is in the transport industry. In 2014-15 it is going to have a cost of half a billion dollars a year. Regional communities will bear the brunt of that.

This is a government that has lied to the Australian people. It told the Australian people there would be no carbon tax and is now bringing in a carbon tax—with the support of the Greens and the Independents, I might add—that is not going to change the climate one little bit. If that is not the definition of stupidity, I do not know what is.

Senator MARSHALL (Victoria) (15:24): I always love it when you hear someone say the words, 'I am not going to be scaremongering,' and then they go on and do nothing but try to scaremonger. It is a shame that the coalition really has had no credibility in recent times on this issue at all. There was a time when John Howard was Prime Minister that the coalition actually believed that climate change was real and that it was man made. Nothing has changed since then; climate change is real and it is caused by human activity. We as a generation that can afford to do something about it need to own up, take responsibility and do something about it. I am not going to stand here and do nothing and then be judged by my children and grandchildren as part of the generation that was so selfish in its use of the Earth's resources and knew that it had to do something about it. The science is clear. It is there. I am not going to be judged and condemned by future generations for knowing that something had to be done, knowing what it was we had to do and then doing nothing. I think that is an abrogation of our responsibility.

The reason Senator Nash cannot come to grips with that is that she does not believe in climate change. She does not believe the science. She does not believe anything needs to be done. Her coalition party has the most ridiculous policy that one could possibly imagine. It says that the polluters should continue to be able to pollute for nothing. It says that they should not have to pay for the pollution but that the coalition will take
taxpayers' dollars and give those polluters money to pollute less. They can pollute as much as they like for free under the coalition's policy and taxpayers' money will be given to them to help them pollute less.

We on this side of the chamber believe that it is important to put market mechanisms in to drive change in the economy and to actually put a price on pollution. I do not think it is right that people can pollute our environment for nothing. We know that when you put a price on those things it changes the market behaviour. We know it will drive innovation and change the way businesses conduct their activities and it will directly reduce the amount of their emissions. That is how the market works. If you put a price on something that people have to pay and that then flows down through the system, people will avoid paying that price. If they can reduce their emissions and do things in cleaner ways, they will. That is the way the market works. This is a market based solution.

Unfortunately, the coalition have walked away from that completely. It is what they had as their policy going into the 2007 election. That is what they went to the Australian people with. That was after considerable modelling done by their party when in government. They came up with the solution that an ETS was the most cost-effective and efficient way to go. Nothing has changed in the science or the evidence, except that it is becoming clearer and clearer. I am not a denier. I know that there are companies polluting out there. I know pollution is affecting our environment. You do not have to be a rocket scientist or any other sort of scientist to understand that. The science is settled. It is there. We on this side of the chamber do not believe in every crackpot that the other side might be able to run up who says, 'I have some formal qualifications; therefore, the overwhelming science of the world's scientists is wrong.' I thought we had moved on from those times. The science is clearly settled. We have an absolute obligation to act because we can act. We know what we have to do and this government have the courage to do it. We will do this thing. We will introduce the carbon price mechanism, we will drive change in our economy and we will make a significant and ongoing difference to our environment. That is why we are doing it. We are doing it for our kids and our grandkids. We are the generation—it has been primarily us—who have used more of the Earth's resources than any generation before us and probably more than any generation in the future will. We have an absolute obligation to act. I am absolutely proud to be part of the government that will take these hard decisions and will act on pricing carbon.

**Senator BIRMINGHAM** (South Australia) (15:29): Let me start my contribution to this debate on the answers given by Senator Wong today where Senator Marshall finished off—that is, whether the action that is being taken by this government will make any difference to the environment whatsoever. At the end of question time, Senator Fifield asked a very pertinent question of Senator Wong. His question highlighted the extent to which current commitments made by the global community are making or will make any difference to the environment whatsover. At the end of question time, Senator Fifield asked a very pertinent question of Senator Wong. His question highlighted the extent to which current commitments made by the global community are making or will make any difference at all. Senator Fifield highlighted the 2010 United Nations Environment Program Emissions Gap Report, hardly a source whose credibility could be called into question, hardly a source that those opposite would even claim that sceptics or anyone else would latch on to. It found:

… that developed and developing country pledges are 60 percent of what is needed by 2020 to place the world onto a trajectory that will keep global
temperature rises to less than 2°C in comparison to preindustrial levels.

The International Energy Agency concurred in its report, finding that the 2°C goal will only be achievable with a dramatic scaling-up effort' from what has currently been committed to.

Under what framework have current commitments been made? They have been made under the so-called Copenhagen accord, one of the flimsiest, most meaningless documents signed on the international stage at any time. The Copenhagen accord runs for barely a couple of pages, it is non-binding, commitments and pledges under it are voluntary and there is no framework for how they will be measured, verified or reported upon. There is nothing at all in this accord. Guess what? The commitments made under this non-binding, voluntary, non-measurable, non-reportable and non-verifiable accord do not even manage to achieve the optimistic scenarios on which Labor has modelled its carbon tax for global action.

I wish the rest of the world were doing more; I do. I wish we did actually have comprehensive global action of the kind that Senator Wong tries to portray when she stands up in this place and answers questions. The reality is, and those international agencies that monitor these things have demonstrated, that we simply do not have that level of international action. It is not happening, and is not happening even under the flimsiest, easiest to get out of, of global agreements—let alone what people might commit to if, when, maybe some time into the future, we see some type of replacement legally binding framework on emissions will expire with no replacement in sight. In fact, as Senator Fifield's question highlighted, it will expire with 90 per cent of those currently involved in the global carbon market telling a World Bank survey that they are pessimistic of there being any legally binding replacement any time soon. Those opposite say it will make a real difference to the environment. My challenge to them is: come into this place and just tell us how it will make that difference, given all of the other global commitments, or lack thereof, that we have seen to date.

Today Senator Wong also belled the cat on the government's intentions about its latest Treasury modelling. She was asked whether it would be presented to the Joint Select Committee on Australia's Clean Energy Future legislation before the Treasury appears on Wednesday morning this week. She would not give a commitment that it would be. She certainly would not give a commitment that it would be released today. So what we will have is 200-plus pages, if it is anything like the last lot, of Treasury modelling, maybe if we are lucky, dumped on the table of the members of that committee hours or minutes before they are supposed to scrutinise the Treasury on its contents. This is the government's approach to transparency and accountability. As Senator Scullion rightly highlighted, the remarkable thing is that they are being aided and abetted by the Greens, who seem to be happy to let the government get away with this, despite all their previous lectures. It shows what a shame and a farce it is. (Time expired)

Question agreed to.

Container Deposit Scheme

Senator HUDLAM (Western Australia) (15:35): I move:
That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Ludlam today relating to a container deposit scheme.

I put a couple of questions to Senator Conroy on the subject of a national container deposit scheme, but I would like to open by acknowledging the volunteers and organisers of Clean Up Australia, which occurred over the weekend. Many hundreds and thousands of people around the country got out to clean up their bit of bush, their bit of verge or their local park. Without this huge mobilisation of people that happens every year, the situation would be very much worse—the litter that piles up around the country would be much worse than it is.

It should not really fall to this, though, because we know that we can avoid a large fraction of the stuff winding up on the side of the road, in parks or in our local waterway by reclaiming it. This is material that is going to waste. Some of this stuff is valuable—it is plastic, aluminium, tin and cardboard cartons—and most of it can be recycled. We know how to do this, because South Australians have been doing it since 1977, as my colleague Senator Penny Wright, from South Australia, knows well. That is why it was all I could do not to bang my head on the table when Minister Conroy read in the fact that we are now going through another review—that there would now be more consultation. This thing has been consulted into the ground. It has been consulted into a state of absolute paralysis. It has been consulted to the extent that the peak bodies and the national environment groups who have been working on the idea of a 10c deposit—that is all we are talking about—on a beverage container and who have been wondering why this has taken so many years boycotted the last range of consultation. They did not participate in the development of the regulatory impact statement, because they realise what an unbelievable, time-sucking waste of energy these things are. Even the people who draw these things up privately acknowledge that. We are getting economists to put together spreadsheets to tell us whether or not monetising the willingness to pay for recycled materials to be put in a bin is worth it. We need to simply get on with it. The states and territories are following South Australia's lead at long last—the Northern Territory is getting into it—but leadership needs to be shown from here in Canberra.

In the time that it takes me to make this five-minute speech, around 114,000 drink containers will be used and only about half of those will be recycled. The rest of them are going to be turfed. They are going to end up in landfill; they are going to be thrown away—114,000 in five minutes. It would presumably be enough to fill the centre part of this chamber up to our knees. Can we please get on with what the South Australians have been doing for 40 years.

Last Friday, federal, state and territory environment ministers met and, despite so many years of delay and the benefits that have been identified in two Senate inquiries and reports too numerous to count, they failed again to establish a national container deposit scheme. It is no wonder the states and territories, and to their credit coalition governments and the parliaments of Victoria and New South Wales, with a lot of pushing from my Greens colleagues in those state parliaments are finally starting to get active on this. It is happening in Western Australia—my state colleague Robin Chapple is going to introduce a bill.

The beverage industry and the packaging industry would have to think: 'We do not want a patchwork of schemes. We do not want eight different schemes set up around
the country, all with slightly different architecture.' They may want to rethink their opposition, such as that we saw from Coca-Cola Amatil which took the brilliant initiative of threatening to sue the Northern Territory government and take them to court for introducing a container deposit scheme in the Northern Territory! That kind of attitude, if the beverage industry is not careful, will lead to a patchwork of seven or eight different schemes around the country, and they will only have themselves to blame.

Western Australia is by far the country's worst recycler and needs a container deposit scheme to lift its performance. There is a waste management act in Western Australia that I suspect no-one has read since it was introduced. It is just an empty shell. We are diverting just over 28 per cent of rubbish from landfill in Western Australia. Other states and territories do far better.

We have seen from the leadership taken in e-waste space by television manufacturers and computer manufacturers—it has come very late but it is happening—that when industry gets on board government will eventually come to the party. Now we have got what looks like quite a coherent scheme to bring back computers, televisions, appliances and so on and recover those materials. Every day the Commonwealth delays the introduction of a national container deposit means an extra nine million recyclable containers go to landfill. I have just about used up my five minutes. There are 114,000 containers a day. Can we please hurry this process up.

Question agreed to.

NOTICES

Presentation

Senator BOYCE:

Senator McKENZIE:

Senator DI NATALE:

Senator THISTLETHWAITE: To move:

That the Senate—

(a) notes:

(i) that surf life savers are as Australian as wattle, koalas and the love of sport,

(ii) that Surf Life Saving Australia safeguards more than 100 million beach visits every year;

(iii) that in the 2010-11 financial year there were 61 coastal drownings in Australia, a decrease of more than 15 per cent on the 84 coastal drownings in the 2009-10 financial year, as outlined in the new report, National coastal safety report 2011: A summary of coastal drowning deaths in Australia,

(iv) that the Australian Water Safety Council aims to halve drowning deaths by the year 2020 and that Surf Life Saving Australia is pivotal to achieving that goal,

(v) the important role that Surf Life Saving Australia plays in our community, and

(vi) that whilst Surf Life Saving Australia provides a wonderful service, the organisation relies on the community for financial support and volunteers so it can continue ensuring our beaches are safe; and

(b) calls on the Australian Government to:

(i) continue support for Surf Life Saving Australia, and

(ii) assist Surf Life Saving Australia by providing further funding for its data research program designed to support development of education, technology, communications and operations to reduce drowning deaths in Australia.

Senator COLBECK: To move—

(1) That the Senate orders the Government to:

(a) make available information regarding the determination of eligibility of New Zealand pack houses and orchards to export apples to Australia, specifically:

(i) supply copies of audit checklists and other audit tools used to determine the eligibility of New Zealand pack houses and orchards to export apples to Australia,
(ii) supply copies of audit reports for all New Zealand pack houses and orchards registered and licensed to export apples to Australia,

(iii) provide details of the qualifications, skills, technical expertise and other selection criteria for the Australian Quarantine and Inspection Service (AQIS) auditors and New Zealand third party auditors (IVA auditors) involved in establishing and verifying the eligibility of New Zealand pack houses and orchards to export apples to Australia,

(iv) provide details of any consideration given to using the Joint Accreditation System of Australia and New Zealand [JAS-ANZ] to audit and accredit the IVA auditors and processes and AQIS auditors and processes,

(v) describe the product identification and traceability processes used in each of the pack houses registered for export of apples to Australia, including how apples can be conclusively traced back to particular orchards,

(vi) provide details of any product reconciliation that is undertaken to verify the origin of apples from particular blocks and orchards,

(vii) provide details of all product recall and/or product withdrawal procedures for pack houses and orchards registered for export of apples to Australia,

(viii) provide details of the testing and verification of product recall and/or product withdrawal procedures, including details of when these procedures were last tested and the outcome of that test, for pack houses and orchards registered for export of apples to Australia,

(ix) detail the specific procedures for dealing with rejected consignments of New Zealand apples when the rejection takes place:

(a) in New Zealand, and

(b) once apples have arrived in Australia,

(xii) outline the specific consequences for pack houses once there has been a rejection of export apples, including steps and processes involved in re-entering the export market; and

(b) define what constitutes a 'significant outbreak' of fire blight.

(2) That this information be available by Thursday, 6 October 2011, to allow its consideration before a Coalition delegation travels to New Zealand to investigate biosecurity and verification processes associated with the export of apples to Australia.

**Senator MOORE:**

**Senator MARSHALL:**

**Senator BIRMINGHAM:**

**Senator PARRY:**

**Senator HANSON-YOUNG:** To move:

That the Senate—

(a) notes the 10th anniversary of the Harkin-Engel Protocol signed in September 2001, designed to encourage voluntary standards for the certification of cocoa production that prohibits and eliminates engagement in the worst forms of child labour, as defined by the International Labour Organization Convention 182 which has been ratified by Australia; and

(b) calls on the Australian Government to:

(i) be proactive in measures to counter people trafficking or slavery,

(ii) actively engage in international fora to ensure greater priority for consideration of measures against child labour and trafficking,

(iii) work cooperatively to improve traceability of products through the monitoring of their derivation where practical with reference to people trafficking or slavery, and

(iv) cooperate closely with organisations and entities against people trafficking.

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**CHAMBER**

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Senator MARK BISHOP:
Senator JOHNSTON:
Senator LUDLAM:
To move:
That the Senate calls on the Australian Broadcasting Corporation to maintain its broadcasts of West Australian Football League (WAFL) games, recognising:
(a) the widespread following of the WAFL, domestically in Western Australia quite separate from the Australian Football League;
(b) the WAFL has extensive and far reaching support throughout regional and remote areas of the state;
(c) that Australian football, our indigenous game, has a special place within our Indigenous communities and is an ideal vehicle to engage Indigenous students in school;
(d) the WAFL provides development opportunities for emerging talent in a range of skills and industries; and
(e) the WAFL instils a sense of community pride in the players place of origin.
Senator STERLE: To move:
That the time for the presentation of the report of the Rural Affairs and Transport Legislation Committee on the Qantas Sale Amendment (Still Call Australia Home) Bill 2011 be extended to 21 November 2011.
Senator HUMPHRIES: To move:
That the Legal and Constitutional Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 22 September 2011, from 4 pm to 5 pm, to take evidence for the committee's inquiry into the live export trade, together with the Live Animal Export (Slaughter) Prohibition Bill 2011 [No. 2] and the Live Animal Export Restriction and Prohibition Bill 2011 [No. 2].
Senator HEFFERNAN: To move:
That the time for the presentation of the reports of the Rural Affairs and Transport References Committee on the live export trade, and the Live Animal Export (Slaughter) Prohibition Bill 2011 [No. 2] and the Live Animal Export Restriction and Prohibition Bill 2011 [No. 2], be extended to 12 October 2011.
Senator CAMERON: To move:
That the time for the presentation of the final report of the Environment and Communications References Committee on the status, health and sustainability of the koala population be extended to 21 September 2011.
Senator PRATT: To move:
That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 21 September 2011, from 12.30 pm to 1.45 pm.
Senator STEPHENS: To move:
That the Joint Standing Committee on the National Broadband Network be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 20 September 2011, from 6 pm to 9.30 pm.
Senator BOB BROWN: To move:
That the Senate supports moves by the President of the United States of America, Barack Obama, to close tax loopholes for those earning a million dollars a year, ensuring that millionaires pay a minimum rate of tax that at least matches that of middle-class families.
Senator CAMERON: To move:

That the Environment and Communications References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 20 September 2011, from 5.30 pm, in relation to its inquiry on the status, health and sustainability of the koala population.

Senator COLBECK: To move:

That the Senate calls on the Government to ensure that:

(a) Commonwealth funds are not used to resolve the commercial dispute between Gunns and Forestry Tasmania; and

(b) assistance to forest contractors is not reduced.

Senator SIEWERT: To move:

That the Senate—

(a) notes that:

(i) trawling in the northeast area of the North West Slope Trawl Fishery, in depths less than 200 metres off the Western Australian Kimberley coast was accidentally made possible due to an administrative error when the Western Australian and Federal Governments amended the Offshore Constitutional Settlement Agreement in 1998,

(ii) this error accidentally allows bottom trawling in areas shallower than 200 metres despite the fact that this is a critical habitat for goldband snapper and other demersal fish species which have been off-limits to North West Slope Trawl Fishery trawlers as they are a deep water crustacean prawn fishery,

(iii) the ecological sensitivity of this area has been acknowledged in the Australian Fisheries Management Authority's correspondence with permit holders,

(iv) legislative instruments have been introduced prohibiting trawl fishing in this northeast area, but the most recent instrument expired in December 2010,

(v) since that time, the closure has been maintained informally by industry self-regulation,

(vi) negotiations between the Federal and Western Australian Governments which were intended to fix this error have stalled and the trawling industry has stated that they will commence bottom trawling in this area on the imminent cessation of the closure which is 30 September 2011,

(vii) a resumption of trawling in this area would adversely impact the benthos and demersal fish stocks of this region, thus putting the entire ESD [ecologically sustainable development] certified Northern Demersal Scalefish Managed Fishery at great sustainable risk, and

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

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

BUSINESS

Leave of Absence

Senator McEWEN: by leave—I move:

That leave of absence be granted to:

Senator Madigan for today, for personal reasons; Senator McLucas from 19 September to 22 September 2011, for personal reasons; and Senator Polley from 19 September to 21 September 2011, for personal reasons.

Question agreed to.

Senator KROGER: by leave—I move:

That leave of absence be granted to Senator Adams for today, 19 September 2011, for personal reasons; and for Senator Eggleston from 19 September to 23 September 2011, for parliamentary reasons.

Question agreed to.
COMMITTEES
Foreign Affairs, Defence and Trade References Committee

Reporting Date

Senator KROGER: by leave—At the request of the Chair of the Foreign Affairs, Defence and Trade References Committee, Senator Eggleston, I move:

That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on the Government’s response to kidnappings of Australian citizens overseas be extended to 24 November 2011.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

General business notice of motion no. 227 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the introduction of the Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011, postponed till 11 October 2011.

General business notice of motion no. 421 standing in the name of Senator Hanson-Young for 21 September 2011, relating to the SIEV X, postponed till 12 October 2011.

COMMITTEES

Education, Employment and Workplace Relations References Committee

Reference

Senator BACK (Western Australia) (15:42): I seek leave to amend business of the Senate notice of motion No. 1 by inserting, after paragraph (e), the following paragraph (f):

ways to further incorporate animal welfare principles in agriculture courses; and

Leave granted.

Senator BACK: I move the motion as amended:

That the following matter be referred to the Education, Employment and Workplace Relations References Committee for inquiry and report by 1 March 2012:

(a) the adequacy and priority given to funding in the agriculture and agribusiness higher education and vocational education and training (VET) sectors by federal, state and territory governments;

(b) the significant decline in agricultural and related educational facilities in the past decade, including reasons and impacts;

(c) solutions to address the widening gap between demand and supply for higher education and VET sector graduates in agriculture and agribusiness in Australia;

(d) the impact of this shortage in terms of agriculture research, including research into climate change adaptation and sustainable agricultural techniques, bio-security and food security;

(e) the economic impact on Australia’s terms of trade and reputation as a trusted supplier of high quality foodstuffs to world markets;

(f) ways to further incorporate animal welfare principles in agriculture courses; and

(g) any related matters.

Question agreed to.

MOTIONS

Rural and Regional Health Services

Senator WRIGHT: I move:

That the Senate—

(a) notes a recent report put out by the Climate Institute, A climate of suffering: the real costs of living with inaction on climate change, which concludes that the mental health of Australians, particularly rural Australians, is being adversely affected by climate change;
(b) recognises that:
   (i) rural Australia is already experiencing increased levels of suicide and mental health issues compared to the rest of Australia, and climate change will increase stress and trigger more suicide in some of our most vulnerable communities,
   (ii) reported figures of a suicide-per-week in rural Australia are of great concern and likely to be under reported,
   (iii) suicide in a rural community affects everyone in the community, and
   (iv) rural Australians are very resourceful and taking positive action can counteract mental health problems; and
(c) calls on the Government to:
   (i) ensure adequate funding for rural mental health services, and
   (ii) investigate ways to assist rural Australia in adapting to climate change.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (15:44): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for two minutes.

Senator JOYCE: I note that the Senate Community Affairs References Committee is currently inquiring into the Commonwealth funding and administration of mental health services and has received over 1,000 submissions. I also note that the Climate Commission's report The critical decade states on page 42 that there is 'a high degree of uncertainty in our current understanding'. It continues:

Observational records show no changes beyond natural variability in either the frequency of cyclones or their storm tracks. ... it is not yet possible to attribute any aspect of changes in cyclone behaviour (frequency, intensity, rainfall, etc.) to climate change ...

The floods across eastern Australia in 2010 and early 2011 were the consequence of a very strong La Niña event, and not the result of climate change.

That is from the government's own report that I imagine the Greens have agreed to. It also seems spurious that this motion states that positive mental health is the key to tackling rural climate change. An article I have read states:

In addition, water policy changes, a national oversupply of grapes combined with a global economic down turn and international competition are starting to take their toll on grape growers ...

I would say that that has got far more to do with depression in regional areas than climate change. Item (b) of Senator Wright's motion does include some items that would seem prudent and understandable. But relating those matters to issues pertaining to climate change makes this motion something that the coalition cannot support.

Senator WRIGHT (South Australia) (15:46): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for two minutes.

Senator WRIGHT: A recent report from the Climate Institute concludes that the mental health of Australians, particularly rural Australians, is being adversely affected by climate change now and states that this will only increase in the future. A further recent report from the CSIRO, looking at 50 winegrowers from southern Australia, has also found that mental health stresses are affecting farmers' decision making and capacity to act and cites earlier research suggesting that farm based suicides in South Australia may be as high as one per week.

This Greens motion recognises these issues; recognises that while farmers and rural people are resilient—and in fact the CSIRO study indicates that those who are coping best are those who are able to adapt
to the climate variability that they face—it is important that we ensure adequate funding for rural mental health and assistance for rural Australians to adapt to the future challenges of climate change.

Question agreed to.

COMMITTEES

Scrutiny of Bills Committee

Senator KROGER: I move:

That the time for the presentation of the report of the Standing Committee for the Scrutiny of Bills on the future direction and role of the committee be extended to 30 November 2011.

Question agreed to.

DOCUMENTS

Medicare Chronic Disease Dental Scheme

Order for the Production of Documents

Senator FIERRAVANTI-WELLS (New South Wales) (15:47): I seek leave to amend general business notice of motion No. 420 standing in my name for today relating to an order for the production of documents.

Leave granted.

Senator FIERRAVANTI-WELLS: I move the motion as amended:

That—

(a) the Senate:

(i) notes that:

(a) more than 680,000 Australians have received treatment for dental care under the Medicare Chronic Disease Dental Scheme (the scheme),

(b) more than 11 million dental services have been provided under the scheme,

(c) on 10 June 2010 the Minister for Human Services (Mr Bowen) announced a Medicare Australia taskforce (the taskforce) had been established to investigate dentists' compliance with the scheme, and

(d) initial audits had been carried out on 49 dentists with a further 250 dentists to be audited,

(ii) recognises that most dentists act in good faith in providing much needed services under the scheme, and

(iii) calls on the Government to desist from pursuing onerous financial restitution from dentists that have made inadvertent, minor or other administrative errors in providing appropriate clinical services to eligible patients; and

(b) there be laid on the table by the Minister representing the Minister for Health and Ageing (Senator Arbib), by 5 pm on Monday, 31 October 2011, the following:

(i) the number of dentists audited by the taskforce to 31 October 2011 and as a result the number of dentists required to:

(a) repay Medicare benefits,

(b) repay Medicare benefits where the services claimed have not been provided, and

(c) repay Medicare benefits where the audit process found services claimed had been provided, and

(ii) copies of all documentation provided to dentists about the scheme since it commenced.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Carbon Pricing

The DEPUTY PRESIDENT: A letter has been received from Senator Fifield:

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

The Gillard Government's intention to increase cost pressures on charitable and not-for-profit organisations and the voluntary sector through the introduction of a carbon tax.

Is the proposal supported?

More than the number of senators required by the standing orders having risen in their places—
Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (15:50): I do not need to tell you, Mr Deputy President, that the carbon tax is a bad tax and that it is a tax that is based on a lie. That is something that is being canvassed each and every day in this chamber and will be canvassed each and every day until the carbon tax package is put to a vote. I still have my fingers crossed that it will be defeated. We do know as well that this tax will have a devastating economy-wide impact.

There has been a significant focus on particular sectors of the economy; most notably, there has been a great focus on manufacturing, and I know this as a senator for Victoria, particularly given the location of my office in the south-eastern suburbs of Melbourne. The south-eastern suburbs are the heart of manufacturing in Victoria. Forty-four per cent of Australia's manufacturing output comes from the region and 70,000 people are directly employed by manufacturing in the region. Victoria will be hit if first, it will be hit hardest and south-east Melbourne is the front line of the battle against the carbon tax. We also learned today from the Australian Trade and Industry Alliance that nine out of 10 jobs in the manufacturing sector are in firms that will face the full impact of the carbon tax.

There are other sectors about which the government has largely been silent during the carbon tax debate. The sectors that I refer to are those that are in the portfolio that I shadow—the portfolio of disabilities, carers and the voluntary sector. There are four million Australians who have a disability of some form. There are also 2.6 million carers. The government say in relation to people with disabilities and carers, 'Trust us. We have a compensation package. Don't worry. Australians with disabilities and their carers will be adequately taken care of.' What the government propose is that there be compensation through increased pensions and increased income support payments. Even if you accept that those increased payments will be sufficient to offset the cost increases as a result of a carbon tax—which I do not—you have to look at how many people actually receive those payments. There are 800,000-plus people on the disability support pension. Compare that to the figure of four million Australians with a disability. There are 180,000-plus Australians on the carer payment. Compare that with the 2.6 million Australians who are carers. What that means is that there are 3.2 millions Australians with a disability who will not get any direct benefit in recognition of the additional costs they face as a person with a disability. It means that there are 2.4 million carers who will not get any compensation, above and beyond anyone else in the community, in recognition of the additional costs that they face as people who undertake caring activities.

As I mentioned, the government claims that increased payments will compensate these groups and that tax cuts will compensate for others. Even if you accept—and, as I said before, I do not—that there would be adequate compensation to start with, the carbon tax will continue to rise and the value of that compensation will be eroded over time. It is very clear that Australians with a disability and their carers have been largely forgotten in the formulation of this carbon tax.

Related to these Australians who face additional challenges, often for reasons beyond their control, is the broader not-for-profit sector, the broader charitable sector and the broader voluntary sector. The government have, in their formulation of this carbon tax—which is wrong in the first place—and in looking at compensation arrangements, completely forgotten not-for-
profit groups, voluntary groups and charitable organisations. If you take the sorts of voluntary organisations that most immediately come to mind—scout groups, the local footy club, the local netball club, the surf-lifesaving club—they will all have increased cost pressures as a result of the carbon tax.

We know that electricity prices alone will go up by 10 per cent at least, so the power bills of the footy clubs, the scout groups and the surf-lifesaving clubs will all go up by 10 per cent. Those organisations are going to have a choice. They will either have to do more fundraising—and they will be fundraising at a time when people have less money in their pockets to donate—or they will have to cut back some of the activities or services that they provide. They are the options facing these organisations.

Also, if you consider in the broader social policy context Australian disability enterprises, the organisations that employ individuals who have an intellectual impairment, they are terrific organisations and provide a great workplace for the individuals. They also provide respite for the families of the people who work in the disability enterprise. Many of the disability enterprises have very significant electricity bills. Some of the disability enterprises will be in light manufacturing, some will be in the laundry business, and they have quite high power costs. So, if you are increasing the power costs of some of these organisations by 10 per cent, you are looking at tens and tens of thousands of dollars of additional costs. A lot of the disability enterprises do not have a terribly big margin. The gap between surviving and continuing to provide those services or not is very narrow. There is no direct compensation for these particular organisations.

It is not just Australians with a disability and it is not just carers who have been forgotten in the design of this carbon tax; it is also the not-for-profit sector, the voluntary sector and community organisations. You would have thought, if you were designing such a far-reaching, economy-wide change as the carbon tax, that one of the first things you would think about would be the effect on some of the most vulnerable Australians and the effect on those organisations that seek to lend a hand to them to make life easier.

The carbon tax has been completely flawed from its inception. It is not going to lead to a change in global temperatures—no action will in the absence of a concerted effort by the rest of the world. It is not the most effective way of seeking to reduce Australia's emissions. It is a tax that is going to penalise almost every sector of the Australian economy and almost every group in the Australian community. It has been flawed in design from its inception. I know every time we get to our feet in this place and talk about the carbon tax we say that it is based on a lie, but the reason we say that is because it does bear repeating. The Prime Minister went to the election, she put her hand on her heart and she vowed, 'There will be no carbon tax under a government I lead.' I can guarantee that there are many thousands of Australians who have a disability, thousands of Australians who are carers and thousands of Australians who work in the charitable, not-for-profit and voluntary sector who, if they had known that a carbon tax was going to be imposed on the Australian economy—a tax that was going to directly affect them and the organisations I have referred to—would have cast a ballot for a political party other than the Australian Labor Party. I think it is a great shame that the Australian Labor Party, which has a long history, some of it proud, is embarking on
this tax which is based on a lie and which will affect vulnerable Australians.

Senator BILYK (Tasmania) (16:00): I thank the opposition for raising this matter of public importance for discussion. It allows the government to clear up some of the deliberate misinformation the opposition has been putting into the community about how the Clean Energy Future package will affect the charitable, not-for-profit and voluntary sector. It is unfortunate, as I have said many times in this place, that the opposition's only strategy—not only on this matter but on all matters brought before this place—is to try to make people fearful. It is particularly unfortunate that the opposition deliberately targets and tries to make fearful, for political gain, those who are most vulnerable in our community—that is, those who rely on the not-for-profit, voluntary and charitable sector to have their daily needs met.

The government's package is a carefully designed and responsible package to ensure that those in our society who are least well off are not unjustly affected by our need as a nation to make progress towards a clean energy future. The government's package supports these Australians by providing tax cuts, pension increases and increases to parts A and B of the Family Tax Benefit. Every pensioner at the single rate will get a pension increase of $338 per year and on average will be $134 better off after carbon pricing. Pensioner couples will get an extra $510 per year and will be $226 better off compared with the average carbon price impacts.

The tax-free threshold will be increased from $6,000 to $18,200, which means that around 60 per cent of taxpayers will get a tax cut of at least $300. Family Tax Benefit A for each child will be increased by up to $110 per year. Single-income families with children will receive up to $69 extra in Family Tax Benefit B, as well as up to $300 in an additional supplement. Newstart and youth allowance recipients will get up to $218 per year for singles and up to $390 per year for couples combined.

The opposition asks how the government's Clean Energy Future plan will affect those in the not-for-profit and charitable sector, and that is an important question. Charities around the country will be supported as we transition to a clean energy future, as is only fair and right. Through the Low Carbon Communities program we will fund grants for local councils and community organisations to retrofit or upgrade community buildings and facilities to reduce their energy use. The result of funding these upgrades for not-for-profit and charitable organisations will be a cut in their energy costs. These upgrades will also serve as demonstration projects to promote energy efficiency in the community, informing the public on ways individuals and families can improve their homes, lower their costs and decrease their carbon footprint.

Charities and the not-for-profit sector will also be supported through a dedicated funding stream under the Low Carbon Communities program to provide payments to charities to offset the carbon costs they will face for aviation fuel and fuel used for maritime purposes. This funding will be provided on an ongoing basis and will ensure that important services such as air and sea rescue services will not be affected by the carbon price.

The government is also helping not-for-profits to reduce their compliance costs through committed funding of $53.6 million over four years to establish the Australian Charities and Not-for-profits Commission. This will begin in July next year and will make it easier for not-for-profits to go about their business of contributing to a fairer Australia. The not-for-profit and charitable
sector has been vocally supportive of the government's Clean Energy Future package. This sector recognises not only that action on climate change is required but also that the government's package supports and protects those in our community who are most vulnerable.

I will give you a few examples of what the not-for-profit and charitable sector is saying about the Clean Energy Future package. Paul O'Callaghan, of Catholic Social Services Australia, has said:

In making such a significant move towards a low carbon future for Australia, Catholic Social Services Australia commends the priority given to assisting low income Australians, who will be the most impacted by the carbon pricing mechanism.

Lin Hatfield Dodds, National Director of UnitingCare Australia, has said about the package:

We support this action to reduce carbon pollution. Not only does it promise a brighter future for the planet, it will help disadvantaged and vulnerable Australians who are already suffering the effects of climate change who will carry more of the share of the costs of climate change into the future.

Lin Hatfield Dodds has also said:

The package uses revenue raised by bad activity (carbon pollution creation) to fund good activity (progressive reform of the taxation system). This is clever policy. It is good policy. It's a bit like spinning gold from straw. It's exactly the kind of smart and gutsy approach we want to see from this Government, and from every government. …

The Government … deserve[s] commendation for delivering leadership and a practical package of measures that hit several important policy targets.

Dr Cassandra Goldie, the CEO of ACOSS, said just last week:

We congratulate the Federal Government, the Greens, and Independents for reaching agreement in the drafting of this legislation and we urge all parties to ensure its passage through parliament so we can move on with the necessary task of transforming our economy.

This does indeed seem to be high praise from the not-for-profit and charitable sector for the government's Clean Energy Future package. It is a recognition of just how nuanced a package it is. Its effectiveness as a package for protecting the most vulnerable in our community is highlighted even further when compared with the opposition's so-called direct action—or, as I call it, direct no action. This disappointing attempt at a policy position would cost every Australians an additional $1,300 a year. The opposition's direct action would cost every disability pensioner, war widow and aged pensioner $1,300 a year, an unjust and unaffordable burden that would create a need for the not-for-profit sector to meet the increased costs. Under the opposition's plan there is no compensation for those on disability support pensions. There are no tax breaks for those earning under $80,000 per year. There is no increase in the tax-free threshold from $6,000 to $18,200 per annum.

Under the opposition's alternate plan more than 102,300 pensioners in my home state of Tasmania will not receive an extra $338 extra per year if they are single and up to $510 per year for couples combined. Under the opposition's alternate plan more than 45,600 families in Tasmania will not receive household assistance through their family assistance payments of up to $110 per eligible child for families receiving the family tax benefit A and up to $69 per year for families receiving the family tax benefit B. Under the opposition's alternate plan more than 9,400 single parents in Tasmania will not get an extra $289 per year. I know that you, Deputy President Parry, will be interested to hear this, being from Tasmania: under the opposition's alternate plan more than 10,900 students in Tasmania will not get up to $177 extra per year for singles.

What they will get from the opposition is a poorly thought-out policy that was made on
the run and costed on the back of an envelope, that will cost billions of dollars and that will hurt most those Australians who the not-for-profit and charitable sectors help the most. This reckless and thoughtless alternate policy from the opposition would place considerable strain on the not-for-profit sector.

The opposition has a history of ignoring the not-for-profit sector. Under the previous coalition government, not-for-profit organisations were gagged from speaking about government policy by clauses in their contracts. Under the previous coalition government not-for-profit organisations faced increased costs for the sector through unnecessary and overly bureaucratic reporting requirements, which took away from their key functions of helping vulnerable people. Under the previous coalition government the fringe benefit tax rules for not-for-profit organisations were changed to cut community sector workers' childcare and family tax benefits.

The distinction between the positions of the government and the opposition is clear. The opposition, in its so-called direct action plan, does not provide support for either the not-for-profit sector or those whom the sector supports. The government does. The government provides support in the Clean Energy Future package for the not-for-profit sector and those whom the sector supports. The difference is that clear. The government is building a cleaner energy future economy but not at the expense of the most vulnerable, which is what those opposite would have people believe. The government's position is to do what is right and fair. That is only just.

Senator BOYCE (Queensland) (16:10): In speaking in opposition to the government's intention to increase cost pressures on the charitable and not-for-profit sector and on the voluntary sector with the introduction of the carbon tax, I would firstly like to the opportunity to put a comment made by my colleague Senator Fiona Nash on the record. During question time, poor old Minister Penny Wong complained that the coalition was always saying, 'No, no, no,' to government policies. Senator Nash promptly responded, 'That is because your policies are so bad, bad, bad.' Regarding 'bad, bad, bad', there could not be worse than what we are looking at today with the issues that are raised by the government's intention to simply plough on regardless of the costs to every sector and particularly this sector. I was somewhat bemused by Senator Bilyk's comments regarding the carefully designed package. If this is a carefully designed packaged, God help us and God help the not-for-profit and community sector.

The Gillard government's carbon tax—the 'Not under my leadership carbon tax'—is an all pervasive instrument that will affect every corner of our society and every part of our economy. It is contagious. The extent of its reach is evidenced by the effects it will have on every sector, including the most vulnerable in our community. A succession of shabby and incompetent Labor administrations have turned their backs on the very people they once purported to champion.

Within Liberalism there has always been the view that government should allow people to conduct themselves as they wish and to be as successful as they aspire to be but that we should have safety nets to assist those who cannot achieve their best through no fault of their own. We continue to stand by this faith. This carbon tax, on the other hand, is another sign of Labor's incompetence. Rather than a carefully designed package, the consequences of this tax have not been thought out and are stark evidence of Labor's inability to care for anyone or anything other than what the Greens tell them to care about.
The not-for-profit sector in Australia, as I think everyone would agree, performs a wide and incredibly important function in assisting millions of Australians. There are over 600,000 not-for-profit organisations in Australia. They account for eight per cent of national employment. They contribute $43 billion to Australia's GDP and the sector continues to grow at the strong annual rate of 7.7 per cent. This is partly because of the ageing of the community, partly because of the development of more and better services and partly because of the expectation of families that people in Australia should be given a decent life. In a world of increasing self-interest, it is good to acknowledge that 4.6 million Australians volunteer in the not-for-profit sector every year. That saves the government $15 billion in forgone wages. However, we should acknowledge that in this sector, which will be severely harmed by the plans of this government, there is very high underemployment. Underemployment in Australia has been rampaging ahead since 2008, with employers basically forced to reduce hours of work, because that is the only way they could stay in business under the regime set up by this government. The underemployment rate in Australia rose to 7.6 per cent in February this year from 5.9 per cent in August 2008. One sector that is particularly affected by this is the not-for-profit sector, which relies a lot on part-time workers and, in many cases, underpaid workers. I think we could look quite reasonably at the debacle that is currently going on in Queensland regarding the more than 316 organisations that, on 1 October, will be forced by regulations signed by Minister Evans to cough up back pay, and they are not being compensated for it. We are talking about $500 million or more in back pay being required by the ineptitude and incompetence of this government, in cahoots with the Bligh government. The Red Cross, for example, are saying they expect their back pay bill to be between $4 million and $5 million, yet there is no suggestion of any funding to assist them with this.

Now let us add in what is going to happen under their carbon tax. It is quite amusing that Senator Bilyk somehow thinks that increases for disability support pensioners will help the sector. Is she suggesting that there will be no problem if all the organisations put up their fees to cover the increased costs from the carbon tax for disability support pensioners? Is that what she wants to happen?

Let us look at some of the costs. Senator Fifield mentioned that electricity prices have already gone up 50 per cent since 2007 and are expected to go up another 40 per cent over the next six years as a result of the carbon tax, with no compensation at all to the not-for-profit or community sector. As Senator Fifield pointed out earlier, this is often quite a power intensive industry. We are talking not only about disability enterprises but also about some of the supported accommodation areas, where there are people who may have sight problems, or those who need medical equipment that works all night or people who require more lighting around them than might be the case in other households. Add that to the costs of the organisations themselves—their head offices—and their inability to do it. So, there is no compensation there.

Gas prices have risen 30 per cent since 2007 and will go up again, with no compensation. Groups such as the Salvation Army, Catholic Social Services Australia, the Uniting Church, Meals on Wheels, Blue Care et cetera rely heavily on fuel and on transport services to assist their clients. They visit people in their homes to provide medical services, food services and other assistance to people, simply to be there to
offer respite to their full-time carers. Despite these very large fleets and the large amount of fuel used by these organisations to service these things, again, there is no compensation for these increases in fuel. Even on the food side of it, there will be no compensation to Meals on Wheels for the extra cost of food and the extra cost of the power they will use.

Look, for example, at the Endeavour Foundation, which is one of Australia’s largest not-for-profits. It is primarily based in Queensland and Northern New South Wales. It supports a large number of people with intellectual disabilities. Over $35 million of their budget goes on things such as utilities, transport and household consumables. All these will be affected by the carbon-tax-driven price increases. And, again, there is no compensation. These organisations have for years existed on the smell of an oily rag. Now it looks as if they will even have to pay carbon tax on the rag itself, but with no compensation.

There are four million people in Australia with a disability and two million carers. It is all very well to say that it is individuals and they will get the same compensation as other pensioners and other low-income households. That is fine, but it does not change the fact that the services that are available to them will not be there. As for the ridiculous furphy of this government regarding the lack of compensation in the coalition’s scheme, well, I am sorry, but if you do not put people’s costs up ridiculously with an inept tax you do not have to compensate people. Costs will be lower under a coalition government.

Senator CAMERON (New South Wales) (16:20): I really understand and feel sorry for Senator Boyce for having to make that speech. I can understand why she was struggling several times during the speech. It is because she does not believe what she has just said. The reality is that Senator Boyce has the courage and the conviction that many other senators, like Senator Birmingham, do not have, and that is the courage to stand up for her convictions and stand up for what she knew was right, which is to make sure that there is a price on carbon to prepare this country for a low-carbon future so that we look after the children of this country in the future and make sure that they have the same benefits we had for years—that is, an environment that can sustain this country. So I really do understand why you were struggling, Senator Boyce; it is because you really do not believe that rubbish you just came out with.

You were one of the few, along with the member for Wentworth, Malcolm Turnbull, who actually stood up and said, ‘We think there should be a price on carbon.’ That is what you said. You did the right thing. But now you have been sucked in to the morass and nonsense that the coalition is putting up in its fear campaign on a carbon price. What should be understood is that the effect of a carbon price in this country is one-quarter of the effect that the GST had, and yet we did not hear speeches from the coalition warning that the GST was four times the cost of a carbon price. We did not hear any of that come up. We did not hear any warnings from the coalition about the cost to the economy—and this carbon price has an impact on the economy one-quarter of that of the GST.

Why are we doing it? You always have to remind yourself why we are doing it. We are doing it for the schoolkids here today. We are doing it for future generations. We are doing it for my grandkids, who hopefully will be around in 80 years time when we run out of mineral resources in this country, when we understand that there are no minerals left and that we have to have other ways of dealing with our economy and
building new industries for the future. That is really what we have to do.

The hypocrisy of Senator Boyce, to stand up here and run a scare campaign on pensioners when she knows it is not true, when she knows that what she has just gone through is part of the broader scare campaign that the Leader of the Opposition, Tony Abbott, is running right throughout the country! It is scare campaigns like 'Wollongong will close down' and 'The manufacturing industry will die under a carbon price', yet no-one believes that. It is just for the six o'clock news, to get a grab out there. I really, really am concerned that Senator Boyce has abandoned her principles in terms of the right thing to do and comes in and defends the nonsense that the Leader of the Opposition, Tony Abbott, is running.

I can understand Senator Fifield. Senator Fifield would come in here and do anything and say anything as long as it advanced the coalition's political position. That is fair enough. You are entitled to come in and promote your side's political position. But you should not come in here and try and scare pensioners, try and scare people with disabilities and try and scare the not-for-profit sector in relation to the effects of a carbon price, because the effects of the carbon price are minimal. They are minimal, and we know that.

We also know that every economist worth their salt in this country has said that the most efficient and effective way to deal with a carbon price is to allow the market to determine the price and allow the market to determine how we deal with the most efficient way of reducing carbon. That is what the economists tell us. Every economist of any standing has put that position. Yet what do we get from the opposition? We get scare campaigns—scare campaign after scare campaign. It is a scare campaign a day from the Leader of the Opposition, Tony Abbott.

Senator Boyce, who knows better and who actually supported a price on carbon in this Senate, who crossed the floor to support a price on carbon, showed more morality and more courage than the rest of the Liberal Party put together. That includes Senator Birmingham, who knows exactly the same point, who was a supporter of a price on carbon, who was a supporter of market price, who backflipped on it—'Backflip Birmingham'—

Senator Birmingham interjecting—

Senator CAMERON: and who has absolutely no moral standing to yell across the chamber at me—absolutely none. When you get a bit of backbone, Senator Birmingham, that is the day you should stand up and lecture me, but you cannot stand up and lecture me because you have no backbone. You would collapse back into your red seat. That is what would happen to you—a jelly back, like Peter Costello. There are too many of you over there with jelly backs and no backbone.

If you were actually serious about doing something about the environment and the future of this country, you would put a price on carbon. You know that. Your former leader was assassinated by the worst elements in the Liberal Party, assassinated by the extremists, and you guys stood back and let it happen. He was assassinated because he understood that you have to put a price on carbon to build the new jobs and provide certainty for industry in this country. That was the position put by your leader, and then you assassinated him.

Then, all of a sudden, you had people like Senator Birmingham, who was a supporter of a price on carbon, who was a supporter of putting a market price on, suddenly saying, 'No, we don't do that anymore.' They have
absolutely no credibility and absolutely no moral standing in this debate, let me tell you. They come in here and all they want to do is say: 'Let's forget about global warming. Let's forget about the kids' future. Let's forget that we need to do something so we're not left behind the rest of the world and so that our manufacturing jobs are capable of competing in the future. Forget all that. Let's look at short-termism. Let's just look at short-term political advantage.' It is an absolute disgrace.

There is no leadership from the coalition. We had no leadership from them for 11½ years when they were in government. All they did was idle away, when this country could have been making the investment for the future. All they do now is come in here and run scare campaign after scare campaign. There is absolutely no validity in what they are putting up.

Senator Humphries interjecting—

Senator CAMERON: Senator Humphries has interjected. He is another one of those Liberal senators who know that the right thing to do is put a price on carbon and have a market price but who became a jelly back when Tony Abbott took the leadership, who would not stand up to the Leader of the Opposition, who would not stand up for their own principles and their own values and just rolled over to the argument that you should not do anything on carbon price. Direct action is a farce. Direct action will not work. Senator Humphries knows that well. The opposition have no economic credibility and no environmental credibility. They are not fit to govern. They have got no policies for the future. They would cast the future of these children who are watching here today into the wilderness, for short-term political gain. They are an absolute disgrace. All they have is fear campaigns, lies and misrepresentation. You are a disgrace as an opposition. You should stand up here and do what Senator Boyce did in the past and say, 'We need a price on carbon,' and stop being— (Time expired)

Senator HUMPHRIES (Australian Capital Territory) (16:30): I think I need to remind members of the government that this is not an open-ended debate that has been placed before the Senate as a matter of public importance today. It is actually a debate about something quite specific—that is, the increased cost pressures on charitable and not-for-profit organisations and the voluntary sector through the introduction of a carbon tax. I appreciate that government members have got their stock standard speeches available to deal with the increasing number of Australians who want to raise concerns about the carbon tax, but the point that the opposition is raising with the matter of public importance today is that there are elements of the government's carbon tax plan which have not been thought through and which the government needs to address as quickly as it can because this tax is coming down the wire.

Senator Farrell: Does that mean you'll vote for the rest of the legislation?

Senator HUMPHRIES: I would need a lot of persuasion, Senator, to vote for this legislation, and the more I see of its holes, its flaws and its defects, the less inclined I am to do it. But you might persuade me today by showing me that you have thought through the implications of these policies.

I can understand that those opposite might be in a quandary at the moment, because they have migrated so often through so many policies that, understandably, they could be slightly confused as to what their policy right now actually says. Senator Cameron has just told us that we should be supporting a price on carbon, that the right thing to do is to have a price on carbon. But Senator
Cameron needs to remember that it was not very long ago that that was not the policy of the Australian Labor Party. Not long ago—within the space of the last couple of years—the policy of the Labor Party was that there should be an emissions trading scheme. This emissions trading scheme was dumped at the beginning of last year, in a move that the then Prime Minister has subsequently described as a mistake. The then position of the Labor government was that there should be no discussion about carbon pricing or emissions trading schemes for a period of three more years. Senator Cameron calls for courage on pricing carbon, but that was not the case 18 months ago, when the policy of the Labor government was: 'We shall not talk of this policy for a period of three years.'

Then we had the promise to have a people's assembly of 150 members that would sort the problem out for the government. That policy was so ridiculous that it collapsed under its own weight after a short period of time. Then the government said that, whatever it did, if re-elected it would not have a carbon price. 'There will be no carbon tax under the government I lead,' the Prime Minister notoriously said. Then she said that there would be no progress on carbon pricing until she had built a deep and abiding consensus through the Australian people—another policy that has fallen over. And today we have got yet another version—it must be iteration 5 or 6 from the government. It now wants a carbon price, leading to an emissions trading scheme in a few years time. So it is not surprising that the government cannot answer basic questions today about what it actually sees this new plan doing to people on disability pensions, carers and charitable and not-for-profit organisations, how it will deal with those people. There have been so many iterations of its policy that it is having trouble itself keeping up with what its latest version of its policy is.

The coalition senators in this debate have outlined the critical question before the Australian community. We have four million people in this country with disabilities and 2.6 million people who are caring for other people, usually family members. That is 6.6 million people for whom life is generally very difficult and for whom provision needs to be made. Almost without debate we know that all of these people will be affected by the higher prices which the carbon tax will lead to—the 10 per cent hike in electricity prices and the nine per cent hike in gas bills in the first year of this carbon tax and of course the escalating cost which people will have to deal with year after year as the carbon price increases with market movements. As that goes on, people of the kind we mention in this matter of public importance will be under greater pressure. They will need to be able to establish a basis on which to provide, as a carer, services to the person that they care for. They will need to have a capacity to survive when there are extra costs associated living with a disability in this country.

As this very legislation is being debated in the other place, it is reasonable to ask this question: 'What arrangements have the government made to deal with the extra costs that these most disadvantaged, most vulnerable Australians are going to have to face?' The answer resoundingly appears to be—on the strength of the debate so far—that they have not thought of what to do about those people. We have heard that there will be an increase equivalent to 1.7 per cent in the maximum rate of the pension, in the form of a clean energy supplement, for some people on disability support pensions and some people on carer payments. But we know that most people with a disability in Australia are not on disability support

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pensions and that a substantial number of carers do not receive carer payments. Those people will be meeting higher costs associated with the carbon tax, but there is no provision made here by the government to deal with those higher costs. It is reasonable to ask: 'What have you done to ensure that these people are able to face the future with some sense of security that their standard of living will not be eroded seriously by this new tax?'

I remind the government that whatever provisions it might make by way of increases or supplements to existing pension payments, inadequate as they must be because they cover only a minority of Australians in the categories we are talking about, the value of that provision will not last. The carbon tax and the carbon price will rise. As those things rise and people pay more to use services and goods that relate to the carbon tax, to which the carbon tax has a bearing, the more those people will find themselves unable to meet those higher costs. The carbon price depends on certain sorts of goods and services becoming more expensive because they relate to the use of carbon, and it follows that, as those costs rise, people will need compensation unless there are affordable alternatives that they can turn to. That is by no means clear at this point in time.

The other point made by coalition senators in this debate was, what provision is being made for voluntary organisations, particularly those supporting people with a disability—bodies like Disability Enterprises and organisations running day programs? What provision is being made for them to meet the higher costs of carbon pricing? For them, there is no compensation package whatsoever. As individuals, the people who make up such organisations might receive some form of compensation, but are we expecting that a household who receives a certain number of dollars in compensation from the government's plan—the tax cuts that ministers were talking about today in question time—will carry that windfall, if there is one, over to the organisations for which they work and give the money to them to help those organisations with their higher costs through this more difficult period? If that is the case, then the government might like to tell us that. Senator Stephens is going to speak in this debate after me. She could let me know whether that will be the case. Where will these organisations, facing 10 per cent higher electricity costs in the first year alone, turn to deal with those higher costs?

I conclude by observing that the costs imposed on Australians through this carbon tax are not an isolated example of the policies of this government. The trend of this government and previous Labor government has been for policies to be rolled out and implemented, leading to a lower standard of living for Australians. Standards of living have been declining under successive Labor governments and the measures in the carbon tax will again reinforce that trend. It has happened in the first four years of this government and if the carbon tax, the mining tax and the other tax increases the government has imposed continue then we can see a further erosion in the standard of living of ordinary Australians. That is a fact that the government needs to face up to and is not yet doing.

Senator STEPHENS (New South Wales) (16:40): I am very pleased to contribute to this debate this afternoon on a matter of public importance and to put on the record some of the things that the government is doing to address the very issue that we are discussing today. Before I do, we heard Senator Boyce contributing to this debate and Senator Cameron pointed out, exactly, that she was someone with great courage who crossed the floor on this issue last time.
I also remind members of the Senate that Senator Humphries is very clear in his support for climate change action. We look forward to seeing how he is going to support these bills because if he is really concerned at how we are looking after charitable and not-for-profit organisations in Australia then it behoves him to pay attention to exactly what is going on in this space. If he aspires to be a minister in a future government that might be considering these areas of policy reform, then he really does need to understand that this is an incredibly changing agenda. The reform agenda for the not-for-profit sector in Australia, which is about enabling those organisations to do what they do best, has come about simply because for the last 20 years the experience under the previous government has been one of regulatory burden, mountains of red tape, reporting requirements, convoluted arrangements—all laid bare in the work of the Senate Economics References Committee inquiry into the regulatory burden of not-for-profit organisations and then taken further, expanded and dissected by the Productivity Commission's major report on the sector. It recommended a series of very important changes to the environment that will free up their resources and enable the not-for-profit organisations to do what they do best.

For me, it is very important that this clean energy package and climate change response is not debated in a vacuum. It needs to be considered in the broader context of what we are doing. So, for the first time in Australia, we have a Non-Profit Sector Reform Council working very closely with the government. I convened several meetings with organisations in the sector about the issue of climate change and about crafting a response that made sure that the most vulnerable in our communities were not going to be adversely affected. That is why there is such a strong package of support for carers, pensioners and low income families in this package of bills.

For the sector itself, which is the point of this debate, there is so much more happening that is freeing up resources and reducing the pressure of red tape. A major piece of work that has been undertaken by an organisation in Sydney has looked at the compliance burden of not-for-profit organisations in Australia, by a myriad of standards, and has identified that, through a very simple and comprehensive reporting system that has been developed for state and territory governments and already applied to some Commonwealth agencies, the resources that could be freed up to frontline services would be hundreds and hundreds of millions of dollars. That represents the red tape burden of generations of government impost on the sector, and that is where we are going to make the biggest difference.

Now we are looking at the establishment of the Australian Charities and Not-for-Profits Commission, which comes in place from 1 July next year. Senator Bilyk talked about the extent to which organisations under the previous government were gagged, with actual contractual conditions that said 'you must not criticise the government'. The first thing that we were able to do when we came to government was to lift those gags, to encourage organisations to advocate not only on behalf of their clients but also for the policy reform and the policy change that they wanted to see. We encourage debate and welcome it.

We have come from that point to engaging with the sector through the national compact, which is about developing a collaborative relationship with the sector to get the end point that we all want. We have been working very closely to establish the charities commission. Australia should have been here a long time ago, but the previous
government piked on the recommendation of the commission of inquiry, which recommended the establishment of a charities commission in 2002. So here we are, trying to catch up with what has been going on in the rest of the world for more than a decade. This is the way in which we will be supporting organisations through this change.

Now we have a relationship with the not-for-profit sector. We have representatives at the table considering the impact of legislation right across the board. So I can tell members of the opposition here that the not-for-profit sector have been at the table through the work of the Not-for-Profit Sector Reform Council, working closely with government, working closely with Treasury, working closely with the minister for climate change and working very closely with Minister Plibersek and Minister Macklin on the issue of climate change impacts, not just for their clients but for their organisations. We will be making sure that we can support those organisations as we progress through this.

The tax summit is coming up in October, and of course we are going to have the sector there at the table. That has probably been the biggest request and the biggest change that has happened. The sector tells us, ‘Thank you—we are now engaged when policy is being developed.’ That is going to make an important difference. I want to tell you why it is important and I have an example here which will perhaps explain the reason why regulatory reform and change will make a big difference and why people like Senator Birmingham need to support the extraordinary amount of work that is going on in the not-for-profit space. This is an email that came to me this morning from an organisation working really hard. It received some money from the government through the volunteer grants, and of course the volunteer grants also support organisations such as scouts and Meals on Wheels, which Senator Humphries mentioned, by providing money for fuel. But this organisation—a genuine, hardworking organisation registered in New South Wales as a not-for-profit organisation—wanted to buy a software package. Because it is an American software package, the guidelines are very narrow, rigid, restrictive, burdensome and pretty difficult. Unless you are a charity registered in the same way as charities are registered in America, you do not qualify for charitable purposes under the guidelines associated with the software package. It is a pretty common software package, I have to say. It is one that many, many organisations use. But because we do not have a definition of charities, because we do not have a charities register and because we do not have a charities commission that can sort these things out, this organisation in New South Wales which is defined as a charity for all of the purposes that we have here in Australia and which is registered in New South Wales cannot demonstrate to this large software company that it is a charity for the purpose of getting a price for this software. Instead of paying $500, this organisation is being asked to pay more than $2,160.

That is what we are doing for the not-for-profit sector in Australia. That is how we are supporting organisations. When we have a register, when we have a definition and when we have a charities commission, we will be where everybody else in developed countries is. We will be able to streamline and support our not-for-profit organisations through this whole carbon package and ensure that we can support them to do what they do best. So let us not think there is a quandary here. We know what we are doing. The Clean Energy Future package and the National Disability Insurance Scheme are the things that are going to make a difference for Australians.
The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! The time for the discussion has expired.

DOCUMENTS
Tabling
The ACTING DEPUTY PRESIDENT (Senator Fawcett): Pursuant to standing order 166, I present a government document which was presented to a temporary chair of committees immediately after the Senate adjourned on 15 September 2011. In accordance with the terms of the standing order, the publication of the document was authorised.

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

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

COMMITTEES
Rural Affairs and Transport Legislation Committee
Membership
Senator FARRELL: by leave—I move:
That Senator Colbeck replace Senator Heffernan on the Rural Affairs and Transport Legislation Committee for the committee’s inquiry into the Quarantine Amendment (Disallowing Permits) Bill 2011, and Senator Heffernan be appointed as a participating member.

Question agreed to.

Clean Energy Future Legislation Committee
Membership
The ACTING DEPUTY PRESIDENT (Senator Fawcett): The President has received a message from the Governor-General reported informing the Senate of assent to the bills.

Veterans’ Entitlements Amendment Bill 2011
Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2011
Indigenous Affairs Legislation Amendment Bill 2011
Indigenous Affairs Legislation Amendment Bill 2011
Legislative Instruments Amendment (Sunsetting) Bill 2011
Australian National Registry of Emissions Units Bill 2011
Statute Stocktake Bill (No. 1) 2011
Carbon Credits (Carbon Farming Initiative) Bill 2011
Carbon Credits (Consequential Amendments) Bill 2011

Assent

Message from the Governor-General reported informing the Senate of assent to the bills.

COMMITTEES
Legal and Constitutional Affairs Legislation Committee
Community Affairs Legislation Committee
Report
Senator PRATT: Pursuant to order and at the request of the chairs of the respective committees, I present reports on legislation from the Legal and Constitutional Affairs and the Community Affairs legislation committees, as listed at item 13 on today’s Order of Business, together with the
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records of proceedings and
documents presented to the committees.
Ordered that the reports be printed.

BILLS

Higher Education Legislation
Amendment (Student Services and
Amenities) Bill 2010
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator CASH (Western Australia)
(16:54): I rise to speak on the Higher
Education Legislation Amendment (Student
Services and Amenities) Bill 2010. In
commencing my remarks I will say that it is
another day and—guess what?—another tax
by the Labor Party. On 17 August 2009, I
spoke on the Higher Education Legislation
Amendment (Student Services and
Amenities, and Other Measures) Bill 2009.
This was a bill that was twice put before the
Senate and was defeated on both occasions.
But did the government actually learn its
lesson? Clearly, no, it did not. What do we
have today? We have the government
introducing, yet again, a piece
of legislation
that is substantially the same. All that has
changed is the date. It now refers to 2010 as
opposed to 2009.

Having studied the 2010 bill, the most
offensive part of the former bill, the part
which forces students to pay for services that
they cannot or will not be able to use, has
stayed the same. Under the 2010 bill,
consistent with the 2009 bill—again, I repeat
that it was a bill that was defeated in the
parliament—every one of Australia's one
million students will be forced to pay $250 a
year regardless of their ability to pay
and regardless of their ability or willingness
to use the services their fees will be financing.
Only a Labor government and one with a
strong socialist bent could introduce such
insidious and morally objectionable
legislation. Then again, this is a Labor
government that is in a very unholy alliance
with the Greens. Anyone who has read the
speech given by the member for Melbourne
in the other place on this bill would have to
agree with the comments made by the
member for Indi when she said, referring to
the member for Melbourne's speech:
… once a Trot, always a Trot—you can put a suit
on, you can wear a nice, trendy silk tie, but once a
Trot, always a Trot.

This bill amounts to a $250 million new tax
on those in our society who can least afford
to pay it. Students are already struggling
under the current tough economic conditions
that the Labor Party keeps telling us about.

What does this bill mean? This bill means
for students $250 less for textbooks, study
materials, transport and the cost of living or,
at best, $250 more in a HECS debt. Do you
know what the height of hypocrisy is
surrounding this bill? It is the annual
indexation of the levy. Under this bill, we
have a government that is committed to
annually indexing a tax on struggling
students to ensure they pay more each year.
But when it comes to supporting families
who are struggling to meet the costs of child
care, the Labor government takes the exact
opposite stance. Remember the pain that
those opposite, the Labor government,
inflicted on families by capping the childcare
rebate at $7,500 per annum for the next four
years and suspending the annual indexation
of the rebate for parents? The capping of the
childcare rebate and the suspension of the
annual indexation, we were told, was to
compensate in some small way for Labor's
mismanagement of the economy because it
would generate savings. So the Gillard Labor
government's profligacy and poor financial
management means that there will be a
reduction in the childcare rebate for
approximately 20,700 families who struggle to meet the costs associated with child care.

What it comes down to is that you just cannot win with the Gillard Labor government. This is a government that, by its actions represented in the legislation that we see coming before the parliament, likes to slug the most vulnerable of those in society. But it is also a government that, on the promises it makes before an election, says all bets are off when it actually assumes power. We have before us a government that has manipulated the trust and the confidence of the Australian people by making specific promises to them in the run-up to an election when at the very same time it had a secret political agenda that was based on its intention to never, ever carry out those pre-election promises. The Rudd government and the Gillard government have shown that the Labor Party is big on promises but consistently fails to deliver on them. The Rudd government and the Gillard government have shown to the Australian people that they are prepared to deceive the Australian community by making pre-election promises without any intention of actually carrying out those promises. We have seen that in so many portfolio areas. Remember that, in relation to the 2007 election, the Labor Party told the people of Australia that it would not introduce what it likes to refer to as an amenities fee, but is, for those of us who see right through Labor Party rhetoric, a compulsory student tax. The then shadow minister for education and now Minister for Defence, the member for Perth, Mr Stephen Smith, said during a doorstep in May 2007:

I'm not considering a compulsory HECS-style arrangement and the whole basis of the approach is one of a voluntary approach so I'm not contemplating a compulsory amenities fee.

That was in 2007, just five months before the election was called. It was a time when, one might say in hindsight, Labor tongues were rather loose with the truth. This was a clear and unambiguous promise not to introduce a compulsory amenities fee. But, as we all fall come to know, for the Australian Labor Party that was merely an election promise—a little like the promise the now Prime Minister gave to the people of Australia the day before the 2010 election. When asked whether she would introduce a carbon tax, the now Prime Minister responded: 'There will be no carbon tax under a government I lead.'

One can only conclude—the Australian public can only conclude—that election promises mean absolutely nothing to the Australian Labor Party. We had the emphatic ruling out of a carbon tax the day before the 2010 election. Lo and behold! When Ms Gillard took office what did she do? She did a complete backflip and, as we saw last week, presented to the parliament the legislation whereby the most blatant, deceptive lie that has ever been told to the Australian public is about to be perpetrated on them. Does the Labor Party care? Of course not. The horrid truth of ALP powerbroker Graham Richardson's statement: 'Labor will do whatever it takes to succeed and retain power,' has yet again been confirmed. Then of course we have the famous line from the member for Kingsford Smith, Mr Peter Garrett, just prior to the 2007 election, who said, 'Once we get in, we'll just change it all.' Principles and sound policy mean absolutely nothing to those opposite. They are motivated solely by a self-serving desire to retain power and sit on the government benches.

Despite the Labor Party's protestations, there is no good news for students in this bill. This bill slugs university students with a $250 tax that will be indexed annually. The Labor Party can dress the wolf up in sheep's clothing and call it an amenities fee, but the
plain truth of the matter is that this is a tax; it is nothing more and nothing less. It is more spin over substance by the Australian Labor Party. The spin prior to the 2007 election, the line that was being fed to the Australian people, was that the Labor Party would not impose a compulsory amenities fee. The substance of that promise, as was evidenced in the 2009 bill and is now evidenced in the 2010 bill, is that the Australian Labor Party always intended to slug university students with a $250 compulsory amenities fee. In introducing the 2009 legislation in the other place, the then Minister for Youth and Sport said in her second reading speech, 'This bill is not compulsory student unionism.' This is exactly where the problem lies. The Australian Labor Party has a history of saying one thing but actually meaning another. With the Australian Labor Party it is all about semantics. We should be very concerned, therefore, when we hear the relevant minister say that this bill is not about compulsory student unionism. Because based on the Labor Party's history on this matter and having regard to the tricky and devious way they use semantics to shroud their real intentions, it is very likely that the bill is compulsory student unionism or a clayton's form of it. There we have it; nothing more and nothing less. This bill represents a return to compulsory student unionism in Australia.

Changing demographics and culture mean that most students today simply do not have the time, the inclination or even the opportunity to actually access the services that are offered. Universities today are mainstream; they are not elite. More students are older, more study part time and in the evenings due to competing work and family commitments and many more take advantage of greater flexibility and competition, as well as opportunities that new communications technologies bring, to study externally. For example, there are around 130,000 students studying externally and they are going to be slugged by the $250 annual fee, but they will never have the opportunity to access services.

Students themselves, unlike student politicians, are not interested in student unions or the services that student unions provide. In a poll commissioned by none other than the Australian Democrats, 59 per cent of students voted against compulsory fees. At most, five per cent of students ever vote in student union elections. A similarly small minority currently voluntary joins student unions and pays the fees. What does this mean? In black and white, pretty much, on those statistics it means that the majority of students, not that a majority has ever worried the Australian Labor Party, does not want to pay a compulsory student fee. On the face of it, there is nothing remarkable about this bill. It provides universities with the ability to implement a services fee capped at $250 a year. However, as with much of the legislation put forward by the Labor Party, one needs to read it very carefully. When one reads this legislation one realises that the devil is in the detail. On closer examination, the provisions of this legislation fail even the most cursory tests of impartiality and accountability. The system remains open to political abuse and is devoid of effective enforcement mechanisms. While the bill prohibits universities or any third parties that might receive money from spending it in support of political parties or political candidates, there is, low and behold, nothing in the bill to prevent the money being spent on political campaigns, political causes or quasi-political organisations per se, whether or not students want their money spent on such causes. But choice has never been flavour of the month for the Australian Labor Party.
Even with this prohibition on the direct support for political parties and candidates, one has to wonder how this prohibition will be policed. There is nothing. There is no credible enforcement or sanction mechanisms provided for in the bill. This is hardly surprising. The bill merely states that it is up to the universities to ensure that the money is not spent on political parties and candidates without providing the universities any power to enforce this. Student guilds or unions target individual issues and run politically motivated campaigns against parties or groups. Yet, what do we have? Nothing in the legislation prevents them from still doing this. But, again, we expect nothing less from the Australian Labor Party.

Perhaps the most insidious aspect of these provisions is that there appears to be nothing to prevent student unions using the fees in an approved way to run the university cafeteria, for instance, but then using the profits generated from the university cafeteria to fund political activities, political campaigns and political propaganda, which is explicitly disallowed by the legislation. This is a tricky form of political money laundering, if you will, and it is a loophole which the minister is completely aware of, but which I doubt those with a philosophical bent towards student unionism will ever change.

Despite the Labor Party's rhetoric, this bill represents compulsory student unionism by stealth. Freedom of association, including a concept that is very new to those on the other side—that is, the freedom not to join an association—remains one of the core beliefs of the coalition. This bill attempts to reintroduce compulsory student unionism, which in turn may fund the activities of student unions. In the past, student unions have proven themselves to be very adept at using the profits from allowable activities to effectively cross-subsidise activities for which direct funding was disallowed.

The coalition will continue to oppose this legislation if and when this legislation is brought before this chamber again. It was bad legislation when it was debated and defeated in 2009; it continues to be bad legislation in 2011. The Australian people, but in particular the majority of university students who do not want to be slugged this $250 by the Australian Labor Party, know that this legislation is nothing more and nothing less than compulsory student unionism by stealth by the Australian Labor Party. They are not fools and they will not allow the Australian Labor Party to treat them as is if they are fools. We have in this place today a bill that the Labor Party swears is not compulsory student unionism but which is supported by the Australian Labor Party, who are committed advocates of compulsory student unionism. For all intents and purposes, the bill has a fee structure much like a previous version of legislation that has been debated and which was nothing more and nothing less than compulsory student unionism. Despite the rhetoric from those opposite, this legislation is without a doubt compulsory student unionism by any other name.

I am proud to be part of a political party that believes in upholding the principle of freedom of association for students. I am proud to be part of a party that will continue to fight to preserve the fundamental rights of students to choose to belong to or, more importantly, not to belong to a student union, student guild or student association. The Liberal Party will continue to stand up for the rights of university students and will continue to expose the Gillard Labor government for what it is—that is, a high-taxing government.

As I have previously said in this place, the Liberal Party wants university students to succeed, because when our students succeed we as a country succeed in this competitive
global environment. The last thing university students need is an additional financial burden being imposed on them at this time when there is massive economic slowdown in Australia. I say to the Australian Labor Party: do not crucify our students in an attempt to advance your own cheap political agenda. Unnecessarily taxing students is bad policy; it is bad for this country. This bill should patently not pass this chamber.

Senator BILYK (Tasmania) (17:13): It is with pleasure I rise today to speak on the Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010. This bill delivers on the Gillard government's election commitment to rebuild important university student services and to ensure that students have representation on campus. This bill is a component of the Gillard government's education revolution, which will not only help ensure the delivery of quality student services but also help secure their futures. I listened quite carefully to the previous speaker, and I do not think she actually understands the content of the bill. What I heard for a good half of her speech was a lot of vitriol but no substance—just more negativity about this government. I do not think she has actually spoken to too many students. It is shameful that coalition members still do not understand that university support services can help ease the stress for many students. It is shameful that coalition members still do not understand that university support services can make a significant difference between students completing their studies or not completing them. It is shameful that the coalition remains in an ideologically extreme position while the Gillard government advocates a new and balanced way forward.

This bill is the result of extensive consultation with the higher education sector in 2008—extensive consultation. I doubt that those on the other side even spoke to students. Those consultations found that approximately $170 million had been stripped from funding for services and amenities in the higher education area.

Senator Cash interjecting—

Senator BILYK: Who was responsible for stripping that $170 million from the higher education area? It was the Howard government. It is a shame that Senator Cash was not a member of the Howard government; she might have actually stood up and supported the students, because she has got this born-again fervour about what she believes students want. I doubt she would know a student if she tripped over one, let alone consulted with one. As I said, those consultations found that approximately $170 million had been stripped from funding for services and amenities in the higher education area. It is shameful that members of the coalition believe that it is acceptable to undermine the quality of our higher education institutions, because all students suffer when universities are forced to shift funding away from teaching and research. This obviously has a negative impact, compromising the service for which the money was originally meant.

What services and amenities are we talking about here? I heard the previous speaker mention child care. What she did not mention was that the reduction in funding by the Howard government stopped students from being able to access child care at university. We did not hear that from the previous speaker. She did go on for quite a while about child care but she did not seem to want to throw that into the argument. Other services that we are talking about include dental services, Centrelink advice services, legal services, welfare services and athlete support programs. These are all fundamental services to help students through university life and to help them participate in the university community.
There is a community at university, and I do not think those on the other side have ever found it.

This bill has support from organisations that matter. I did not hear that in the arguments of those opposite. Universities Australia, the peak industry representing the university sector, said:

Universities have struggled for years to prop up essential student services through cross-subsidisation from other parts of already stretched university budgets, to redress the damage that resulted from the Coalition Government's disastrous Voluntary Student Unionism (VSU) legislation.

On 3 November 2008 the Group of Eight, the coalition of leading Australian universities, stated:

The Federal government's decision to allow universities to support essential student services through the collection of a modest fee is a sensible compromise that will enhance the quality of Australia's higher education system.

Studies conducted by Universities Australia in regard to voluntary student unionism showed that universities struggle to prop up essential services, and this is because of the need, as I have mentioned, for cross-subsidisation. This is a direct negative result of the Howard government's disastrous VSU legislation. Cross-subsidisation has resulted in budget cuts in teaching, learning and research budgets. Add to that the degrading levels of public funding for higher education from the former Howard government and it is no surprise that staff to student ratios have risen from 1 to 12 in 1990 to 1 to 20 today. They are figures that were given to me by people I did consult with on this issue—the National Union of Students.

Whilst this bill ensures access to vital campus services at threat from VSU, the bill is not a return to compulsory student unionism. This bill will require higher education providers that receive Commonwealth Grant Scheme funding to comply with a new set of Student Services, Amenities, Representation and Advocacy Guidelines. Under the new National Student Representation and Advocacy Protocols, students will have access to advocacy support services to support student appeals, and help for students who may need extra assistance on matters that can be at times overwhelming. The national access to services benchmarks will ensure important health, welfare and financial services.

In addition, the National Student Representation and Advocacy Protocols will ensure an opportunity for student organisations to have an independent voice. Through these protocols, student organisations should be able to have the opportunity to voice their concerns though national bodies such as the National Union of Students, the Council of Australian Postgraduate Associations and the National Liaison Committee for International Students in Australia Inc.—who present the true student view to the state and federal governments as well as education, welfare, immigration and public transport departments, parliamentary committees, peak sector bodies and the media.

The Higher Education Support Amendment (Abolition of Compulsory Upfront Student Union Fees) Act 2005, as implemented by the previous Howard government, prevents a compulsory fee for facilities, amenities and services that are not of an academic nature. It is obvious that universities have been dealt a great blow from the previous Howard government's VSU legislation. The Gillard Labor government is committed to restoring essential medical, health and dental centres, advocacy and support services, shops, car parking facilities and accommodation facilities at a reasonable price to students. As I have said, VSU has resulted in services which were once provided at an affordable price, rising
to a cost well above the consumer price index. We must remember that universities are not a private club, nor are they an industrial relations setting. Student unions do not have signs on the door saying 'members' only'—and nor should they. They should be inclusive and welcoming to all students. Yet many students are suspicious of the word 'union', as are all those opposite. This suspicion has only been encouraged by the former Howard government, with its obsession to destroy the union movement and any organisation that might have the word 'union associated with it.

Student unions strive to independently represent students throughout their student lives. It is the backbone of student life and the Gillard Labor government is keen to restore it. Unfortunately students are the ones that have paid the ultimate price for the Howard government's VSU legislation, financially, vocally and culturally.

The global financial crisis has reminded Australians of the need to maintain strong economic performance. Australia is fortunate in that we have a skilled and educated workforce. However, compared with other OECD countries Australia's higher education ranking fell from seventh in 1996 to ninth under the previous government. It is shameful that, while Australia prospered from the resources boom, the previous government saw fit to make life more difficult for many people across Australia to access university.

In February 2008 the government undertook consultations and invited stakeholders to lodge a formal submission on the impact of the then current VSU policy and findings were published in *The Impact of Voluntary Student Unionism on Services, Amenities and Representation for Australian University Students* summary report. The report found that: the abolition of fees had the greatest impact for student organisations at smaller and regional universities and it forced student organisations to rationalise services; many universities gave assistance but had to redirect funds from teaching, learning or research through service level agreements; VSU had a lessening effect of the vibrancy, diversity and, to an extent, attractiveness of university life; and VSU again resulted in a reduced capacity for student advocacy and democratic student representation. In some cases some universities reported the dissolving of their student union, which I know would make those on the other side happy.

**Opposition senators interjecting—**

**Senator BILYK:** I can see Senator Cash nearly jumping out of her seat with excitement over that. At other campuses outlets such as cafes have had to become self-funding or profitable. Discounted lunches are a thing of the past with an average lunch special at a uni cafe or refectory costing more than $6, rising from as cheap as $2.50 almost overnight after 1 July 2006. And you have the gall to come in here and tell us you care about students.

The first funding rationalisations were obviously job cuts. Jobs were slashed at a rate of at least 20 per cent across the country, and there was no exception within my home state of Tasmania in the University of Tasmania, or UTAS, student organisations. At the two UTAS student organisations 10 jobs were lost. You care about students, you care about people, you just do not care if you slash their jobs. It is part of that Work Choices program you have on the backburner ready to drag out. The former student association also faced a loss of at least three staff prior to its merger with the TUU. Budgets for expenditure and capital works were slashed as well with some
facilities either closing or continuing to operate in a dismal state of affairs.

UTAS has worked hard to keep the cultural life of the university alive through an enthusiastic student activities focus and the inevitable merger of the two student unions. As student groups folded across the country the TUU and the SA worked hard to keep student life alive prior to VSU. One of the challenges was the ownership of student services. Both the TUU and the SA felt that the student union should be student driven. Students over the years have realised the importance of student activities. It is simply amazing to note how many comedians got their start in a university review, how many athletes participated in university games and sporting endeavours, how many politicians from an array of political parties were once student politicians and how many journalists started off editing the campus newspaper or producing student radio. Indeed, the Tasmanian government's Premier, Lara Giddings, once performed in the Tasmanian uni revue. Charles Woolley first put pen to paper when he wrote for the UTAS publication, Togatus.

There have been many comments made from those on the other side and, as I said, I found their views fairly limited. They did not actually care about the students. What they cared about was political point-scoring against the Gillard government. They did not once mention the $170 million that they cut from services and amenities in the higher education area when Howard was in government. They have a paranoia about anything to do with any type of union or anything that has the name 'union' associated with it.

These funding cuts have been the result of the hatred of student unions by the former Howard government. You hate the student unions and you were going to do whatever you could to get rid of them. What the Howard government did not value was the fact that student activities had enormous public benefits following on from teaching, learning and research activities. Student activities' participation such as being an active member of a society or simply being involved in a robust campus life is very important. The impact of the VSU alone was enough to seriously damage those student activities.

In my home state of Tasmania the TUU Societies Council has limited funding, decreasing from $141, 411 in 2004 to $80,000 in 2006 and then to a miniscule $10,500 in 2008. This year it is better with $24,000 but, when spread over about 90 societies, it is still not much compared to what it was in 2004. The TUU Sports Council is in a similar state of affairs. Pre-VSU, the Sports Council received $250,000 in 2004 and in 2007 it only received $45,000. This year the figure is $85,800 but about $60,000 of that is for ground use. And, of course, ground fees have increased enormously. UTAS sports clubs have lost preference for grounds to external hirers. The only thing the TUU can continue to offer clubs is insurance and even that is fairly risky financially.

The National Party has stated that they are willing to support this bill because it is providing funding for health and sporting services as well as amenities. I congratulate them for that. However, I call on the Nationals to realise that there is more to be done. Students do not always think about the what ifs. They are not planning for a major health issue or becoming involved in a legal dispute. They expect life to run smoothly and that it will all work out one way or another. The student and amenities fee will fund student health and legal services which, if needed, will be available without the cost of private services. Think about that, and ensure
that these protective measures are in place for the times they are needed. I encourage all those in the Senate to vote to support this bill.

In the last few minutes I have, I want to reiterate that we are working to rebuild vital support services and amenities for higher education students and to secure student advocacy and representation. The bill allows universities to choose to charge a fee of up to $263 for student services and amenities of a non-academic nature for 2012. While students can pay the Student Services and Amenities Fee up-front if they wish, most will be able to take the option of deferring payment through the HECS system until they are earning a decent income. This will ensure that the fee does not act as a barrier to accessing higher education. It is estimated that the Student Services and Amenities Fee will provide universities with more than $250 million over four years for much-needed student amenities and services.

The Gillard government recognises that students have a clear interest in having a say on how and when their fees are spent. Universities will be required to consult with students on the specific uses of proceeds from any service and amenities fees charged. The National Union of Students has made a number of suggestions on the guidelines that sit under the legislation, with a view to ensuring that the consultations universities undertake with students are genuine and give students a seat at the table. I understand those concerns, and people are giving further consideration to how the guidelines can ensure that students have a proper say in how their fees are spent. In fact, just this afternoon I saw a media release by the minister relating to that exact issue.

We need to get on with it. We need to get the legislation passed, because there have been so many years of this ideological attack on students by those opposite. Students need to have access to better services when they start university next year. I commend the bill to the Senate.

Senator FIFIeld (Victoria—Manager of Opposition Business in the Senate) (17:31): The Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010 seeks to impose a compulsory student amenities fee—that is, a compulsory levy for university students for non-academic services. This legislation is based on a complete misapprehension of what voluntary student unionism is and on a complete misunderstanding of the effect of the Howard government's voluntary student unionism legislation.

I want to make clear at the outset what the Howard government's VSU legislation did not do. The VSU legislation did not ban student unions. It did not ban student associations. The Howard government's legislation did not ban the collection of fees by student unions. It did not ban the collection of fees by student associations. What the VSU legislation did was prevent the levying of compulsory fees for non-academic services. Note the word 'compulsory'. The VSU legislation ensured that membership of student unions and associations was no longer a prerequisite for university enrolment. We used to have this ridiculous situation whereby a non-academic service, membership of a non-academic organisation, was a prerequisite to undertaking academic activities. It was a ridiculous nexus, and it was one that the Howard government broke.

The effect of this legislation, far from being the doom and gloom and catastrophe presented by those opposite, was to put money in the pockets of students. It allowed students to decide what services they wanted to support and which organisations they
wanted to join. That is all it was about: putting money in students' pockets, giving students the choice and respecting the right, the capacity and the ability of students to make their own decisions.

Why is it that we think university students possess the critical faculties to decide which university to attend, which degree to undertake and which subjects are right for them but, for some reason, we think those critical faculties depart them when they are faced with the decision as to whether or not to join a student union or a student association? Why do we think their critical faculties depart them when it comes to determining whether those unions or associations are offering value for money for the services they provide? We on this side are of the pretty simple belief that students' critical faculties do not depart them—that if they can make those important life decisions such as which uni to go to, which degree to take and what career to eventually embark upon then surely, for heaven's sake, they have the capacity to work out what is value for money.

This legislation before us represents an election commitment which Labor has previously tried to break. In the 2007 election the then opposition promised not to reintroduce compulsory student unionism and not to introduce a compulsory amenities fee. A question was put by a journalist to the then shadow minister, Mr Smith: 'Are you considering a compulsory amenities fee on students?' Smith said:

No, well, firstly I am not considering a HECS style arrangement, I'm not considering a compulsory HECS style arrangement and the whole basis of the approach is one of a voluntary approach. So I am not contemplating a compulsory amenities fee.

That was Stephen Smith, the shadow minister for education and training, on 22 May 2007.

The amenities fee proposed by the government today is the same proposal that was put forward by student unions and sports unions as an alternative to the coalition's 2005 VSU legislation. What Labor is seeking to do with this legislation is to circumvent the intention of the Howard government's legislation by having the university act as the collection agency for a compulsory fee rather than the unions and associations collecting that money. Students will not technically be compelled to join a union under this legislation. Students would, however, be compelled by a participating university to pay a fee equivalent to a union fee, which would then be passed to the union or be spent by the university on services that the union previously provided. The effect is the same. It is really just a technical work-around of the coalition's legislation. The reintroduction of a compulsory fee has been supported and championed by student unions since the implementation of voluntary student unionism in order to underwrite student unions that have been unsuccessful in attracting members.

Our colleagues opposite put this question: why not a compulsory fee for non-academic services? Our response is pretty straightforward: if unions and associations provide services that students want and need then students will willingly join those organisations and use those services. There are many service organisations in the community. There is the NRMA and the RACV, who provide valuable services. But they are not granted the capacity to compulsorily levy motorists for fees and nor is any other body given the authority to levy fees on their behalf. People who are convinced that NRMA and RACV provide a good service and it is worth signing up and paying the membership fees do so. Why should it be so different on campus?
The argument that I perhaps have the least amount of time for in favour of a fee for non-academic services is this idea that student unions and associations are somehow a fourth tier of government and that therefore they should have the capacity to compel fees for non-academic services. That is the taxation argument. It is the role of federal, state and local governments to provide the safety net for all Australians. No carve-out exempts universities. We have governments to provide that safety net for people. We do not need student unions and student associations as some fourth tier of government, even if they present themselves or see themselves in that role.

Let us be clear: financially stretched students—and students are financially stretched—are not assisted by having a compulsory fee levied on them. It is not an act of kindness. It is not something that will help them. The best way to help struggling students and assist them with their budgets is to allow them to keep more of their own money. This comes down to a fundamental difference between this side of the chamber and the other side of the chamber: we believe that individuals are in a better position to know how to spend their money than someone else, while those on the other side of the chamber are of the belief that there is always someone else who knows better how to spend an individual's money than that individual.

The argument that is often mounted and which has been canvassed here today is that compulsory fees are needed to provide services such as child care, counselling and sport. The truth is, such services are often more conveniently accessed by students off campus, particularly for part-time students and for external students. If students have more money in their pockets, they can contribute those funds directly to the service of their choice, whether it be on campus, off campus, close to home or close to their place of work. Let them make the choice. Do not have someone else make that choice for them. Let them spend their dollars where they want to put them. Let them spend their money where it is most convenient for them.

The government has, I must acknowledge, conceded that paying a compulsory fee will be hard for students. The government has therefore proposed a loan scheme. The government is proposing to put students into debt to pay for a compulsory fee that students cannot afford. If you do that, you kind of have to come up with a loan scheme to help the students who you put into debt in the first place. Those opposite often draw analogies with HECS. That is not relevant. HECS is a scheme that is designed to partially fund tuition. The proposed compulsory fee is not for academic services. I will revisit Mr Smith, who also said this before the 2007 election: 'I certainly do not have on my list an extension of HECS, either voluntary or compulsory, to fund these services, so I absolutely rule that out.' That was the first election commitment that the current Labor government sought to breach.

Opposition senators interjecting—

Senator FIFFIELD: It does indeed sound like the carbon tax lie. I fibbed before: I said that the argument that student union and associations were like a fourth tier of government was the argument that annoyed me most. But I fibbed, I must confess. The argument that is the most belittling and condescending to students is that a compulsory amenities fee is needed to ensure a vigorous campus life. Give me a break. I kind of think that if you have young people, clever people, curious people, energetic people, then you do not need a compulsory fee to ensure that there is a vigorous campus life. These are young, clever, curious, energetic students. I will let you in on a
secret: put people like that together, and maybe even throw in a keg, and you are going to have a vigorous campus life. You do not have to have a compulsory fee to generate that. And some opposite have never left the university campuses.

Assurances by the government that money will not be used by student unions for political purposes are completely meaningless for the reason that funds are fungible. Every dollar that is passed to a student union by a university administration frees up a dollar that the union already had to then redirect to political purposes. Funds are fungible. It does not matter which particular accounts you have or what dividing lines you have between accounts. A dollar that is raised in one place frees up a dollar somewhere else that can be spent on a political activity. The argument that this does not help the political activities of student unions, which most students have no interest in, is completely fallacious.

The passage of the former coalition government's 2005 Higher Education Support Amendment (Abolition of Up-front Compulsory Student Union Fees) Bill helped lift a substantial financial burden from students in Australia. For the first time it empowered students to make their own decisions about the services they needed and it enshrined freedom of association on campus. The results were not surprising. Student unions, bereft of the power to force their members to pay their fees, had to radically cut the cost of membership and tailor their services to the demands of students. Thanks to VSU, students at campuses across Australia saved hundreds of dollars every year, which they were able to put in their pockets and spend as they saw fit.

I did mention the money wasted on extreme political campaigns, but ultimately this debate was never about whether student unions promoted left-wing causes or right-wing causes. Student unions should be free to engage in whatever political activities they wish, provided their membership and funding base is entirely voluntary. That is what we call freedom of speech. To many these changes did seem long overdue. After all, compelling Australians to join a representative organisation against their will is regarded as objectionable in every other part of society. Workers long ago won the right to freely associate and, today, no government—well, maybe not this government—would even think of making union membership compulsory in the workplace. But for some reason university administrators and the Australian Labor Party believe that student unions should be the exception and that, for some reason, the services they offer and the value they provide to their members are so high that students should be forced to join them. If an organisation offers value for money, it has nothing to fear. If an organisation offers the services that students want, it has nothing to fear. They will have members and they will succeed.

With this legislation Labor, on or after January 2011, plan to slug Australian university students with a new tax of up to $250 per year. It will rise annually, with automatic indexation, and students will be struggling. The policy is a clear breach of a commitment, which is something that, with this particular government, we have become extremely familiar with. The idea that this is not a return to compulsory student unionism is nothing more than a con and a sham. Sure, students can choose under this package not to belong to a union, but they still have to pay the fee as though they were a member. To quote former National Union of Students president David Barrow:
Unis get the fee, students get the services, but student unions get screwed.

That is his view of what the current government is proposing. But, in reality, back when the consultations took place in 2008, he was doing what any good unionist would do: he was making an ambit claim. Student unions are secretly delighted at again being able to levy a compulsory fee, despite the fact that they say, 'This is not adequate and this is still lousy legislation.'

Ordinary students cannot afford this and nor should they be forced to put their hand in their pocket to give the money to the institutions as a mechanism to pass the money on to student unions. The ones who tend to get forgotten in the debate on university fees are the part-time students, those who work several days a week to support themselves. In many cases they will be charged the same as wealthy students living in colleges on campus with family support. Mature-age students with young children, who may only ever attend campus for classes, will pay the same. There are also students who study off campus, online or at a small regional branch of the university, and they will be slugged the same amount as students who can easily access the services on the main campus. It is these students, the ones who most need the support, who will be hit by these fees. They are the students who struggle financially; they often do not have the time to enjoy the benefits of union funding of a club or a society and do not have the time to attend the free lunchtime beer or take advantage of the barbecues or band sessions. Those students who have the time, those who have the financial security to do so, hardly need other students to subsidise their experience.

In one sense this bill is a relatively small matter. People often say, 'Why on your side of politics do you get so excited about this legislation? What really turns on voluntary student unionism?' Partly, the explanation is that it matters so much because it is a relatively small thing. If a government cannot protect freedom of association, or cannot protect freedom of speech, or cannot protect the right of an individual to keep their own money in their pocket in a university environment, if a government cannot do these things in what is a fairly small area of public policy, what hope do we have to expect government to protect those things in the wider community.

This is bad legislation. The former Howard government did nothing to obstruct a vigorous campus life. It did nothing to obstruct student unions. It did nothing to obstruct student associations. All it did was usher in freedom of choice—the freedom to belong to or not to belong to a student union or association, the freedom to keep your money in your pocket and buy the services of your choice, if that is what you wanted. This legislation seeks to remove that freedom of choice. This is bad legislation. It should be opposed. On this side of the chamber we will always stand up for freedom of association. We will always stand up for the right of an individual to join or not to join.

**Senator SINGH** (Tasmania) (17:51): I rise to speak on this very important bill, the Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010, which will amend the Higher Education Support Act 2003 to allow higher education providers to charge a capped compulsory student services and amenities fee. I speak in support of this bill because it is incredibly important to students in this country and, in being important to students, it is important to our society and to our future. It goes to the role and capacity of our universities, to whether we continue to support a vibrant higher education sector in this country, whether we continue to support academic
environments that are conducive to learning and supportive of discovery and whether we believe that all students should be able to fully participate in their student life and fully engage with their studies.

Universities are places of profound scholarship and sources of constant expansion of the knowledge of humanity. They are places of debate, of academic rigour and peer review and of advancing our understanding, enlarging our imagination and enriching our culture. Universities have been responsible for the development of the philosophical, scientific, artistic, technical and professional skills that have been responsible for so many of the great changes of modern society. They are places where the capacity and contribution of those who want to engage deeply with some aspect of a vast body of human understanding are recognised through degrees, diplomas, research and publications, but of course they are much more than that.

Universities are no doubt institutions of scholarship and of qualification. They are academic and they are vocational. But equally they are the tinderbox which sparks new and exciting systems of thought, cradles for social movements and sites for communities to gather, share knowledge and think deeply about the issues and the opportunities that confront us. Universities are the crucibles in which young minds—and minds still gentle enough to open to instruction and intrigue—shape and are shaped by the world around them. They are places where eager minds and curious souls drink in new experiences, dispelling old ways of thinking and realising new things about the world and about themselves.

University study is in many ways a formative time that not only crafts the skills with which a student will contribute economically to our nation but also moulds the kinds of citizens we want in our democracies. Indeed, it is perhaps appropriate to borrow the American philosopher Martha Nussbaum’s recent rallying cry for supporting the humanities in education and apply it broadly to higher education: we must not simply turn our universities into institutions for creating ‘useful machines, rather than complete citizens who can think for themselves, criticise tradition and understand the significance of another person’s sufferings and achievements’.

This attribute of the university, this part of the tradition and, I would argue, this responsibility of the academy is plainly about education, but it is about more than that; it is about the learning that one has access to, both inside and outside the lecture theatre or the classroom. It is about exploring the interests that students have that may not fit into a course of study offered at an institution but that enable that learning to take place or are the source of inspiration and innovation for new fields of study and new types of opportunities. It is about supporting the kinds of services that support students, the kinds of communities and networks that enable students to concentrate on their studies or to develop, grow and explore new passions which they might not have access to at any other time in their lives and of which they may never be aware if these opportunities are not visible, active and alive on campus.

In 2006, the Howard government completed their campaign against vibrant campus life by passing the voluntary student unionism legislation, undoing the revenue stream that supported so many essential services on campus. This bill seeks to redress that gravest of the consequences of that move, a move that was motivated principally by the Howard government’s determination to snuff out student representation that was
opposed to the conservative agenda. This bill will enable higher education providers to require students to contribute to the services and amenities available to them and their peers, many of which either cannot or will not be provided at an affordable price by commercial providers. This bill looks to support students in the places that students need support—that is, on campus—and at rates that enable most in need of those services to have access to them, supported by those who share their student experience.

I will just give one example of that very need for those supports on campus. It is a personal example from my time as a university student at the University of Tasmania in the early 1990s. Part way through my undergraduate degree at the university, I became pregnant and forthwith had my first child. If it were not for the support services provided at the university, namely the childcare centre, I would not have been able to continue my university degree. It is something that has stayed with me through all the years, especially during the years of the Howard government introducing voluntary student unionism, because, if it were not for those services provided to me—and I am sure I am an example of many other students across this nation—then I might not be here today. I might not have been able to go on to finish my degree and complete the career that I have had from my days as an undergraduate student at the university. I am very thankful for the fact that we did have compulsory student services and amenities fees in my time at university and I am very thankful for the fact that those services and amenities were delivered—and at a high-quality standard—at my university and that I was able to be a beneficiary of them. This is exactly what we are talking about here today: ensuring that, in the future, a student like me who may need those services—a childcare centre or some other type of service—at their university has them on offer and that they are not disadvantaged because of their circumstances and because those services are not provided because the university can no longer afford them, through the change of process that has come about over the years with voluntary student unionism.

There are a number of pressing considerations surrounding the debate around voluntary student unionism and universal student unionism—whether life at our universities should be restricted to attending lectures and then going home, whether students should be restricted in their pursuit of a quality education because they do not have access to convenient and affordable services. I think I have just outlined my own personal example of that.

I want to consider for a moment the situation of the Tasmania University Union, the student representative body at the University of Tasmania. Since the introduction of VSU, the Tasmania University Union, the TUU, has seen a funding shortfall of $2.2 million. The TUU and UTas joined in good faith to negotiate a service level agreement designed to enable the services delivered by the TUU to continue to be delivered even when the TUU's direct revenue was severely curtailed. I and students at the university are very appreciative of that collaborative arrangement that was reached.

Since VSU, the Tasmania University Union has had to cut back the opening hours of food outlets on campus, to cut costs. This results in students not having access to proper food after 3 pm. Students have also been robbed of cheaper meals at what is commonly known as the refectory. Another outlet of the TUU that has suffered badly is the uni bar. The bar used to be a gathering point for students after classes, with its
cheaper drinks and counter meals. It was also of course a place to debate and discuss the learning that had gone on in the lectures throughout the day on campus. Now the bar has to shut down early to cut costs, and we have seen the number of students meeting on campus after hours reduce significantly.

Sports and societies—the backbone of uni life—have greatly suffered. Sports clubs continue to be billed with exorbitant ground-hire fees and competition costs, while not having access to the same amount of money they used to have. The Sports Council operating budget has shrunk by almost 75 per cent since the introduction of VSU, and the university has been unable to send the best of its athletes to uni games and world games due to the lack of funding. Student societies are not being able to hold the kinds of vibrant and inclusive events that they once were able to.

So there are a number of examples, at one university alone, of where VSU has caused damage in various areas. Senators opposite, in their contributions on this bill, choose to completely ignore the current environment of student life compared the past environment of student life at our universities.

Student representation has greatly suffered as well. Remuneration for student representatives has been cut tremendously. Student reps are required to commit at least 10 hours a week to their role, for as little as $250 per annum in recognition of their services, when they could be earning that same amount in a week working elsewhere. All this simply diminishes the independence of the student organisation. Student councils have also lost access to a research officer who used to help the students come out with policies. The most pressing issue is the lack of ability for students to be adequately represented in academic matters, because access to advocacy has also suffered.

Currently the Hobart advocate is overrun with students seeking help and is unable to hire a second advocate, due to funding issues. It struggles to get emergency food parcels for students as well.

These are a number of examples of how the current situation has brought about the need for this government to redress the disadvantages, the difficulties, for students and staff working at universities. Student life in general—with all the positives that come from it—has suffered over the years as a result of voluntary student unionism.

Those on the other side of this chamber come in and denigrate the bill and talk down its components. They do so in complete ignorance of the fact that student life in Australia, now and in the past, has been difficult and disadvantaged. The government does not support denying students a campus life, a life that I am sure many senators in this place have positive memories of. We were more than happy to contribute our fair share to those student services and amenities, which we all took advantage of and perhaps took for granted. Yet here today we have coalition senators who went to university conveniently ignoring their time of taking advantage of those services, enjoying those amenities. They now come into this place and say that those services that they had the benefit of should no longer be available to students in our universities. I think that is very unfair. Not being able to support the system as it currently is, as they once had the privilege of enjoying, shows complete contempt for it. It is something that government senators on this side of the house take seriously in the sense that we believe that every student, no matter what their circumstances, should have those services and amenities available to them. Whether they are a student who needs them or does not need them, the services and amenities should be there for all to be able to
participate, utilise and seek the benefit of so that they can have a fulfilling university life, so that they can ensure that their academic time was one of intrigue, of discovery and of ensuring that they had all the balls in the air, so to speak, being able to not only participate in the knowledge learning but also the knowledge sharing and the supports and services that they need to make all of that happen. I commend the bill to the Senate.

Senator BACK (Western Australia) (18:08): I rise to join my colleagues in opposing the Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010. I have listened with keen interest to the debate on both sides and I sympathise with some aspects of it. The regrettable point to be made is that we really see the spin cycle going around yet again. History is simply repeating itself, as it is always bound to do.

If my memory serves me correctly, this was an election promise of the then Labor opposition going into the 2007 election, that they would not return to some form of compulsory student services and amenities fee. It has come as no surprise to learn that in government these changes are made and positions are changed. It is endemic and unfortunately it is simply symptomatic of what we have come to expect. That, I think, is severe. The second matter of history repeating itself is that it is yet another Labor government tax, this time on a million students—a straight figure of $250; no alteration of the figure depending on the service that might be used; $250 per student for each and every one.

I obviously had some ongoing contact with students. I also had the pleasure of being a member of faculty at the University of California and the University of Kentucky, so I was able to observe a range across time. To see the comparison and the contrast of students in different countries was most interesting and relevant to this discussion. Of course, in an earlier era, we were nearly all full-time students. We basically went from school straight to university and we were full-time students.

As I recall, I happened to be a member of a faculty in Brisbane that used the services very sparingly. Even as a student paying 50 per cent higher than Queensland students as a non-Queenslander, I used to rail against the fact that we were paying this compulsory student union fee because, even in those days, I could not see where the money was going. I mention this straight figure of $250 per head and it deserves being examined in greater detail. Some $32.5 million will be a donation from 130,000 external students who, they would argue and I would argue with them, will never use the services. These students are not on campus and, if they are, it is only of a weekend. So they will never have access to these services and amenities for which they will be paying $1 a day of the working week. Where is the fairness for those 130,000 external students? I simply cannot find it in this legislation.

I go now to what is becoming a predominant group within the complement of university students, particularly undergraduate but also graduate students, and that is part-time students, those already in full or near-to-full employment, those who do not look to the university for their social outlet, for their amenity or for their provision of services. They go to the university for the purposes of attending lectures, tutorials, seminars and prac classes and on balance they then either return to their workplace or
home to families. It is delightful to see this increasing proportion of part-time students as, indeed, it is tremendous to see the number of older Australians who are returning to university study. This is very encouraging for our country. But I ask again: where is the equity for those people, paying the same sum of money as those who will in fact enjoy it as a full-time student? Clearly, it is not there. Clearly, the legislation as it is drafted is deficient for this purpose and clearly it needs to be reviewed if we are to approach anything by way of equity and fairness in this situation.

What happened to the concept of user pays? What happened to the concept of a demand for a service, a need for a service and a payment for that service? It is interesting, and I have not been able to find the answer, but I know of many students who are enrolled at two tertiary institutions for various reasons. Do they pay $500 a year? This is something I have not as yet been able to establish but will hope to in the committee phase. We know where the damage and the difficulty comes, particularly for part-time students, but also for many full-time students. They are struggling to get to and remain at university. I speak particularly of students from rural, remote and regional areas of Australia who are already having to pay the cost of rent, transport and sustaining accommodation where their city based colleagues do not, either living at home or being supported. This $250 bill annually is just another impost on top of them.

So what loses out? Senator Singh was talking about all of the experiences you have at university. They will be the poorer for the loss of the $250. HECS fees will go up. What is the actual compounded cost of that $250 through a four- to-five-year university course?

I understand it is indexed, so it will actually increase over time. What will be the compounded cost to a student by the time they eventually pay their HECS bill back? Again that is a question that I believe we need to explore. The fee is going to come out of the funds that they have available to them for books, for laboratory fees and for these other sorts of activities.

So, as you would always do in a democracy, you turn to the student group and ask them: do you want to return to the amenities fee? My understanding is that the last time this was canvassed some 60 per cent of students polled said no, they did not, and I would venture the opinion that those who responded were probably full-time students on campus anyhow. It is highly unlikely that an external student would have responded and even more unlikely that a part-time student who turns up to the university just to attend classes would have responded. So when 60 per cent said no, they did not, I think that would be a very conservative estimate.

Where the real concerns come to me in this whole exercise, and it has been mentioned here this evening, is that the executives of the universities are all heavily in support of this. I ask the question: is it not the responsibility of the universities to provide these services? Universities already cost money. The Commonwealth government already injects significant sums of money. Why is it that the university executives are themselves demanding this $250 fee?

If I may, I will draw the attention of this chamber to a motion which was moved by my colleague Senator Brett Mason on, I think, 18 August or around about that time. He moved a motion to refer for investigation by the Senate Education, Employment and Workplace Relations References Committee
the adequacy and effectiveness of the current funding arrangements and alternative penalty options for the higher education and public research sectors. This was surely the ideal opportunity in which many of these questions that have been canvassed by Labor senators this afternoon could have been examined. This was the forum in which the opportunity would have been presented for this chamber to have addressed itself to those very questions. It would have given universities the opportunity to come before a committee of the Senate to put their case for funding.

It is regrettable, particularly while we are debating this bill, to note—and it is on the record—that both the Labor government and the Greens failed to support Senator Mason in his bid to have that investigation undertaken. As he said: 'This is a missed opportunity. Two parties which supposedly care about education showed with their votes today just how little they are really concerned about the question of adequate funding for higher education.' He mentioned that it is some 20 years since there was such an examination of university funding, and the points he made were three. First of all, university student populations have doubled. Secondly, the number of international students has increased more than sixfold. But, thirdly and more importantly, Commonwealth funding to universities has tripled in that period of time. Surely this would have been the opportunity for us to examine many of these questions. The university administrators have indicated to the Senate and to the parliament that they are behind this $250 push per student across the board—full-fee-paying students, overseas students, full-time students et cetera.

That brings me to the question of the funding itself. Who gets to spend the money, who gets to oversee it, who controls it and who does the auditing? We are back to the bad old days which necessitated the Howard government moving in the direction that it did at that time. I have not yet seen in the legislation any answers to those questions. The universities collect the money. How do they disburse the money? How much of it do they keep for administrative purposes and how do they ensure that the funds are actually used for the purposes for which they are intended?

I will turn for a moment to a comment made by Senator Carol Brown in her contribution this evening. She was talking about the difficulty now of the smaller and regional universities. She is absolutely right. She is 100 per cent right about the economic demise in which so many of them find themselves. But I can assure Senator Brown that the limited number of students at these campuses multiplied by $250 is not going to go anywhere near solving the problems. They are not problems associated with student services and amenities fees; they are deep seated problems associated with administration.

Of course, only this afternoon did the Senate agree to my own motion, which was to refer to the Senate Education, Employment and Workplace Relations References Committee for inquiry all aspects of higher education and skills training to support future demand for agriculture and agribusiness in Australia. There are five or six paragraphs to that motion. This goes to exactly the point that Senator Carol Brown was making—and that is that these institutions have been starved of resources to the extent that they are now unviable.

I have made the comment in this place and elsewhere in the parliament that, if you look at the traditional agricultural institutions, I think the only one left, ironically, is the private sector Marcus Oldham College in Victoria. The one at which I was an
academic for 13 years, the Muresk Institute at Northam, has now ceased as a tertiary institution. In South Australia, Roseworthy is now principally a veterinary faculty. Dookie and Glenormiston in Victoria are no longer there. Richmond and Hawkesbury in New South Wales are no longer agricultural colleges. Gatton in Queensland is now multipurpose.

So, yes, there are problems associated with the regional and smaller universities. They have their origins back in the 1970s, when these institutions which at that time were independent were forced to come under the umbrella of larger city based universities. The universities revelled in it for a period of time because funding supported it, but as soon as funding went the other way, as we have found with the city based universities in Australia, the regional campuses in many cases were no longer core business for those universities. These are matters that need exploring. These are matters that will be dealt with by the Senate Education, Employment and Workplace Relations References Committee. But they do not go to a reason for reintroducing compulsory amenities and services fees for students. They certainly will not be helped by a $250 payment.

I then addressed myself to what these services about which we speak and that apparently have got to be concerned are about. Senator Singh made a point of all those that are no longer available. We could talk for a week on the reasons why they are no longer available. Some of them might relate to fees, others of them relate to the economy but, most importantly, they all relate to demand. What are the services? Who else provides these services in the community? For the non-university student sector, who provides these services? Be they counselling services, psychological services or legal aid services, who else in the community provides them? We know that the university population is a very limited population of people, so therefore they must be offered elsewhere. I ask again: for those external students and part-time students who are paying the $250, how do they access these services for which they are now so richly paying? Clearly they are subsidising those students who will be availing themselves of the services.

Others have spoken about the recreational side of things, such as the amenities of the bar. I actually did run the student bar for some period of time and if anybody cannot make money out of selling alcohol on a university campus then I can assure you that $250 is not going to help; it is merely going to hinder. It goes back to the point I made about accountability, because anybody can understand that the running of a bar not only should be a profit centre but also should itself be subsidising other services on campus.

I then go to the question of amenities. I ask again that question: 'Who else in the community is providing the sort of amenities that have been mentioned by others here this afternoon?' I turn to local government in both city and country areas. Local government is now a tremendous provider of amenities. We know it is of recreational facilities, sporting facilities and wider community activities. We also know—and it has been stated by others—that the tendency now to form and be members of clubs is very much less than it was years ago. These days there are people saying, 'If I want a game of squash I will go and find a person to have a game of squash with me, but do not ask me to be a member of the squash club.' It then becomes a question of who should be and who is subsidising.

But it also becomes a question of competition between universities. If indeed
these amenities and services are as important as those opposite say they are, surely it provides an opportunity for entrepreneurial universities to team with industry and business, to go out and develop a marketing plan and to put these facilities and services on campus and use them as a hub for the wider community to come in and use, be they sporting, cultural, arts or recreational.

By all means charge non-university people a hire fee to access those services, but in the same way do then turn that into a profit centre. There are all sorts of activities and mechanisms, and it should not fall to students, especially those who will never use these services, to be subsidising either the universities or those who will be using the services. Senator Singh in her contribution—and I agree with her completely—said that part of the role of development of a student is to nurture them and to see them grow and explore new passions. But it should not be at the expense of those students who will not be part of that process. It is not up to other students to be subsidising the development, growth and exploration of new passions of a limited number of fortunate, full-time students.

It is the case that in a democracy we should have choice. We should have the choice to use services and amenities and pay for them. We should have the choice to not do so. We should have the choice to take our trade where it suits us. If we do not like the legal advice on campus then we should have the opportunity to seek it elsewhere, be it legal aid or paid for. The same applies to every other amenity.

I will conclude my comments with a reminder to everybody in the chamber what the students are doing at university and institutes of higher education. They are training for skills, attitudes and development so that they themselves will become leaders, be it in industry, commerce, business, academia, research or elsewhere. This is definitely not the sort of message to be sending to an undergraduate student: 'You just simply pay $250 and get subsidised by other people and that is the type of lesson that we want you to take into your career as a graduate.' I urge that this bill not be supported.

Senator PRATT (Western Australia) (18:28): I am very pleased to rise this evening to speak in favour of the Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010. I appreciate that we will be breaking for dinner very shortly, but I look forward to continuing my remarks later. With this bill the government seeks to put to bed another one of the extreme and, I feel, unwarranted measures pursued by the previous government for no reason other than to satisfy its own ideological, childish preoccupation.

Why 'childish'? We know that what really lay behind the Howard government's obsession with so-called VSU legislation was that some of those opposite were on the wrong side of the odd debate in student organisations some decades ago. Once they got into government, they decided it was payback time. This was about as logical as a bunch of senators deciding to abolish school sports because they did not make the third grade cricket team. Some might think that the term 'childish' is a little harsh and a little bit over the top. Well, it is not my term. It was used by Professor Richard Larkins to describe the motivations of those opposite in relation to this matter.

Sitting suspended from 18:30 to 19:30

Senator PRATT (Western Australia) (19:30): Before the dinner break I was talking about the ideological obsession of the opposition with regard to the VSU legislation. I supposed that those senators...
and members must have been on the wrong side of the debate in student organisations some decades ago, and so they had decided it was payback time in relation to their childish VSU agenda. That might seem to be harsh terminology to people, but the word childish is not a term that I have coined in relation to the opposition's VSU agenda; it is a term that has been used by Professor Richard Larkins. Professor Larkins is not a long-haired radical who haunts the imaginations of those opposite. He is not a postmodern theorist against whom John Howard loved to wage culture wars. No, he is none of those things. He is a scientist with a distinguished career in medicine and research, specialising in diabetes and endocrinology. Until his retirement, he was also the vice-chancellor of our nation's largest university and chair of Universities Australia.

Professor Larkins rightly pointed out, when the Howard government introduced VSU legislation, that the so-called reform was not about freedom of association or compulsory unionism. It was about whether universities were allowed to levy a modest fee on their students in order to fund essential services and amenities and enrich campus experiences for students. It was about whether the cost of such services and amenities was to be spread equitably across all students. It was about whether these services would be funded by user-pays charges, which would see some services priced out of the reach of many of those students in most need of assistance—that is something that I recall from my own experience. It was about whether universities would be forced to cut already overstretched teaching and research budgets in order to cross-subsidise services such as academic advocacy and extracurricular activities on campus. It was also about whether essential on-campus services such as child care and employment advice were simply even going to exist anymore. And it was about whether the quality of the student experience would be downgraded, as societies and activities that were once such an integral part of campus withered and died because of a lack of secure and sustainable funding resources.

Upon coming to government, this government instituted a review into the impact of VSU. That review demonstrated quite clearly that all of these adverse outcomes that had been speculated about did in fact eventuate. The review found that a growing number of campuses had no independent student representative organisation—that was certainly a problem in Western Australia. It found that the adequacy and autonomy of academic support and advocacy services was undermined on many campuses. It found that there had been a massive reduction in funding to the student services sector. It found that institutions and student organisations had been forced to offset cuts by doing things like closing or curtailing services, shedding jobs, increasing prices, instituting new user-pays charges and cross-subsidising services from other parts of their already tight budgets. The review found that there had been a direct negative impact on campus life and on the student experience, including on things like participation in sporting activities. How typical of the former government's short-sighted and reactionary approach to public policy in this country that it implemented a policy that led to job losses in the university sector and reduced the capacity of universities to offer Australia's young people the opportunity to develop into academically successful, well rounded and healthy individuals. And how typical of it that it undermined our capacity to support employment in troubled economic times and to confront the challenges that Australia will face into the future.
Professor Larkins struggled to understand why VSU was such a totemic issue for those opposite. He said at the time:

What we are really talking about is micro-regulation and control by a government that purports to have small government and deregulation as its article of faith. Far from deregulation, we have it prescribing in minute detail what our universities should do in terms of industrial relations and forbidding them from charging a small fee for services that allow community-building on campus and a richer experience for all.

Professor Larkins suggested that, rather than focusing on ideological trivia, the Howard government might have liked to focus on why public expenditure per student had fallen 30 per cent since 1995, the biggest fall of any OECD country; on how it could have supported the $7 billion dollar export industry which universities have developed by providing quality education experiences to overseas students; or it might have liked to consider what could be done to encourage the development of innovative new industries in high-technology manufacturing through investment in research and development. The Howard government, Larkins argued:

... should have a collective feeling of shame that its childish and ideological preoccupations should have made it oblivious of the real totemic issues.

Ideological trivia and childish preoccupations—not my words. Unlike the Howard government, this government is committed to addressing the real issues in higher education. Upon coming to power, Labor commissioned, received and publicly released the most comprehensive review of higher education in a decade—the Bradley review. We know that the then Deputy Prime Minister announced the government's response to the Bradley review into higher education: a whole new approach to higher education that she summed up as 'politicians out and students in'. In the words of the Australian newspaper, generally no champion of the Rudd government:

University vice-chancellors have given Deputy Prime Minister Julia Gillard a rousing and extended round of applause, relieved that the Government had finally given them a broad vision to work to.

Nearly two years on, our higher education revolution is on track. We have lifted publicly funded places by 7.5 per cent; we have increased Australian postgraduate awards; payments to universities for enrolling students from disadvantaged backgrounds have dramatically increased; we have had 100 Super Science Fellowships for young researchers, and 1,000 future fellowships for mid-career researchers have been created, half a billion dollars of extra funding over four years have been committed for the indirect costs of research; and a massive $2.9 billion investment has already been delivered for higher education infrastructure. In total, a massive injection of $5.7 over four years to higher education and innovation reform, which is helping achieve our target of increasing the number of 25- to 34-year-olds with bachelor qualifications to 40 per cent by 2025. We have a commitment to a revolution in higher education after many years of coalition neglect. This commitment is further evidenced by the fact that higher education spending will jump from 0.82 per cent of GDP in 2007-08 to 1.1 per cent of GDP in 2010-11. Here we are at that point in time today. This bill is part and parcel of that commitment.

The second reading speech of the Minister for Tertiary Education, Skills, Jobs and Workplace Relations said it would support universities and students to help undo the damage done by voluntary student unionism. But this bill does not compel students to join organisations against their will, and it will not allow student service and amenities fees
to be used in support of political parties or to support candidates for public office. In other words, as we said at the time, 'politicians out'. But it will encourage students and universities to work together to ensure adequate academic support services, independent student representation and advocacy, an enriching campus experience, and welfare services that support those that most need assistance. In other words, 'students in'.

Now I want to focus specifically on the question of student representation. The bill we have before us will formally ensure that all of our publicly funded universities will provide students with opportunities for democratic representation and participation in the governance of our universities. That is through the new national student representation and advocacy protocols. This is a first for the history of higher education in this nation, and as a former student representative I welcome this initiative wholeheartedly. As Minister Ellis has rightly said, 'Students' views should be heard in the decision-making processes of our universities as these decisions vitally affect their future—that is in line with the democratic values that underpin our nation.'

Student involvement in university governance has also played a vital role in ensuring the quality of university programs and support services, and the value of the broader student experience on campus. This is a fact that is widely recognised in the United Kingdom where publicly funded higher education institutions participate in what is a rigorous quality assurance regime administered by an independent quality assurance agency. A key role of the quality assurance agency in the UK is to establish objective and comparative benchmarks of quality and performance in the higher education sector. So it is terrific that Labor has secured the agreement of the states to establish an agency with similar responsibilities here in Australia. Since 2005, the quality assurance agency in the UK has been publishing outcomes and papers based on the audits it has undertaken. These papers reveal that a focus on quality has led universities to value effective representation as a critical tool for improving and evaluating academic programs and the wider student experience on campuses. We know that in the UK, as a consequence of these reforms, senior institutional managers are taking care when they are fostering close links with student representative bodies at their institutions. This is something that more care needs to be taken with here in Australia, and we need to mandate these standards across the nation.

Students are generally represented at the institutional level in Australia by student organisations and, at the operational level, by student representatives elected by department or by program of study. These arrangements, as in the UK, are also common with our own institutions in Australia. However, in the UK the desire to ensure that student representation is effective, and not merely a form, has led institutions to implement a range of initiatives to enhance student participation in decision making. These include appointing paid student liaison officers and representation coordinators. It includes things like developing guides to assist staff to make the most of student representatives. It is things like enshrining rights to representation in student charters. It is about using virtual learning environments to facilitate communication between student representatives and the student body. It is also about transferrable skills modules designed for student representatives that carry academic credit—all terrific things. There is much that our own higher education institutions can learn from these
developments in the UK, and I would really look forward to seeing them underway here. However, it is not the job of government to dictate to our institutions exactly which steps they should take to ensure effective student representation. That is the job of those charged with the management of our universities, in partnership with students and their organisations. The most effective measures for enhancing student participation will vary across campuses, depending on the nature of the institutions concerned, the characteristics of their student organisations and the composition of their student body.

I am very confident that the Student Representation and Advocacy Protocols introduced by this bill will ensure that effective student representation is given the priority it deserves by our universities so that student representation can strengthen the quality of the academic programs provided by our universities and reinforce democratic traditions amongst Australian students. This evening, for this reason, as well as for the very significant beneficial effects this bill will have on student welfare and campus amenities more generally, I commend the bill to the Senate.

Senator RYAN (Victoria) (19:46): On reflecting upon the contribution by Senator Pratt, who spoke before me, I would like to comment on a few issues before I go into my substantive address. She accused coalition senators of having an ideological obsession, which some of us would say is consistency. The fact that coalition senators and members on this side of the House have fought for these particular principles for over 30 years actually says something about consistency in politics—not something for which the current Labor government is necessarily thought of when that word comes to mind. Senator Pratt talked about how we should get politicians out of our universities, but apparently we should let student politicians back into students' wallets. That we should not at all be concerned that letting student politicians and politicians into students' wallets is somehow inconsistent.

She refers to the words of the vice-chancellors—in particular in this case, Richard Larkins, formerly of Monash University. The vice-chancellors over 30 years have been nothing short of the shop stewards of our university campuses. They have stood by and watched hundreds of thousands of student dollars be misdirected in an attempt to buy peace for them from the various left-wing and Trot groups that try to break down their doors like they did at Melbourne uni many years ago.

Senator Pratt interjecting—

Senator RYAN: Of course Vice-Chancellor Larkins would not understand what the coalition and coalition senators are arguing when they put forward this case. It would be like asking Senator Cameron or, indeed, potentially you, Senator Pratt, to be defenders of voluntary unionism. You cannot be asked to defend something when you do not understand the reason for its existence.

When it comes to the issue of equitable funding, I will go into this in much more detail later. The truth is: how the Labor Party can justify a poll tax levied on people regardless of means and somehow call that equitable funding of student services is beyond me.

This bill is repugnant. The ALP and their Greens fellow travellers attempt to say it does not somehow constitute membership. However, you are actually forced to pay. You are forced to pay a membership fee for the student union, and this shows the insanity of the new-speak that now exists. Your name might not be on the roll of members of the student union but you are still going to be sent the bill. You are going to have to pay as much as a member of the student union, you
are going to subsidise the same services of a student union, and in fact by exercising your vote to not be a member all you are doing is choosing to not be able to have any influence over how the money that is compulsorily acquired from you is spent. This bill actually goes as far as to say, 'We are going to levy the fee regardless of your capacity or willingness to use the services that this fee provides.' Section 4 of the bill explicitly outlines that this payment is required 'regardless of whether that person chooses to use any of those amenities and services'. So regardless of your ability to use the services, regardless of your willingness to use them, regardless of the fact that they may or may not be of any interest to you, you are required to pay for them via a poll tax. This is an admission that these services are not demanded by the great bulk of students. If they were, they would not need to be funded by this means.

This bill does nothing to prevent the abuse of student funds that happened for decade after decade under the compulsory student unionism environment that Labor wishes to re-impose on students. There is a prohibition on the use of these funds for explicitly political purposes that goes as far as to say that you cannot support the election of a political party or a person as a member of a state, territory or Commonwealth legislature or a local government body. It is a fraud to suggest that is a protection against political misuse of funds. I lived under this regime in Victoria after it was passed through the Victorian parliament in the mid-1990s, and a very similar list of services and a very similar prohibition was put in place. Money is fungible. Money that is not used for one purpose can be used for another. What happened at universities in Victoria under that regime is that the caff might have been subsidised and the money was taken out of the till of the cafeteria and used to pay the affiliation fees to the National Union of Students to run political campaigns. It was a sham to suggest that student funds were not being used for political purposes.

The attempts to define political activity in this bill are incredibly narrow. They do not stop political campaigns. You might not be able to advocate the election of someone in particular, but you can advocate the opposition to an election of someone in particular. You could print stickers or posters during a campaign that ran a political message if it does not specifically promote the election of a specific candidate to political office. To say this stops compulsory funding of political campaigns is nothing short of a fraud on students. If the government were serious about stopping political misuse of funding, apart from not passing this bill, it would actually put in place several provisions. It would put in place rules that require revenue for subsidised services to be bound by the same rules as the student fees themselves. But it has chosen not to do so. The money that goes into the till in the subsidised cafeteria can be taken out of that till and used to pay the wages of student politicians right around Australia. The cafeteria at Melbourne uni when I was there—extraordinary though it managed to lose a quarter of a million dollars a year in 1992.

Senator Sterle interjecting—

Senator RYAN: I remember, Senator Sterle, when that was a lot of money. How it managed to lose that is a legitimate question. That the money could be taken out of that till and the revenue from that cafeteria that was subsidised and then used to fund political activities shows exactly how empty this provision is. What that government could also do, but will not do, is provide options for students to take action themselves to address the misuse of funds. There is no
capacity here for students to take action to prevent the misuse of the funds that are compulsorily acquired from them. As it is, they rely on the university to do so. These are the same vice-chancellors who have enforced compulsory unionism provisions for so long, the same vice-chancellors who have been the shop stewards for student unions in an attempt to buy peace, as they have done at campuses all around my home state of Victoria for many years.

The list of permitted services in section 5 is incredibly broad and provides no protection against students' money being misused. To take one example, in subsection (3) there is a reference to allowing the provision of legal services to students. If I could give you an example, Mr Acting Deputy President Parry—I believe you sat through the inquiry into the previous bill with me on this—that provision of legal services empowered a university many years ago to pay for the legal expenses of a student who had been charged with breaking down the doors of the Vice-Chancellor's office suite—

Senator Hanson-Young interjecting—

Senator RYAN: Student fees also paid for the axe, Senator Hanson-Young. I question whether taking an axe to the door of the Vice-Chancellor's office is somehow representing the interests of the broad majority of students. That is an outrageous abuse of student funds and that happened on multiple occasions in the 1990s under legislation very similar to this. So let us drop the pretence of political activity being prohibited from accessing these funds. It can be accessed directly through the very broad list of services, like I have just mentioned, or by a process of the money being fungible and coming out of the revenue for subsidised services to find its way back to political activity.

We all know why the ALP and Greens want to pass this bill. They want to reinstate the abuse of students' funds as was the case for decades. They are unaccountable to students because so few students bother to vote, and it is not as if there has not been the odd electoral scandal in student union elections over many years. The money will come out of the till, it will head to NUS, that bastion of accountability—I served my year on the national executive of the National Union of Students—and it will be used for political purposes for Greens and Labor Party political apprentices.

But we get to the more important issue here which is the equity issue I heard so much about from the contribution of Senator Pratt. Where is the equity of charging students a poll tax for services that they may or may not use. In fact the bill specifically says 'regardless of whether they use it'? Where is the equity in saying, 'regardless of your means to pay'? It does not matter if you are a distance education student and you never visit the campus, it does not matter if you are working two or three jobs and coming to university after hours, you are still going to pay this fee regardless of your ability to do so. The government has decided what students will pay for and that they will pay for these services regardless of whether they use them.

Of course, we have heard a lot about child care and health care from previous speakers this afternoon and this evening, and now we get to my favourite example, Mr Acting Deputy President—and I think you know where I am going here—we get to the palatial ski lodges of Monash and Melbourne universities at Mount Buller. And I know some of the Sydney universities have them too. I want to know how this, somehow, should be something that every student will pay for.
Senator Hanson-Young interjecting—

Senator RYAN: I remember this particularly well, Senator Hanson-Young. Melbourne University ski lodge was famous for being booked out by March because certain people would manage to book it out before anyone else had a chance. We do not hear about the very expensive services that the universities do not want students to know about. You do not want to highlight these. You do not want students to know that you are going to force them to pay a fee, defer it and then pay it back over the course of their working life for services that, if many of them tried to use, they would not be able to. You are charging them this poll tax regardless of their means to pay in order to subsidise the skiing at Mount Buller. Let us put this in context; that is just one of the many things. Sports union activities are all designed around a much smaller number than the great bulk of students participating.

I do not expect much less from the Greens, who have always had a particular view of what the proletariat should pay for, as the parliamentary descendants of the old Left alliance and non-aligned Left. But I expected more from the Labor Party. The truth is that this is basically unfair. We have 130,000 external students that can be forced to pay an amenities and services fee. How is it fair, if you are an external student and you have no ability to access the services, that you actually subsidise those who can?

Secondly, we have the students that many speakers have mentioned before that people on this side actually care about through not forcing them to pay student union fees. They are working their way through university part-time. They are the people that might be pushing trolleys around at Woolworths, working at Myer or doing many, many things. A great number of students work a lot more than they did 20 years. These people have little opportunity to access services, many of which only exist during the day on campus. If you walked through a student union building after 5 pm in Melbourne a lot of these services would not be available.

Senator Hanson-Young interjecting—

Senator RYAN: They did before, Senator Hanson-Young. There was nothing like the shutdown that happened when five o'clock came. These services are specifically designed to exclude those part-time students.

Thirdly, we have the issue of health care, child care and like services. We get back to the point of why on earth should these services be paid for by a poll tax levied on every single student? Healthcare and childcare services are important and we spend a great deal of the Commonwealth budget on providing them. They are the responsibility of government if they are not private. Yet we say to every student going to university that you should actually provide these for other select students. It does not matter if there are not enough places. The few who are there and who are lucky enough will have access to it when they need it. This does not meet a basic test of fairness.

One of the things that has changed are students with a disability. Many more of them are at university now than 20 years ago. Historically student unions did not do a great deal on this space, partly a reflection I would imagine of the fact that there were not as many students on campus with those particular challenges, but I also say that they did not have as loud a political voice, because the truth about student union budgets is that they tended to be directed to those with a loud political voice rather than those with need. By taxing all students with a poll tax regardless of their means to pay in order to pay for child care is like charging every young person under 40 a poll tax to pay for child care. We do not do that. We do
it through a progressive income tax system. Yet what the Labor Party is proposing now is to actually institute a poll tax on many of those people it claims to be protecting. God knows how they are actually going to pay for this if they are actually in such challenging circumstances.

Of course, the true farce of this fee and the alleged services it provides—because student union services were far from the example of what you would actually expect—is that students were so poor that they did not really want to access these services. People on the other side bleat about how somehow these student unions have fallen over. If anything, that is a reflection of the fact that the unions were not serving their members. That does not provide the justification to corral students. That would be like Myer or David Jones saying: 'We're going to force you to go shopping here. Every time you walk into a Westfield you have to go shopping here, because we don't like it that you shop somewhere else.' These principles seem to apply only to universities.

Most bizarre is the fourth-level-of-government argument: that somehow we have a fourth level of government in this country—that below the Commonwealth, states and local governments we have the student unions. The argument that is so often thrown out—and I am surprised I have not heard it yet—is that a university is much the same as a local government area, where you have to pay rates for services you might not use.

Senator Cormann: That sounds like a tax.

Senator Ryan: It does sound like a tax, Senator Cormann. I do not know anywhere where we there is a fourth level of government. It is ridiculous to assume that somehow student unions have acquired the legitimacy of our local government authorities, but that is what those opposite are actually proposing.

Senator Hanson-Youn interjecting—

Senator Ryan: I had a great time at university, Senator Hanson-Young. These services are designed around most students never being able to access them. That is particularly true of the sports unions and the palaces that have been built in sports unions right around this country. Senator Hanson-Young, I remember the days when left-wing activists like you would actually oppose the palaces built with student money that were the sports unions.

The Acting Deputy President (Senator Marshall): Senator Ryan, I would ask you to direct your comments through the chair. And I remind Senator Hanson-Young that constant laughter is disorderly.

Senator Ryan: Sorry. Through you, Mr Acting Deputy President, I remember a time when left-wing activists would complain about the compulsorily acquired student money that was directed to build the palaces at Mount Buller and around the sports unions all around Australia, but that obviously was in a day gone past.

This will cost students a substantial amount of money. It is easily $1,000 for a basic three-year degree when you include indexation and the time taken to pay it back. It could easily be $2,000 for a five-year degree when the same factors are taken into account. And for what? For nothing more than fulfilling the ideological promises of those opposite, which is to reinstate the slush fund that was student union money. They must be getting particularly desperate regarding the next election.

Those on this side have been fighting this battle since 1977 and the famous Clark v The University of Melbourne case, named after Robert Clark, the current Attorney-General of Victoria. While they may think they have
a temporary victory out of this, we will not rest until this injustice against students is addressed. Those opposite do not have an argument. They only have a prejudice, and that is that somehow students cannot be trusted to purchase the services they need, that somehow they must be forced and corralled into purchasing the services and subsidising the political activities of what those opposite believe.

Senator HANSON-YOUNG (South Australia) (20:03): I will try to keep my laughter at bay while I deliver my speech. I rise to speak to the government's second attempt to rebuild important university services through the Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010. This is at least the second time—it could possibly be the third—I have risen to speak to legislation to restore student services on campuses since I was elected to this place some years ago. We still see the negative impact that the Howard government's regressive voluntary student unionism has on universities. It has slaughtered the advocacy, the support services and the creativity of universities.

It is not just me saying that; universities themselves believe that. Vice-chancellors who are as proud of their university campuses as anyone would be shake their heads at the types of attitude and argument put forward by the coalition against the restoring of student services. We know it plays a very important part in how university life is conducted, the services students access in order to complete their university degrees and the type of vibrancy that comes to a university campus—the experience young people have when they are getting their education and formulating their skills and their attitudes towards the rest of their careers. It is a very important time for us to be ensuring that they have access to the full suite of services they may need to complete that university career.

I am particularly concerned about the impact voluntary student unionism has had on regional campuses in our rural areas. I know this is an area that it is very difficult for the coalition to weigh up. The Nationals rightly believe and have advocated for some time that we need to return to having services on campus, because it is a very important part of ensuring that students in rural and regional areas get the same level of education and support for that degree as their city cousins. It is very difficult, of course, for any of those services to be delivered without that subsidy and support, because they are in those more regional and remote areas.

While the Greens are indeed supportive of the moves under this legislation to charge a levy to breathe much-needed life back into campus culture—back into the experience of the university career, back into the quality of education that young Australians who are embarking on their future learning will have—we remain concerned that student representation in the true sense of the word will not be fully restored under this bill. That is because we are not actually guaranteed, for all the fire and fury that has been thrown at us from the other side over there, that the money that is collected from students will go directly back to student representation. That is a concern that the Greens have. Students should be able to advocate for the services that they pay for. We believe that services are important and students should have a say in how those services are run. We believe that students should have a say in how the money that they pay is spent.

It has been almost six years since the introduction of VSU and campuses around the country—and indeed in regional areas—have increasingly felt the impact of the reduced cash flow. While the opposition will
continue to whip up misinformation about what the bill actually does—and we heard a classic example from Senator Ryan only moment ago—that does not deal with the crux of this legislation or the history of how important student unionism has been to our universities over many years. We heard nothing from Senator Ryan about the vibrancy of university culture and the services that add to the value of university degrees for students. Some of our universities have remained as some of the top ranking universities in the world because of that holistic university experience and service delivery.

We heard about none of that from the opposition, and we will not, because they are fundamentally opposed to the idea that young people may need services when not all of them have the ability to pay for them as they see fit. But that is the reality. This type of student services levy sets a capped amount that students pay. That ensures that they have access to the services and support that they need when they need them. It is all well and good for the people in the opposition, Liberal Party members who were members of the Young Liberals back in the day, because they could access whatever they wanted as they had the money and the support outside of the university—perhaps at home; perhaps from mum and dad. They could access those services. But do you know what? Not everybody is that lucky. Not everybody can just click their fingers and access the services and supports that they need. If we want well-trained, well-educated, strong and productive contributors to our economy we need to invest in their education and in their ability to gain that education right at the forefront—that is, on university campuses.

The opposition will continue to say that this bill does a whole lot of terrible things. But we must not forget the dire state that some campuses now find themselves in, and particularly in their ability to provide basic and essential services to their students. And this is solely due to the opposition. Almost six years ago, the opposition introduced voluntary student unionism in this place. There was a rubber stamp from John Howard. They cut services from students because they do not think that students should be able to access them. And some of them might vote for parties other than the Liberal Party, so of course they should not be helped through their university studies. That is the level of tripe that we have heard from the opposition tonight on this particular legislation.

Student advocacy services have traditionally been regarded by universities as a very important provision for campus culture and student life. In particular, they ensure that adequate processes for transparency are in place when dealing with university appeals. It is not just about ensuring that there are childcare and health services on campus, although they are very important. What about the student who is constantly failing to get the grades needed in their classes, not because they are not intelligent enough and not because they are not showing up to the tutorials but because they have not been able to engage with their lecturer or tutor in a productive way?

What about that student who gets marked wrongly on their exam? They studied hard and knew the answers, but the exam was marked inaccurately. What does that student do? Do they waste three or four years studying a university degree, pay exorbitant amounts of HECS and have to then sit back and say, 'Ah, well: no-one seems to care, so I will just have to start all over again'? This happens on university campuses, and who is standing up for these students? The opposition is not. It is very difficult to have a good transparent process and proper advocacy unless there is such a service
provided to students and people who will stand up for them.

The loss of advocacy services following the implementation of the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Act 2005, the famous legislation passed by John Howard had a devastating effect on campus culture. These advocacy services are particularly important for those least able to advocate for themselves in matters affecting university rules and decisions that adversely affect them. These are issues that are right of the heart of students getting a fair go at university.

Following the Australia-wide consultation process undertaken by Minister Ellis in 2008 as part of the government's election promise to restore campus amenities, services and representation, the Department of Education and Workplace Relations, in its summary report, stated that the abolition of upfront compulsory student union fees had impacted negatively on the provision of amenities and services to university students, with the greatest impact on smaller and regional university campuses. So for all of the criticism that is thrown from the opposition, what are we doing about students in rural and regional areas, who we know have been impacted the most by the introduction of voluntary student unionism and the stripping of services to these campuses?

We know the devastating impact that VSU has had on campus culture. In my own state of South Australia—and a number of us in this place first cut our political teeth in student politics—we have seen firsthand the devastating impact that VSU has had on our three universities. The University of Adelaide, where I was student president in 2003, has seen the absolute destruction and dissolution of the student association and the postgraduate student association. Who is standing up for the postgraduates at the University of Adelaide? It is very difficult for them when they are without a representative body to advocate for their needs. And, while the sports association, the clubs association and the overseas students association have continued to exist, they have lost their professional, administrative and policy support staff. So they are nowhere near as capable of advocating for their fellow students, for their peers, as they should be and once were.

Some of the visible impacts this has had on Adelaide University students have been the loss of $3 million in annual revenue; the diminished capacity for effective representation on university decision-making bodies; and the increased social isolation experienced by international students. We know about the significant impact on the international student sector, not just in Adelaide but around the rest of the country. International education is our third-highest export industry, following iron ore and coal. It has suffered extremely badly because of the introduction of voluntary student unionism.

Senator Cormann: That has nothing to do with it. It is the incompetence of this government.

Senator Hanson-Young: Yes, it absolutely is true. The impacts on student services include a 40 per cent drop in participation in sporting clubs and the closure of arts and crafts centres. Flinders University, another wonderful university in my home state, arguably the hardest hit by VSU in South Australia, has seen the six student controlled organisations dissolved—the student association, the sports association, the clubs and societies association, the international student association and the postgraduate student association. That is basically the entire
student population directly impacted by the callousness and lack of foresight of this opposition policy, which was introduced six years ago.

The services that have been affected by the former government's regressive policy have seen millions of dollars lost. Incomes now come only from commercial operations and from the introduction of a user-pays system to access services. This means that many students are paying more than they can afford or are opting out of accessing services. At Flinders University we have seen the closure of quality and affordable childcare services. The collapse of the international students association has increased the social isolation experienced by international students. That is not me making that up; that is what international students have said to us. There is also the loss of student media—the ability of students to get those important add-ons that put them a cut above the rest once they graduate from university. Not just a bit of paper but the proof to say, 'I know how to apply this.' These are the things, beyond advocacy, that students have lost under VSU.

The University of South Australia, which is home to the largest tertiary international student population in my state, has seen funding of sports clubs reduced from $140,000 a year down to only $21,500. It has had a significant impact on the ability of students to work as a community, because of the impact on their sporting clubs. It has diminished the ability to pay affiliation fees to maintain state and federal coordinating and representative structures. This means that students at the University of South Australia do not get the benefits of coordinated access and advocacy that a nationally run, coordinated student representative body would be able to offer them. So, when legislation like this comes to this place my constituents back in South Australia do not have a representative body to advocate for them at a federal level. It is no surprise that it has taken over three years for this legislation to come before the parliament to a point where it can be voted on, because there is no one who is able to lobby and advocate for the rights of students. That was the sting in the tail of the opposition's entire strategy. It was: 'Let's cut student services, let's cut advocacy, let's rip out the heart of university campuses and student life and, ah, once we do all that no one will be able to advocate otherwise.' It absolutely undercuts the ability of our future leaders to advocate for what is best for them.

These examples of the loss of services experienced by universities in South Australia are only a handful of the examples of the devastating impacts this policy has had on student welfare and support. The opposition carry on and on about how they are opposed to student services simply because they are opposed. It is no different from anything else. They are after all the party led by 'Dr No'. Of course they are going to say no and oppose for the sake of opposing.

This is about advocating for the future leaders of this country, students who are now paying more than ever for their university degrees and deserve to be able to do their degrees with the support of a well-functioning, well supported, fledging university campus. We know that, unless we start funding student services to do that, this is not going to happen.

We know that VSU has had a significant impact on the ability of our Australian universities to compete in the global market. This is the case for international students as well as for the abilities and skills and added extras that make our Australian students better equipped, more resourced and better networked to compete in the working world
after they graduate. It does not just have an impact on students now. It has a significant impact on their ability to compete with their peers once they graduate. There are a couple of amendments that I moved when this bill was first introduced, and the amendments have been circulated. I need to withdraw the first two amendments on sheet 6183, which was circulated some time ago. I understand that today, after extensive consultation with students and the university sector, the government have announced that they will be amending the guidelines to ensure that higher education providers must have a formal process of consultation with the democratically elected student representatives as well as representatives from major student organisations on how proceeds from any services and amenities fees are spent. That is a welcome development and one that I hope will ensure greater transparency in how the student fee would be spent.

The Greens have a proud tradition of supporting accessible and affordable higher education. In keeping with that principle, we support moves to remove the Howard government draconian VSU provision and to allow universities again to fund a wider range of services and facilities to ensure that the university experience of our students today and tomorrow is what it should be.

Senator CORMANN (Western Australia) (20:23): Another day, and we are debating another tax from this socialist green government. Another day, and we are debating another attack on personal freedom from this socialist green government. Back in 2005, the Howard coalition government gave students across Australia a tax cut. Back in 2005, the Howard government ensured that students across Australia had the freedom to choose which services they wanted to access on campus and which services they were prepared to pay for. Let us make no mistake. What we are talking about here today is a tax. It is a tax on students to be imposed by this Labor green government. It is a $1 billion tax over the current budget cycle. Of course, this is a high-taxing, high-spending government. It is a government that has higher taxes as part of its DNA. We had the Henry tax review tell us that we had too many taxes—that we had 125 taxes in Australia, that 10 of those taxes collected 90 per cent of the revenue and that we should have fewer taxes. Guess what? Since the Henry tax review suggested that we should have fewer than the 125 taxes that we had at the time, this government has come up with at least another five. We are talking about the mining tax, the carbon tax, the flood tax, the student tax and the new tax on LPG. This is just one of many taxes, and students are now in a line with everybody else, being on the receiving end of the worst aspects of this high-spending, high-taxing government.

I chair the Senate Select Committee on Scrutiny of New Taxes on behalf of the Senate. We have inquired into this tax. Of course, the Senate Select Committee on Scrutiny of New Taxes has been rather busy, because this government consistently comes up with yet another tax. As we started to inquire into this student tax, government senators on the committee were trying to argue that somehow this is not a tax. 'It's a fee,' they said. 'It's a fee for service.' A fee for service is payable when you access a service. A fee for service is something that you pay when you use the service. It is something you do not pay when you do not use the service. I draw senators' attention to Merriam-Webster's Dictionary of Law, which defines a tax as 'a charge, usually of
money, imposed by legislative or other public authority upon persons or property for public purposes'. This is exactly what is happening here. It is a compulsory levy. It is a compulsory charge which is supposed to be imposed by legislation which has been put forward by this Labor green government, and it is to be payable irrespective of whether a service is accessed or not. It is supposedly a levy which will fund services provided for public purposes.

If the government think these services are so important, maybe they need to reprioritise some of their other spending. Maybe they need to reprioritise their spending on things like pink batts and—

Senator Mason: School halls.

Senator CORMANN: School halls and all the other things that the government are so good at wasting money on. Maybe they need to have a look at their $350 billion budget and find some things that they can reprioritise so that they can fund the services that obviously senators on the Labor side and senators like Senator Hanson-Young think are so important. Why should all students have to pay for the services that Senator Hanson-Young values, irrespective of whether they access them or not? They should not. They should not be required to. This is the crux of this issue.

The Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010 does not introduce a fee-for-service arrangement. If it were a genuine fee-for-service arrangement, students would be offered choice about whether or not to access the service and pay for it. This is a compulsory levy imposed by socialist green government legislation, which the universities would be required to collect as tax collectors. Senators on the government side—Labor and Greens senators—have said universities support this. What a surprise. Universities are in this with the government. They are going to be the tax collectors collecting the tax and they are, of course, seeing a benefit in this for them.

Has anybody on the government side asked the students? Let me tell you what the students think about this. Out of the submissions received by our Senate Select Committee on Scrutiny of New Taxes, 89 per cent of students making a submission to the committee were opposed to this tax. Further, the Australian Democrats actually went out of their way, when this issue first came up, to survey students in their Australian Democrats Youth Poll. Maybe the Greens are so removed now from what happens on campus that they have lost touch with where students are at. Maybe Senator Hanson-Young should do a survey on campus to find out what students really want. Maybe Senator Hanson-Young needs to spend a bit more time on campus and ask students whether they want to pay another tax irrespective of whether they will access the services that are to be funded by it or not. The Australian Democrats Youth Poll 2008 showed that 59 per cent of those surveyed did not believe that voluntary student unionism legislation should be reversed. This is of course a broken promise, yet again. If it is such a good idea to slug students with another tax, if it is such a popular thing to do, if the services are so important, if they are going to be so valued, if this is such a great concept, why didn't the Labor government tell us before the 2007 election that this was something that they would do? In fact, this is what the shadow minister for education said at the time, when he was asked the question 'Are you planning to introduce compulsory student unionism? Are you looking at reversing the voluntary student unionism arrangements?'

No, well, firstly I am not considering a HECS style arrangement, I'm not considering a
compulsory HECS style arrangement and the whole basis of the approach is one of a voluntary approach. So I am not contemplating a compulsory amenities fee.

There is a theme here. Why is it that the Labor Party before an election tells us that they are not going to introduce a tax and then after an election they do? Why is it that they keep deceiving people around Australia about what their true intentions are when it comes to taxes like this one?

Senator Nash: Because they know the people will hate it.

Senator CORMANN: Because they know that people will hate it. That is exactly right. Because, if they told people the truth before an election about their high-taxing intentions, their high taxing plans, they know that people would not support them. So this is where we are.

This is of course a tax that has been considered by the Senate before. This is a tax which has been voted down by the Senate before. This is a tax which has been put forward by the government before and has been rejected by the Senate before. The Senate should reject this tax again. Looking at the make-up of the chamber, I am not confident that the Senate will. Students across Australia will be on the receiving end of the Labor-Greens alliance which will come to play in this chamber. Students across Australia every year when they pay this tax should remember that this is a tax that has been imposed on them by Labor and Greens senators in this chamber. This is the Sarah Hanson-Young tax, because it is the Greens that are going to make sure that this bad tax will get through this chamber. I will walk up and down the campuses of Australia—

The ACTING DEPUTY PRESIDENT (Senator Crossin): Senator Cormann, first of all perhaps you can direct your comments through me as the chair. The person you are referring to is a senator of this chamber, so you could refer to her as Senator Hanson-Young, thank you very much, while I am in the chair.

Senator CORMANN: Thank you, Madam Acting Deputy President. I understand and accept. I do not think that Senator Hanson-Young was that concerned, by the way, about my description of this tax as a Senator Hanson-Young tax. I will make sure, in the years between now and the next election, that students across Australia know that it is Senator Hanson-Young and the Greens who ensured that this high-taxing Labor government was able to get this tax through the Senate, because coalition senators—Liberal Party and National Party senators—have stood firm against this latest tax slug from the current Australian Labor government, and we will continue to stand firm and protect freedoms and ensure lower taxes on student campuses.

Let us just make a few things clear. Voluntary student unionism has been an absolute success. Voluntary student unionism has not been about abolishing student unions—nothing of the sort. Student unions existed under compulsory student unionism; they continue to exist under voluntary student unionism. Student unions continue to be able to charge fees. They have got to demonstrate value. They have got to demonstrate that they have got a service that people actually want to buy. They have got to convince students that the things they stand for actually are the things that the students support.

Senator Carol Brown: Oh, that's just a ridiculous argument.

Senator CORMANN: Senator Carol Brown is now interjecting, saying that this is just ridiculous. Senator Brown clearly does not understand what it is like to be forced to
pay for something you do not support, to be forced to pay for something you do not access. If you are a financially struggling student, it is arrogant, it is offensive, it is completely inappropriate for a government like this one to force you to pay for something you do not value, you do not support and you will not access. Why should you? If those services are so important, if those services are going to be valued, one of two things can happen. Either they are such important public services that they will be provided by government—and many people in the community and indeed students can and will access those services through Centrelink, Legal Aid and various other government services that are available. If services provided to students on campus are not attractive enough, if they are not responding to a genuine need, then maybe they should not be provided. If they are attractive enough, if they are responding to a genuine need, then students will pay for them when they access the service.

It has been quite interesting listening to this debate. Senator Bilyk was saying that somehow we do not care about students because coffee on some campuses in Tasmania now costs $6. Some other senator said that drinks at the bar are now more expensive and food is no longer subsidised and is more expensive. The logical implication of your argument is that you want all the students who are not going to buy coffee at the student union, who are not going to go to the bar at the student union or who are not going to eat food at the student union to pay for it for those that will. The only way you can make it cheaper by having a compulsory levy is if you are working on the explicit assumption that there will be a whole bunch of students who are not going to go and buy a coffee or a drink or some food at this particular student-union-run coffee shop. That is the only way you can make it cheaper for those who will.

**Senator Conroy:** You were picked on at uni, weren't you?

**Senator CORMANN:** I know the Labor Party is bad at maths, but not even Senator Conroy can be this bad at maths.

**Senator Conroy interjecting—**

**Senator Carol Brown interjecting—**

**The ACTING DEPUTY PRESIDENT:** Order! Senators!

**Senator Conroy:** I am sorry he was picked on at university. I am. I apologise on behalf of us all.

**The ACTING DEPUTY PRESIDENT:** Senator Cormann, please continue. I am sure people will listen appropriately.

**Senator Mason:** I wasn't picked on at university. I should have been, probably!

**Senator Conroy:** Only by George!

**The ACTING DEPUTY PRESIDENT:** Senator Cormann, I am not going to call you till I think other people are ready to listen.

**Senator CORMANN:** Thank you, Madam Acting Deputy President. I totally agree with you. It is very important that other people listen, in particular Senator Conroy. I read in the media at the weekend that he is very influential with this government and maybe he can convince the Prime Minister that this is a really bad idea. Maybe he can do some work on the Prime Minister-in-waiting, Mr Bill Shorten. Isn't he your friend, the Prime Minister in waiting? Anyway, this is a very bad tax. This is a tax which will reduce student freedom of association and force students to pay for services they will not access. What is the problem that you are trying to fix?

In my home state of Western Australia, we have a great tradition when it comes to voluntary student unionism. There was a
great government in Western Australia—the Court government—and in 1993 the education minister at the time, Norman Moore, introduced voluntary student unionism. So, university campuses in Western Australia have a longer tradition when it comes to voluntary student unionism, which means that university campuses in Western Australia were able to play under voluntary student unionism arrangements introduced by the Howard government. After voluntary student unionism was introduced in Western Australia the student unions had to restructure and change their focus. They actually had to provide services that people wanted. That is a novel thing—provide services that people want. They had to be responsive to genuine student needs. That is a pretty novel thing, isn't it, Senator Conroy.

Let us be clear. Not only is this a high taxing government which looks at students as just another target for its high-taxing ways, it is also a government that wants to do the bidding of its left-wing mates on student campuses. Its left-wing mates on student campuses are not able to raise their own money from students voluntarily. Unless you force people to pay to join one of these left-wing outfits, people will not join and will not pay. What do we do? 'We in government just happen to have a Labor-Green alliance in the Senate so let's use the opportunity to force students to pay this compulsory levy and that way we don't have to go through this pesky effort of trying to convince people that what we are doing is legitimate, that we are responding to a genuine need.'

Here was another one: some Labor senator during the debate said that voluntary student unionism was all about 'smuffing out student representation which was opposed to the conservative agenda of the Howard government'. It is nothing of the sort. I do not care what agenda the students pursue when they are on a university campus, and I am sure that Senator Conroy would have been very active in the Labor movement on campus. Great, that is fantastic. But I do not think that every other student who does not agree with his views should be forced to pay for it. Our government should not force students who do not agree with the views of students like the Senator Conroys of today, whether it is on the Australian National University campus or the University of Western Australia campus. I do not think that the Australian government should force students who do not agree with the Senator Conroys of today to pay a compulsory levy to fund his activities. They should not.

The government says there are all these safeguards and no, this cannot be used for political activity. The only thing for which student unions will be stopped from using this money is direct political campaigning for candidates to elections. You do not have to be Einstein to know that this is a gate that is so large that every single left-wing union representative and every single left-wing student will be able to walk through that in five seconds. You do not have to have a PhD in physics to know how you get through a gate that is that large. Everybody knows that there are different ways to skin a cat. You do not have to campaign for a candidate directly to pursue a political campaign.

Let me stress here again: students are entitled to pursue their political views, students are entitled to associate and organise themselves and campaign. Quite frankly, student associations are entitled in my view to campaign against sitting members of parliament, for somebody, against somebody, for a government, against a government—there is nothing wrong with that. But the Australian government should not be forcing others to pay for the activities
of those students if others do not agree with them.

_Senator Carol Brown interjecting—_

_Senator CORMANN_: Senator Carol Brown begs to differ. Senator Brown, on behalf of the government, does think that all students should pay for the activities of the few that happen to have a view that they do not agree with. That is the fundamental problem with this Labor-Green government. They abuse the power they have at present by being the Australian government. They abuse it to force all students across Australia to fund organisations for the few at the expense of the many.

Senator Mason very eloquently talked about the million or so higher education students, many of them do not even—

_Senator CONROY_: Time!

_Senator CORMANN_: I am sure that Senator Mason will move an extension of time, but I summarise: this is a bad tax from a bad government and of course the Senate should get on top of it. (_Time expired_)

_Senator XENOPHON_ (South Australia) (20:44): I rise to speak on the Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010. I was just warming to Senator Cormann's speech. That does not mean I agreed with it, but I summarise: this is a bad tax from a bad government and of course the Senate should get on top of it. (_Time expired_)

_Senator XENOPHON_ (South Australia) (20:44): I rise to speak on the Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010. I was just warming to Senator Cormann's speech. That does not mean I agreed with it, but I was just beginning to warm to it. I thought I should outline a brief history of voluntary student unionism in the context and then set out my views on this. It is important that we distinguish between what has been very much an ideological debate and one in which we need to have a practical outcome. This is what this bill intends to achieve. When voluntary student unionism was introduced by the Howard government in 2005 it had a number of practical and quite drastic effects. I think they were acknowledged by the Howard government when it provided $100 million of transitional funding to universities through three competitive funding programs. The VSU Transition Fund for Sporting and Recreational Facilities allocated $85 million for 44 projects, the small business and regional campuses fund allocated $5 million for 19 projects and the regional university sports program provided $10 million over four years to Australian University Sport. I think that is a concession on the part of the Howard government that there were going to be quite significant impacts on campus life.

The problem here is that the Australasian Campus Union Managers Association and the Australian Union of Students concluded that the grants available in the VSU transition funds 'do not address the shortfalls in recurrent funding and provide only temporary respite from the pressing capital needs of the sector'. That is the key to this. The fact that the Howard government provided $100 million in transitional funding was an acknowledgement that this was going to have a profound impact on students and campus life, but it was just a stopgap measure. The transitional funding did not address the fundamental problem of not having recurrent funding for these activities.

These are the very sorts of activities that I think this bill will address in a fairer and more structured way. The opposition say it is unreasonable to go down this path, that it is unreasonable to fund these sorts of activities, but they are the very activities that the Howard government funded with its transitional fund. There is some flawed logic or some convenient overlooking of facts in this case. The Howard government acknowledged that those activities ought to be funded, but the Australasian Campus Union Managers Association is absolutely correct in saying that there is not sufficient recurrent funding for these activities. The opposition should acknowledge that these are activities that the former coalition...
government funded but did not fund on an adequate long-term basis.

The impact of VSU on campuses has been quite profound. A principal of a smaller tertiary institution in South Australia has told me how profound the impact has been on student life on his campus. I think it is important to acknowledge the impact this has had on regional universities throughout the country. It is clear that smaller and regional universities and campuses have been most profoundly affected. The consultations that the Hon. Kate Ellis undertook as Minister for Youth in February 2008 indicated:

While a 'user-pays' model worked for some services (e.g. food and beverage outlets), it was reported that this type of delivery commonly resulted in increased costs to individual students. Not having a well-administered VSU lends itself to all sorts of inefficiencies and distortions. This is the best and fairest way of dealing with these issues so we do not have those anomalies and distortions. The consultation on VSU that the minister undertook in February 2008 also indicated:

... VSU had commonly resulted in an increase in fees, which had led to a decrease in the number of clubs and/or in club membership.

It is also important to look at the impact VSU has had on student amenities and services. This bill does not actually propose to reintroduce student union fees. I think it has been criticised by the Greens for not going far enough. They said that the bill is quite conservative in its approach to dealing with these matters. For instance, these funds are not controlled by student unions per se. But to the government's credit and to the credit of the Australian Greens and Senator Hanson-Young, who has pushed this point, there will be consultation requirements for higher education providers in the representation guidelines. Higher education providers will be required to have a formal process of consultation with the democratically elected student representatives—and the emphasis has to be on 'democratically elected' student representatives. So there will be a level of consultation, as I think is appropriate.

Higher education providers also need to provide details of the identified priorities for the proposed fee expenditure and to allow an opportunity for students to comment on those priorities. There must be regular meetings or a process for the student organisations to meet with those who are making decisions about the expenditure of funds. They are quite modest measures that do not go as far as I think the Australian Greens have requested—that the funds should be controlled directly by student unions. So this is a fairly conservative approach, a softly-softly approach from the government in dealing with this issue. The issue is the impact that VSU has had on campus life and campus amenities.

I think it is also important to look at the views of the Nationals. Before he became leader, my friend and colleague Senator Barnaby Joyce, now the Leader of the Nationals in the Senate, raised concerns about the ideological nature of this debate. He raised concerns about how country students who played sport had been punished. He said there was some sympathy from Nationals senators about the adverse consequences of VSU and the need to have them addressed. That is important.

The issue as to whether the fees should be compulsory is, of course, one that has driven much ideological debate. But this is about how you administer something for members of a campus and the most efficient, effective and fair way of providing student services which all students should be entitled to.

The fact that the fee is in the order of $250 per year, or capped at that, is quite significant. The government has taken a
median approach when it comes to these fees. I think it is interesting that the Australian Liberal Students Federation is concerned that:

There are numerous student organisations that are political in nature that will be eligible to receive monies compulsorily acquired from students, as the majority of political groups on campus would not meet these requirements.

But it seems:

… the Australian Liberal Students' Federation will not be prevented from obtaining money from a student organisation, as it is not a political party per se.

So it will be interesting to see if the Australian Liberal Students' Federation will be seeking to obtain funds under this. If they do, I will not criticise them for it.

I think it is also worth reflecting on the very ideological nature of this debate. A lifelong member of the Australian Liberal Students' Federation did point out how philosophical and ideological this debate has been. It is worth looking at the alternative. The alternative is to go back to the system with the piecemeal, ad hoc approach of the Howard government of having a lump sum that is completely inadequate to deal with these issues. I know that it is not cheap to be a student these days. Most students juggle a part-time job, if not two, with study, and so the very suggestion of a compulsory fee is off-putting for many. However, for me, it comes down to: what do we want a university to be? Do we want it to be a case of students just turning up for lectures and tutorials and then leaving, or do we want it to be a time when young Australians learn skills, participate in activities and facilitate opportunities which will help them in the future? Ultimately, higher education has to be about more than just lectures and textbooks.

I supported this legislation when it was debated in the last parliament and I made a contribution at that time on 17 August 2009 where I referred to my youthful indiscretion as a Young Liberal on campus. We all make mistakes!

**Senator Abetz:** That is the only time you did anything good, Nick!

**Senator Xenophon:** Senator Abetz says that was the only time when I did anything good, and that may be the view of quite a few in this chamber! I will not restate what I said back then. I think it is going too far when orientation programs are dropped, student academic advocacy is stalled, regional students are disadvantaged and counselling services are cancelled—and they have been. Recent university graduates have told me that they have literally caught the train to uni for a lecture and then, as soon as it was over, caught the train back home. Young people no longer engage in their university's theatre group, sports team, international exchange group or debating team. On the less social side, who will students turn to if they need counselling or support without the amenities that these fees will allow for? Without these sorts of resources, what sort of university life do we want students to have?

I do believe it is important that if students are asked to pay that they can be assured that what they pay goes into student services and not university coffers. I understand that the government has amended its guidelines to ensure this and this has been supported by universities. I believe that the future of our students, our universities and our nation deserves nothing less than a vibrant and vigorous higher education sector and I believe the end of the VSU and the passage of this legislation is a positive step in this direction.

**Senator Abetz** (Tasmania—Leader of the Opposition in the Senate) (20:55): One of the first bills introduced by the Gillard
government was to get rid of student choice, to get rid of voluntary student unionism. It seems that the greatest moral challenge of our time, climate change, could take second place in relation to this vitally important issue of forcing students back into compulsion! This bill seeks to reimpose compulsory student unionism. They say that a rose by any other name smells just as sweet. Compulsory student unionism by any other name still stinks.

There is no doubt that there has been and there will be a huge financial impost for students in relation to this compulsory student unionism. The reason I can say that is that the government, in lockstep with introducing compulsion, has introduced a loan program so that students can actually borrow money to pay this compulsory fee and then pay it off once they are working. Guess who advocates for this besides the financial beneficiaries of the Greens and the Labor Party? Surprisingly, it is the Australasian Campus Union Managers' Association! What Ms Ellis did in a consultation period was consult all sorts of people other than individual students. They are the ones who will be affected by this but, no, the government consulted the managers because they are the ones who will grow their empires and as a result be able to command higher wages.

The simple fact is that, once it was made voluntary, students were the masters of their own destinies. Students determined that which was saleable on campus and that which was not. It was a pretty simple proposition. If it was a value-for-money product, students joined. If it was not, they did not join and they withdrew.

As I said, Ms Ellis undertook a review in 2008. Here we are some three years later. It is interesting that we will not have the opportunity of a three-year review in relation to the carbon tax. But the review allegedly found fewer services and—horror!—forced rationalisation. How on earth could we allow rationalisation of student amenities and services and ensuring that there was some cost benefit in relation to those services?

But also in this review, with respect to Senator Xenophon and other commentators in this area, we have this arrogant and patronising approach which unfortunately gives expression to the collectivist dogma—"We are talking about the lessening vibrancy and diversity and attractiveness of university life."

**Senator Fifield:** What rubbish!

**Senator ABETZ:** Absolute rubbish, Senator Fifield? How is it that these outside people can determine the attractiveness of university life? You make university more attractive by charging them a compulsory student fee! Let us ask ourselves some fundamental questions. Did the number of enrolments in university go down as a result of voluntary student unionism? We know the answer to that is no, it did not. So how on earth can you assert that it detracted from the attractiveness of university life? Indeed, more students went to university during this era than ever before.

_Government senators interjecting—_

**Senator ABETZ:** You cannot assert that that is the case. We can have a look at the value of the degrees. Are we saying that university degrees that have been awarded over the last six years are somehow of less value?

**Senator Carol Brown interjecting—**

**Senator ABETZ:** I could just imagine Senator Carol Brown facing a surgeon, saying, 'I am not sure if I want you to operate on me. Can you please tell me whether you got your degree during the voluntary student unionism era, because your university degree
was not quite as robust as it otherwise might be.’ Or facing a legal challenge and going to a barrister saying, ‘I want to make sure that you only got your degree during an era of compulsory student unionism, because I’m not sure your education would be quite as robust as others.

Senator Carol Brown interjecting—

Senator ABETZ: Of course, even Senator Carol Brown has to laugh at that, because that shows the ludicrousness of the situation. We are told that democracy is somehow impeded by giving people a choice. My goodness, that is really politburo stuff, that you have to have compulsion to enjoy democracy. Then we go on to be told that we need these societies and clubs. I remember, back in my day there was the chocolate fanciers club and the aardvark club. Why did they have all these clubs?

Senator Conroy: The Chocolate Appreciation Society!

Senator ABETZ: Exactly, the Chocolate Appreciation Society. The only reason they existed was to tap into the compulsory student union fee and rip out as much as they possibly could. One of the worst features of compulsory student unionism is that it is like a poll tax: every single student has to pay an equal amount, irrespective of their capacity to pay. The poorest student will pay exactly the same student union fee as the richest student. That is the Labor Party and the Greens view of social justice when it comes to coming to campus.

I remember that, when the coalition first promoted the idea of voluntary student unionism, the Australian Vice-Chancellors Association came before a Senate committee. We were told about all the important things that compulsory student unionism did—in fact, some of the matters raised by Senator Xenophon—it prepared them for leadership, it made them better citizens and so the vice-chancellors' representative waxed lyrical. My colleagues were kind enough to let me ask the first few questions. I asked the representative: if all these matters are so vitally important, could he advise the committee whether to get a university degree it was compulsory to play sport? Answer: no. Was it compulsory to join a society? Answer: no. Was it compulsory to vote at student union elections? Answer: no. Was it compulsory to read the student newspaper? Answer: no. Was it compulsory to go to the student dances, to the uni bar or to the refectory? No, no, no. So, in the end, I asked the vice-chancellors' representative: what is the only thing that you therefore require of a student to get their degree if you do not require them to partake in all these things that you said were so vitally important to a student's education? Do you know that the only thing that was required was the payment of the fee? All the rest is window dressing. The students of Australia know that. They know the bunkum of this.

Government senators interjecting—

Senator ABETZ: They know the bunkum of this because they have decided, by their own choice, not to join in these circumstances where they do not believe they are getting value for money. One place where they are getting value for money, as Senator Mason would know, is at the University of Queensland. The University of Queensland union is one of the few student unions willing to say to the student public: ‘We are so confident in that which we provide to our students, that they will join.’ What is more, they have proven that they can exist without a compulsory fee and they do so exceptionally well. Why is it that some universities can and some universities cannot? The reason is the product that they provide to the students. That of course is the very big difference.
Government senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Crossin): Senator Abetz, I am sorry to interrupt you, but I remind senators in the chamber that, while they are allowed, interjections need to be orderly and measured.

Senator ABETZ: Madam Acting Deputy President, I thank you for your intervention. I can understand that the Labor Party feels sensitive about this, because it is desperate for this legislation to get through, because it will also, without doubt, be the financial beneficiary of some of the money that will be compulsorily acquired from students.

I remember, and students have told me, that the ski club at the University of Tasmania got heavy subsidies from the student union. What is more, which were the students that were able to afford to go skiing during the holidays? Those from a wealthy background. It was the wealthy students who could milk the extra money out of the poorer students to get a subsidy for their skiing holiday, whilst the poorer students had to work holiday jobs so that the richer ones could go skiing. That is the sort of social injustice that the Labor Party, the Greens and others will be foisting upon the student population of our country. As somebody who drove taxis and who worked as a farm hand during university holidays, I have some sympathy for those students who feel the pain of having to pay a student union fee for services that they do not want. I can understand the pain of those part-time students. Senator Xenophon referred to the fact that students nowadays go to university for lectures and tutorials and then leave campus. The old days when you had to be on campus for all your activities—educational and social—are well and truly gone. We now have students who do university degrees online. They do not even set foot on campus, but you can bet your bottom dollar they will be paying the compulsory student union fee.

We have had a number of submissions about this issue. A number of people comment on these matters, such as—just at random—Sheradyn Holderhead from the *Adelaide Advertiser*, who starts off her article:

Campus culture … could be back in South Australia's universities as early as next year.

To these people I say: what arrogance and what nonsense. Is there no culture today in South Australian universities? Does anybody actually believe that there is no culture? But we are told recklessly, 'Campus culture could be back in South Australia as early as next year.' That is the sort of nonsense they have to dress compulsion up with because they do not have a rational or proper argument to put forward. Why does the payment of a compulsory fee automatically mean that somehow a culture is reinstituted? The only culture that will come to the campuses of South Australia is the culture of compulsion—a culture to which we on this side of the chamber object to very strongly.

In same article, the University of Adelaide Vice-Chancellor said:

Under the present arrangements, the University has diverted funds from other core business areas to ensure services are available to support students.

A lot of people have made that argument. What they never tell us is from where those funds are being diverted. What would they actually be spending the money on if they were not allegedly paying extra money to support students? That is always a blank. They never advise that they would be holding another course in Japanese if they were not doing this. Would they? Of course not. Once again it is all hyperbole that is never backed up by any substance.
We had the same from the Vice-Chancellor of UniSA, not to be confused with the University of South Australia, who said:

Improved student services will result in a higher quality of student engagement and experience in the short term.

Can he explain to the people of Australia how the payment by students of a $250 compulsory fee will result in a 'higher quality of student engagement'? Once again, they are just words thrown out. It sounds good, but when you ask them, 'What does it actually mean?' there is no substance behind the empty rhetoric. There are no arguments being put forward other than that, somehow, campus culture and campus life has suffered. Where is the study, where is the evidence to suggest that the university degrees of the past five or so years are of any less value than those that were obtained during the compulsory era?

Senator Xenophon told us in his speech that higher education was more than just text books and lectures. If that is the case, and he actually believes it, then there should be a compulsory element to university degrees which says you cannot get your arts degree or your medical degree unless you have played a sport, or unless you can shown that you have attended at least 20 student union meetings in your day, or that you have read the student newspaper cover to cover, or that you have drunk half-a-dozen beers every week at the uni bar. But until such time as that becomes an integral part of obtaining your degree, the only thing that remains an integral part of one's degree is the payment of the compulsory fee.

Then we were told by Senator Xenophon that it is a pity that O-Day, as in orientation day activities, no longer exists. I do not know in what universe Senator Xenophon exists in relation to this matter, but I know that at the University of Tasmania, at the ANU and at universities all over the country there are orientation days and the various university Liberal clubs around the country busily sign up new members. I am sure Senator Rhiannon will be able to tell us that the Greens also sign up members on O-Day or during O-Week—the orientation period. To suggest that that has gone from campus is an absolute nonsense, because self-interest of all the clubs will of necessity demand that they be present there at the beginning of the year to sign up as many members as possible. The only difference is that it will be voluntary money, voluntary fees, and those who want to be part of the Greens will contribute and those who want to be part of the Liberal movement will join and pay for it; they will not use the subsidised moneys from other students who only want to get a university degree.

The culture of university life has changed dramatically over the years, and the concept of a compulsory fee, a compulsory levy, is anathema to the students. Universities have shown they can operate very successfully without the need for a compulsory fee. We can have vice-chancellors and we can have all sorts of other people saying why they want compulsory fees, but they never tell us why any of the activities which are funded by these compulsory fees are compulsory for obtaining your university degree, and that is where it falls down. I was never in the league for a Rhodes Scholarship, but I understand that for a Rhodes Scholarship you actually have to show not only academic prowess but also sporting and other prowess. If that becomes part of the university culture, so be it. But of course if it were to become part of the culture then all the universities that are now promoting online studying—the fact that you do not have to go to campus, that you can simply do it on line, attend virtual lectures et cetera—will of course be doing themselves out of business and I think doing...
a great disservice to future student generations.

The coalition has had a very strong, firm position in relation to this. I conclude on this. Mr Smith, when he was minister for education, promised that there would never be a loans scheme in relation to compulsory student unionism. Another promise, like the no carbon tax promise, has been broken and discarded like a soiled tissue by this government. The coalition remains committed to student choice.

Senator FIERRAVANTI-WELLS (New South Wales) (21:16): I rise to speak against the proposed Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010. Today we have seen legislation introduced into this place by the Gillard government that will see students taxed an extra $250 a year for services they do not want and cannot afford. Another day, another tax, another attack on the youth of this nation by the Greens-Labor coalition. While the political hacks on the government benches get excited by the return of such draconian laws, students around the nation wonder tonight where they will find the money to front such fees.

It is a great day for all those in the Labor ranks who worked their way up through the radical student wing of the ALP, who spent their youth protesting this or that while others bothered to work hard and attend classes. It is a great day for that bastion of anti-Semitism and bias, the National Union of Students, who know their profligate ways and days of big spending are about to return. Indeed, one Labor staffer was seen crowing today on Facebook that this legislation represented the first step on the march to universal compulsory unionism, and that is what this is all about for the Labor Party—an unbridled commitment to the socialist collective and the destruction of individual choice and freedom.

I find it strange that in the same week that one of the biggest health unions in the country, the HSU, walked away from the ALP, the ALP are trying to force unionism on every single one of the nation's one million university students. I stand opposed to this bill because I believe in the fundamental right of free association. I do not believe, as the Labor and Greens parties do, that students should be forced to pay for services that they neither want nor want to use.

Under this proposed legislation every single one of Australia's one million students will be forced to pay $250 per year to their union. This is regardless of their ability to pay or their desire to use the services they are being forced to fund. This bill represents yet another great big new tax, this time on a demographic that can least afford it. This great big new tax will total $250 million a year—far greater than the $170 million that was compulsorily levied on students in the last year of compulsory student unionism in 2005. This poll tax will be levied on those in our society who can least afford to pay it. This is just another hit to students, who are already struggling in a tough economic climate to make ends meet. This legislation means that they now have to find an extra $250 a year just to stay enrolled in their degree.

For years members of the Howard government toiled to extend the freedom of voluntary student unionism to all Australian tertiary students. We finally achieved this in 2005. The abolition of compulsory student fees has since that time saved students an average of $320 a year. Since the election of the Rudd government in 2007 we have fought hard to prevent this great big new tax. I note that this bill marks the third attempt by
this government to impose a compulsory poll tax on students since its election. I also note that, true to form, this represents yet another broken election promise, yet another example of where the Labor government promised not to introduce a tax before the election, only to change its mind once they were elected. This is not good enough.

Those who sit opposite have made all sorts of claims about the desperate state of student unions and university life since the introduction of VSU in 2005. Courtesy of the Australian Liberal Students Federation, I happen to have some facts with me this evening. Can I place on the record my congratulations to the ALSF and also to the Young Liberal Movement for their defence of freedom of association in this country. I would like to address some of the myths that have been promulgated by those opposite.

Myth No. 1: voluntary student unionism has made student organisations lose money. Fact: student organisations that are losing money are those that are typically providing services that are not popular with students. For example, I understand RMIT's student union is just one of those unions that like to cry poor about VSU, but rather than dedicating resources to student advocacy programs they instead have wasted countless dollars on the expensive anticapitalist media program Blazing Textbooks, a radical radio program aired every Saturday morning on 3CR.

Myth No. 2: student services have been decimated since the introduction of voluntary student unionism. Fact: student unions continue to prosper right around the country. Services that are popular with students remain in operation. Rationalisation of services was always to be expected with the introduction of voluntary student unionism, but those services which remain popular with students are still available. If student unions were actually focused on providing services that were relevant to students, membership would undoubtedly be much higher than it is today. Myth No. 3: the government's compulsory amenities fee will make university more equitable for students. Fact: it is my great fear that Labor's $250 amenities fee will in fact increase inequity among university students because it is levied regardless of a student's income. This is a regressive tax and there are no provisions within this legislation to assist low-income students or those from Indigenous or disadvantaged backgrounds. Further still, as my colleague Senator Ryan pointed out earlier this evening, the legislation specifically states that this fee is to be paid regardless of whether the student intends or in fact is able to use the services provided.

Myth No. 4: student life suffers because student unions do not have enough money to fund clubs and societies on campus. Fact: it would seem that whenever student politicians are given the chance to fund either clubs or societies on campus or fund political activities they invariably choose to fund their political activities instead. I highlight the University of Melbourne union that recently reported that it was forced to cut the clubs and societies budget by $18,000 so that it could afford to pay an extra $15,000 to the National Union of Students.

Myth No. 5: this legislation prevents student funds being spent on political activity. Fact: there are insufficient means in this legislation to prevent student organisations wasting money on political campaigns. While sections 19 to 38 set forth guidelines on the appropriate use of funds, there is insufficient scope for the government to enforce such provisions. There are scores of political organisations that are not covered by sections 19 to 38 in this legislation and it...
is inevitable that student funds will end up in the hands of political activists.

Myth No. 6: VSU has somehow made university more expensive for students. Fact: voluntary student unionism has resulted in huge savings for students who now have the choice to join their union or not. Students who deem their membership of their student union not to be value for money save hundreds of dollars a year. Voluntary student unionism was not about destroying student unions but rather about making them stronger and more affordable. I am told that on average membership of student unions is now $246 cheaper under the current situation than it was in 2005.

Universities have changed significantly over the past few decades. Today, universities are not centres of elitism, but rather mainstream institutions that service a broad cross-section of society. We have seen a demographic shift in the typical university student over time. More mature aged students now attend university and many more students now study part-time, often balancing work and family commitments. Further still, there is much greater flexibility today in learning than ever before with many students choosing to study via distance education, and this legislation makes no provision for that.

This legislation also makes no provision for the 130,000 students studying externally. While these students may never set foot on the campus they are enrolled in, they will still be forced to pay this poll tax. For many students higher education is about just that, education. It is about obtaining a degree—qualifications that will equip them for the real world.

Senator Conroy: We know that you were a student radical.

Senator FIERRAVANTI-WELLS: It is not about chalking up the so-called university experience on their personal development CV. Fundamentally at the core of this legislation is a restriction of the freedom of individuals, of grown adults, to determine their right of association. Just as we come here to work and not to socialise, students increasingly see university as a place to gain an education, not to fill in their free time.

Senator Conroy: You are blushing, Connie; what clubs were you in?

Senator FIERRAVANTI-WELLS: Senator Conroy, I can only imagine what you did at university.

Senator Mason: Obviously not very much.

Senator FIERRAVANTI-WELLS: Obviously not very much, Senator Mason. Not enough.

Senator Conroy: Come on, what clubs were you in? Come on, fess up.

Senator FIERRAVANTI-WELLS: Generation Y is less committed to the collective and they are less committed to their student union. Students themselves, unlike student politicians, are not interested in student unions or the services student unions provide. In the recent inquiry into this bill Arabella Haddon-Casey put it like this: The vast majority of students do not have a clue that the government is considering imposing compulsory fees upon them. If it were such a big issue, surely students around the country would be demanding compulsory service fees.

A survey conducted by the Australian Democrats found that 59 per cent of students were against compulsory fees. I am told on average only five per cent of students ever vote in student union elections. The number of individuals who currently opt to join their student union and pay the required fees is similarly small. The only logical conclusion one could possibly deduce from this is that
the majority of students simply do not want to pay the relevant fees.

There are many services and activities that are currently provided by the unions that are mostly superfluous. They already exist and are being provided by the universities themselves, by the government or by the non-government voluntary sector. Many of them are free, others are heavily subsidised and all of them are available to university students without any prejudice or discrimination.

When people outside of university need help they go to Centrelink, or legal aid or any number of non-government organisations such as Lifeline. When people outside of university are interested in a pastime, an activity or a sport, they join a club to pursue that pastime, activity or sport together, and they all contribute money to the common pool towards their club or association. Students do not want to be treated differently from everyone else. Outside of the university, they certainly would not expect that everyone in their suburb should be forced to pay a levy or a tax so that they can enjoy beer appreciation or rugby union.

_Senator Joyce interjecting—_

_Senator FIERRAVANTI-WELLS:_ No, nothing wrong with that, Senator Joyce, but I am sure people do not want to be forced to pay the levy or the tax. In the end, if clubs or services offered on campus are deemed valuable they will earn the patronage of students without any compulsion.

The system remains open to political abuse. Our concern is that it is devoid of effective enforcement mechanisms. We are concerned about the effective enforcement of this legislation. While the bill prohibits universities or other third parties that might receive money from spending it in support of political parties or political candidates, there is nothing to prevent the money being spent on political campaigns, political causes or quasi-political organisation as such, whether students whose money is being spent agree with that or not.

Even with the prohibition on direct support for political parties and candidates, we have to consider how this prohibition can actually be policed. The legislation offers no credible enforcement provisions, and no effective sanction mechanisms are provided for. The bill simply states that it is up to the universities to ensure that the moneys are not spent on political parties and candidates. In the absence of providing universities with any powers to enforce this, it really is a hollow prohibition.

Regrettably, this is compulsory student unionism by stealth. This bill attempts to reimpose a compulsory fee which may in turn fund the activities of student unions. In the past, student unions have proven themselves to be very adept at being creative and using profits from 'allowable' activities to effectively act to cross-subsidise activities where direct funding has been disallowed.

Allow me to deviate to provide an example. In my electorate in the Illawarra I have had occasion to see the University of Wollongong, a very fine establishment, progress to become one of Australia's top universities. Following the passage of the legislation in 2005, the establishment of the Voluntary Student Unionism Transition Fund saw the University of Wollongong receive funds for a multipurpose indoor sports facility of $4.6 million. It also saw a medical services hub for $405,000 and the allocation of funds for a village green oval development project of $2 million.

What has this done? During that time there was a lot of talk about how services on campuses would fold, but this is a very practical example of funds being allocated under the Voluntary Student Unionism
Transition Fund to a university to benefit not just the university but also to the community. One only has to attend the University of Wollongong on any day of the week to see how much the multipurpose indoor sports facility, the medical services hub and the village green are being used not just by the university community but also by the wider community in the Illawarra. I was very pleased that the University of Wollongong received such funding following the establishment of the fund. The coalition was very supportive of this university, as indeed we were of other universities. If I am not mistaken, only the University of New England received greater funding.

I will conclude my remarks by saying that the coalition is about freedom of association. We are about allowing people the freedom to not have to join an association. That remains one of the core beliefs of the coalition. Again, this is an act of compulsory student unionism by stealth. I commend those organisations that have fought and fought hard to oppose compulsory student unionism and know that the coalition stands with you on this issue.

Senator IAN MACDONALD (Queensland) (21:35): Mr Acting Deputy President—

Senator Conroy: Ooh! They are baying at the moon tonight! They have them all out.

Senator IAN MACDONALD: I am sorry, Senator Conroy. Perhaps you should go back to whatever party you have been to.

I also want to contribute to this debate. I had not actually listed myself as a speaker, but Senator Bilyk's remarks earlier encouraged me to take part. Senator Bilyk was trying to suggest to the Senate that the coalition was involved in some sort of conspiracy. She suggested that we are opposed to this sort of legislation and student unions because all of the student unions were won by the Left of Australian politics. She was suggesting that that was one of the reasons why the coalition does not support this legislation. I want to start my presentation by paying tribute to the members of the Young Liberal National Party in Queensland who, under the name 'Fresh', their corporate campaigning name at the University of Queensland, won something like—and I do not have these figures before me—59 of the 64 positions on the student union council at the University of Queensland at the last election. And this was the second year in a row in which members of the Fresh group, many of whom are part of the Young Liberal National Party in Queensland, have swept the pool at one of the biggest universities in Australia and certainly one of the sandstone universities. For Senator Bilyk to suggest that we were opposed to this sort of legislation because we did not like the way that student unions were going politically is shown to come out of the completely myopic view that the Labor Party has of the world.

I want to pay credit to those young people in Brisbane who have put the University of Queensland student union in its current form on the straight and narrow, one might to say. For years, politicians from the Left in Queensland, like Anna Bligh and Andrew Fraser, the current Premier and Deputy Premier—and, I suspect, although I cannot say this with any confidence, Wayne Swan and Kevin Rudd were also part of them—have come out of the University of Queensland Labor Left groups that ran the student union for many years. Indeed, the student union at the University of Queensland was shown to be simply a training ground for future Labor politicians. How things have changed. Almost all of the positions on the University of Queensland student union are held by students who have a sensible view on life and who have chosen
to join the Young Liberal National Party of Queensland. They have clearly shown that the young people of today understand that the old leftie-socialist regime that used to run student unions in Australian universities is gone.

While I am giving credit to the current group of sensible young people who have taken an active interest in the operation of the services at their university, I also mention with some pride that a few years ago at James Cook University in Townsville, a university of which I am very proud and which is particularly recognised for its marine science courses and research, was one of those universities at which the students said, ‘We are not going to be part of a left-wing push for students to be forced to pay money so that they can use it to channel into Labor Party propaganda.’ Students got involved, got active and had similar sorts of successes to those that the young people at the University of Queensland have achieved in recent times.

These examples put the lie to the Labor argument that these student unions or student groupings have become of no further effect because of the voluntary student union legislation that the Howard government introduced. As previous speakers on our side have said, we believe that it is very important for students to have a choice as to whether they join the union or not. This legislation is the thin end of the wedge in going back to the bad old days of Anna Bligh and Mr Fraser in Queensland and other luminaries when you were forced to join the union. Having been forced to join the union and contribute your money, the union then spent your money on campaigns to support the Australian Labor Party at various elections.

Senator Bilyk said a few things that reminded me of my early days. I am perhaps one of the few in this chamber who has never actually attended a university. I did my university studies many years ago—regrettably, too many years ago—externally while working during the day as an articled clerk. I still remember that in those days I had to pay university fees to get tuition from the University of Queensland. I could not afford to attend the university and was not bright enough to get a scholarship, I have to confess. But it irked me that even back in those days I was forced to join the student union. For the quite considerable amount that I paid—and the amount that I paid for union membership was more than the amount that I used to have to pay for course fees—I used to get two copies of Semper Floreat, the university magazine, every year.

That perhaps has always directed my thinking a little bit on this particular issue of voluntary student unionism. I was not part of the wealthy lot and was not part of the group who are supported by the unions or other scholarships to get to university. But I had to pay this money. The union in those days did absolutely nothing for me except produce a couple of editions of a newspaper every year, which I used to throw away as soon as I received them.

I concur with my colleagues in this debate that this sort of legislation is the thin end of the wedge in bringing back compulsory student union fees. As I understand it, under this bill every one of Australia's one million students will be forced to pay $250 per year, regardless of their ability to pay and their ability or willingness to use the services that their fees will be financing. I am very concerned about the effect of enforcement of this legislation. Whilst, as I understand it, the bill prohibits universities or any third parties that may receive money from spending it in support of political parties or political candidates, there is nothing to prevent the money being spent on political campaigns,
political causes or quasi-political organisations per se, whether students whose money is being spent agree with it or do not. I mentioned the cases of the University of Queensland and James Cook University. Perhaps it would suit my federal political goals if they were able to collect this money and spend it on political campaigns, because perhaps they would spend it on ensuring the return of the next Abbott government. Even in spite of this attraction, I can understand that there would be many students paying those fees who would not support Mr Abbott, me and other politicians from the Liberal and National side of federal politics, and their funds should not be collected by a central group and used in a campaign that is contrary to their wishes. So it does not matter which side of the political fence you come from; it is important that young people are not forced to pay money that is collected and used by a ruling group of people to campaign for someone else.

In the case of the current holders of office at the University of Queensland I am quite sure they would not use the money for political campaigns, were this legislation to be passed. But, regardless of that, history shows over many years that when student unions have been controlled by the Left of politics they have used these compulsory funds to support political organisations that a fair percentage of the union membership did not support.

One of the greatest political issues of the day is the question of trust in government. All of us remember that well before the last election, and indeed just before the last election, our current Prime Minister, Ms Gillard—Prime Minister for a little while anyhow—promised solemnly to every Australian, to every student in every university in Australia, that there would be no carbon tax under a government she led. This was very important to young people, because, as we all know, young people at university do not have a lot of money. They were very concerned that a carbon tax would add to the cost of living—it would add to their rent and to daily living expenses that they could not afford. So, they were quite relaxed before the last election when both Mr Abbott, on behalf of the coalition, and Ms Gillard, on behalf of the Australian Labor Party, solemnly promised every one of those students that there would be no carbon tax under a government she led.

Had this sort of legislation we are debating today been in force, in those universities with student unions controlled by the Left of Australian politics that money may have been used to support various political campaigns. In some universities—not, I am pleased to say, in Queensland—they probably would have used it to support Ms Gillard with her Labor Party campaign. They could have done it on the basis that, even if they did elect Ms Gillard, they knew there would be no carbon tax, so their cost of living would not go up. But, lo and behold, as we all know, because it is now a matter of history, the carbon tax that Ms Gillard promised would not occur—the carbon tax that will increase the living costs of every university student around Australia—is being introduced in the next week of this Senate sitting. The money that students may well have contributed under this particular legislation before us—

Debate interrupted.

**ADJOURNMENT**

**The PRESIDENT:** Order! I propose the question:

That the Senate do now adjourn.

**Parliamentary Privilege**

**Senator STEPHENS** (New South Wales) (21:50): Members of parliament enjoy many privileges and one of the most fundamental
is to come into the chamber and made
statements without fear of a civil suit for
defamation. Parliamentary privilege harks
back to the English Bill of Rights of 1689, a
provision that was adopted in our
Constitution and applies to all Australian
legislatures. It provides that freedom of
speech and debates or proceedings in the
parliament ought not to be impeached or
questioned in any court or place out of the
parliament. Its great value is that it confers
on members of parliament and other
participants in parliament proceedings, such
as witnesses, immunity from liability, civil
or criminal, for whatever they say or do in
the course of those proceedings. It is part of
the mechanism we have to protect people
and to see injustice revealed and punished.

But, with privilege comes responsibility.
If the use of parliamentary privilege is to be
respected by the Australian community,
there must be an exercise of responsibility on
the part of members who avail themselves of
it. Although it is possible for members of
parliament to use the cover of parliamentary
privilege to make offensive or defamatory
remarks, or for the nation's leaders to make
unproven allegations about someone or to
invade someone's privacy to an unreasonable
degree, this is not the intention of the
provision. Parliamentary privilege was
designed as a defensive tool to protect
members so that they could act to create a
fair society without fear of repercussions. It
was not designed to be used as an offensive
weapon against a target. I believe that last
Tuesday night, in his offensive use of
parliamentary privilege, Senator Xenophon
acted irresponsibly. I want to speak not about
the details of the case he raised but about the
principles involved in his action.

The resolutions regarding the exercise of
freedom of speech which were adopted by
the Senate on 25 February 1988 exhort the
Senate to take the following matters into
account:

(a) the need to exercise their valuable right of
freedom of speech in a responsible manner;
(b) the damage that may be done by
allegations made in Parliament to those who are
the subject of such allegations and to the standing
of Parliament;
(c) the limited opportunities for persons other
than members of Parliament to respond to
allegations made in Parliament;
(d) the need for Senators, while fearlessly
performing their duties, to have regard to the
rights of others; and
(e) the desirability of ensuring that statements
reflecting adversely on persons are soundly
based.

Mr President, you very clearly drew our
attention to both the letter and the spirit of
this resolution last Tuesday night.

Acting in a responsible manner means
obeying the spirit of the rules. I consider that
it would be acting in a responsible manner to
advise the person about to be named,
outlining any charges and the evidence,
before denouncing that person as guilty in
parliament. In this case, there has been no
complaint made against the man Senator
Xenophon named. He has not been charged.
He has been accused and has categorically
denied the accusations. Where is the justice
in naming him before any due legal
processes have been undertaken? After all,
another of the rules that makes us a civilised
society is the presumption of innocence. And
I believe it would be acting in a responsible
manner to give a person a timely opportunity
to respond to the accusation. I also believe
that it would have been acting in a
responsible manner to write to the victim of
the alleged crime, explaining what the
senator intended to say under parliamentary
privilege and why and giving him, too, the
right of reply.
But, last Tuesday, I do not believe Senator Xenophon took any of these precautions. I am not suggesting that he acted with malice or evil intent, but I am saying that he did not exercise his right in accordance with the guidelines that I have just read. He did not act in a responsible manner. He did not pay due attention to the damage his act would cause. As for the accused man's opportunity to respond to his allegations, it is true that under the Senate rules he has the right to write to the President for a formal right of reply and then to have his statement presented for consideration by the Senate Standing Committee of Privileges, who would decide whether or not to publish it in Hansard. Too little, too late: in the public mind, he is presumed guilty. Certainly, the senator was being fearless, but without due regard for the rights of others, including the rights of the alleged victim, who made it explicitly clear that he did not want the accused man named in the parliament. Finally, in response to point (e) above, the senator cannot be sure that the statements reflecting adversely on the priest he named are soundly based when the matter has not been investigated by the police or the courts.

Senator Xenophon's actions made me think about the dangers that are unleashed when individuals put themselves above the laws and the rules that we have established for the benefits of being part of a fair society. Most of us would have read William Golding's novel Lord of the Flies and would remember the group of schoolboys whose plane crashed and who landed on a beautiful but unpopulated island. It could have been paradise. With no adults to guide or organise them, the boys rightly established rules to live by, to protect the good of the group and enforce the moral and ethical codes of the English society they were raised in. That was the plan of one of the emerging leaders of the group, Ralph, and the rules he set up made good sense.

But you will recall that the other protagonist in the novel is Jack. He too is a leader and—in case anyone in this chamber needs reminding that leaders are not all alike—Jack is energetic, active and productive. Before long he is ignoring or refusing to follow Ralph's rules and making up his own. He declares his allegiance to his own tribe and decides to follow his own path. Golding tells us that Jack was drawn to 'the brilliant world of hunting, tactics, fierce exhilaration, skill'.

I believe that is what we saw in Senator Xenophon last Tuesday: his Jack-like seduction by the thrill of the hunt and the exhilaration of the naming. Frankly, I think it was beneath him. His action has also made me think about how we must take responsibility for the repercussions of our actions, even if we did not intend or anticipate them.

Outside parliament, if someone makes an unproven accusation or allegation about someone else, they risk being sued for defamation. Derryn Hinch behaved like a bit of a Jack when he named sex offenders before due process had been taken, and he was rightly challenged for doing so. The courts found him guilty of breaking the rules and inflicted a price.

We senators are also accountable to the Senate, and therefore to our constituents, not to use the protection of parliamentary privilege to cause harm. Unfortunately, this is what has happened—and not just last week. Since I have been here we have had Senator McGauran naming and criticizing an expert witness and, of course, Senator Heffernan naming Justice Kirby. Senator Heffernan, as you will recall, was censured by the Senate.
But I want to point out that the environment has changed even since 2002. The rapid advances in technology mean that one statement like Senator Xenophon's is immediately broadcast through the social media. Within seconds of him naming that person last week, it was on Twitter. And, when news travels through Twitter, texting and 24-hour news channels, there is a responsibility for us to be aware of the potential damage a single statement can make.

Senator Xenophon wanted to speed up the church's investigations. Will his action necessarily have this intended consequence? Well, they are underway. But what about the dramatic unintended consequences? Who is taking responsibility for them? There is the damage to the priest's reputation, of course. Compare the lightning speed at which the allegations circulated with the snail's pace at which any possible response from the accused will take place—and the small number of recipients who will instantly be fed his side of the story. Frankly, is that justice?

The repercussions ripple out more widely. The members of his parish community are shocked, distressed and dismayed. The students at the schools have certainly learnt that natural justice can be whisked away in a moment. The person in charge of the church's ongoing investigation, Monsignor Cappo, has resigned from his position as the new Chair of the Mental Health Commission, just one week into his appointment. He has had his reputation damaged with little opportunity for redress. His resignation is not an admission of guilt or responsibility; he asserts that he applied due diligence to the case, but he has made his decision also to resign from the Australian Social Inclusion Board. What are the consequences going to be for the person who asked Senator Xenophon not to name his alleged abuser? Is this for him yet another breach of trust?

Senator Xenophon said he thought long and hard before he named the priest. I am sure he did. He came into this chamber on Monday and made an explicit threat that if the church did not stand down the priest by Tuesday then he would name him. Senator Xenophon knew that to make the allegation could possibly destroy this priest's life.

This episode I think is a cautionary tale for everyone in this parliament. We should not seek to act as judge and jury. The rule that allows a senator to say something in parliament that he could say, but chooses not to say, in public, without the shield of parliamentary privilege, must be treated with the utmost care for all our sakes.

Disability Services

Senator McKENZIE (Victoria) (22:00): Before I became a senator, I spoke with a couple in their 70s from a dairy farm in regional Victoria. It was the first real conversation about disability support that I had ever had. I was about 32 years of age at the time. They had been caring for their son for about 40 years and were extremely anxious about what would happen to him when they could no longer provide the care that he needed over a 24-hour period. I now know that there are 161,000 people in Victoria with a disability. Given that 28 per cent of Victorians live outside of Melbourne, and if you presume that disability crosses all socioeconomic groups, there must be about 46,000 people living with a disability outside of Melbourne. Forty-six thousand is a lot of people.

The Productivity Commission's report into disability care and support confirmed what these people already know, what many of us know—that there is a significant disparity between city and regional support for those people with a disability right across
Australia. The government knows it too. The Productivity Commission report states that rural and remote areas face poorer provisions of support than would be available in cities and metropolitan areas. The current system is fundamentally flawed. The availability of support has been limited by location, and many families in regional and rural Victoria have not been able to get access to funding or assistance. The report says that, as the system currently operates, everyone has to compete for a limited pool of resources, and for many families it is a situation of crisis.

There is no dignity in that. I do not believe it is how a civil society should treat its most vulnerable and the people who care for them. The people I have met, who confront my notions of hard work and sacrifice, are challenged so desperately, and I am appalled and furious at the state of affairs.

After the official opening of my office in Bendigo, one of my first jobs as senator was to join individuals, their carers and families at a DisabiliTea at the local town hall. The program brought together more than 200 groups in venues throughout Victoria, and they were able to sip tea and share stories. They were excited about the potential of a national disability insurance scheme, or NDIS. They saw it as a revolution in health services that would allow them to choose the types of services they or their disabled family members needed.

It was with great humility at a later date that I spoke with over 20 carers at a BrainLink forum for those caring for people with an acquired brain injury. It was called Changed Lives and was held at Traralgon in the Latrobe Valley. All the people at the forum who I spoke to would do just about anything to have their lives changed. BrainLink is a community based care and education organisation that focuses on the effect of acquired brain injuries on the whole family, assisting those who have been injured to adjust and assisting families to come to terms with the changed reality they now find themselves in.

The number of people with an acquired brain injury in Victoria is approximately 73,000, of whom 31,000 need personal assistance or supervision. This usually falls to the parent or partner of the person. But the experience of those in regional areas like Traralgon and beyond—down into the depths of Gippsland—for those with a disability such an acquired brain injury is mixed, with services and support sporadic and spread over a large geographic area making access for many problematic.

The BrainLink forum I attended was one of five being rolled out by the organisation over the coming year right to address some of these concerns across regional Victoria. The people I met on the day were participating in a one-day workshop and interactive discussion on what it means to be caring for a person with a brain injury, how to get the physical and medical support locally and how to develop coping strategies. Without this program, the carers I spoke with would not have had the opportunity to come together. While they felt supported by the workshop, the problem is that it just went for one day, and there is little support, funding, infrastructure or help in regional Victoria for them to access.

Many of the people I spoke with told me stories of isolation and difficulty in getting services or finding respite care to assist with the care of their loved one, particularly within the local area. One said—but many suggested: 'We just don't have the money to drive the 200kays to Melbourne every week to get the help we need.' Additionally, carers spoke of the difficulty in caring for their own mental and physical health whilst caring for somebody with an acquired brain injury and...
the difficulty in coming to terms with the changes within their lives and the toll it had taken on their family.

Some had children who had been involved in violent crimes, leaving their child who was about to enter adulthood dependent for life. The recount from one mother was quite chilling: ‘My daughter was slashed with a knife at a nightclub when she was a teenager. As a result, she lost control of one side of her body. She cannot get the vital support, equipment, therapy and care that she needs to have some quality of life. As a direct result of the crime, my husband committed suicide. He just could not cope.’ This story, for me, highlights the complexity of this issue and the breadth of support required for these families.

Similarly, I recently attended a disability education and day respite centre in Castlemaine, in central north Victoria, and heard from the parents of the Mount Alexander Shire Accommodation and Respite Group, who, given the concern they have for their children having to leave home in order to receive the care they need, especially as these parents themselves age, have sourced land to build their own specialist accommodation centre in the town of Castlemaine to ensure their children stay within their own community.

I and, I am certain, many others cannot imagine our children living away from home and from their communities, especially without their consent. However, that is essentially what we as a society are expecting the children of these families to do. The project is bound in red tape, and these families are desperate to find a solution. They have kept pushing for years and years to get an outcome. I just do not think it is good enough.

The land for the facility has been donated by the local Lions Club, country service organisations and individuals who understand the importance of keeping families together. The local community bank and the state government have both committed financial support to the project and I look forward to lobbying the federal government to also commit funds to the centre's construction.

Across the breadth of country Victoria, these three experiences have highlighted to me the ongoing crisis for those with a disability, and their carers, living in regional areas. Specifically, the three themes that I can pull out of those three experiences are that the access to services and support in regional areas for these families is sporadic, that there are real challenges to resource long-term accommodation and respite opportunities, and, highlighted to me by Thelma from Traralgon, who has been fighting this battle for 30 years, the special challenges of those living in rural and regional areas with a disability and their carers. I thank those individuals for their honesty, for sharing their stories with me and for their resilience in continuing to campaign on this important issue.

Indigenous Education

Senator THISTLETHWAITE (New South Wales) (22:08): Last week I had the pleasure of welcoming a very bright, young Indigenous student from Mildura, Victoria, to my office as part of the Learn Earn Legend! message to young Indigenous Australians. With the aim of encouraging and supporting young Indigenous Australian students to stay at school, get a job and be a legend for themselves, for their family and their community, the Learn Earn Legend! program addresses three of the key Closing the Gap targets on Aboriginal and Torres
Strait Islander reform. The first is to halve the gap in reading, writing and numeracy achievements for Indigenous children within a decade. The second is to halve the gap for Indigenous year 12 equivalent attainment by 2020, and the third is to halve the gap in employment outcomes between Indigenous and non Indigenous Australians within a decade.

The program is delivered by community leaders, sports stars and everyday local legends who young Indigenous Australians respect and aspire to be like. The Learn Earn Legend! message advocates the importance of education, training and employment. This message was one that I was certainly happy to support last week, and indeed, have been happy to support over many years. I am pleased to say that the young student who was based in my office, Kimberley Appo, came to see how this place works and to work alongside my staff and myself. She was a wonderful student who, I hope, learned a lot and drew much inspiration from her time here in our nation's capital.

While in my office, Kimberley performed many tasks, one of which was to write a speech about her experiences in Canberra. I am pleased to say that I am delivering that speech to the parliament this evening. Kimberley came to Canberra in the hope that she would experience and learn the ins and outs of government and break down some of the mystique of what we do in this place and in the House of Representatives. She was interested to know how, and why, decisions are made as well as to see and meet other Indigenous students who had also excelled in their secondary studies and were learning the processes of how laws are made in our nation's capital. She was surprised and delighted to see the large number of Indigenous students who had also travelled to Canberra during that week. She expressed amazement at just how many of her Indigenous contemporaries are participating in the program, and how many of them stood up as wonderful success stories for their local communities and this nation's Indigenous youth.

Kimberley came to this place from Mildura, Victoria, a town with approximately 50,000 residents and home to the heart of an expansive wine and fruit growing region. She is currently completing year 12 at Mildura Senior College, which was opened in 1912 as Mildura High School but which has been known as the Mildura Senior College since 1995. To reflect on the changing nature of educational delivery in schools, Mildura Senior College focuses on the two most important years of an individual's schooling, years 11 and 12. The college offers a wide variety of subjects and is very helpful when it comes to pathways for the future.

Kimberley is enjoying her last year of studies and has worked hard to excel in her subjects of psychology, further maths, English, physical education, and health and human development. Kimberley has a passion for young children and she explained to me her background, her plan and her wish to go on to study primary school education in Queensland. She has her university picked out and is very focused about her career. I was very impressed by her enthusiasm and her commitment for primary school teaching.

Kimberley was born in Mildura in 1994 and was brought up in the small town of Robinvale before she moved to Queensland as a result of some family problems. Whilst living in Queensland, her elder brother who was 22 at the time became severely ill with chicken pox. Despite receiving treatment at Royal Melbourne Hospital his health continued to deteriorate. He subsequently came down with pneumonia and suffered two strokes, resulting in paralysis down the
left side of his body. Luckily, her brother was strong and it was thanks to his fighting spirit that he managed to pull through, but, unfortunately, he remains partially paralysed. But he leads a normal life, which doctors had informed Kimberley's family he would never be able to do. In her words, it was a miracle.

At the age of 10, due to ongoing family issues, Kimberley moved in with her 19-year-old sister who was pregnant at the time. Despite their trying circumstances, Kimberley's sister managed to raise her, and she did a fine job. At the age of 10, due to ongoing family issues, Kimberley moved to live with her 19-year-old sister, who was pregnant at the time. Despite the trying circumstances, Kimberley's sister managed to raise her and she did a fine job. If it were not for her sister, Kimberley said, she would not have been in the position to benefit from such an informative trip to Canberra, and she certainly would not have made it this far in her educational attainment. Unfortunately, many young Indigenous Australians who have come from trying family circumstances do not often get the support and opportunity to further their education and, indeed, to make trips to our nation's capital. Kimberley was very grateful for the role that her sister played in raising her. She is now the proud aunty to six beautiful children. Family is the most important thing in the world to her because, as she said, they are the ones who were there first, the ones that taught her everything she needed to know to survive and the ones who will always show her pure love.

Kimberley's family is from Bundaberg, Queensland. Her mother comes from the Aboriginal tribe Goreng Goreng and her father from Cullalee—both Queensland tribes. From 1894, her grandmother and great grandfather on her father's side were brought up on the Purga Mission in Ipswich. Kimberley also boasts Sri Lankan roots, with both of her grandfathers being descendants from a Sri Lankan background. She is a great example of the multicultural lineage that many Australians have.

As for the future, Kimberley wants to succeed in her education and become a mentor for young individuals who have also come from broken homes and who have experienced difficult childhoods. With a plan to attend university to study primary school education, I am sure she will go on to make a real difference to the lives of many Australians.

Kimberley said to me that she really enjoyed her time during her visit to Parliament House, and I am pleased to say that she learnt about the process of considering, debating and enacting laws on behalf of the people of Australia. She described her week here as an amazing experience and was pleased to finally have some sort of understanding of how laws were made and the processes of government, which she said she ordinarily only sees on the news. During her two days in my office, Kimberley spent time working alongside my staff, finding her way about Parliament House and understanding how laws were considered, debated and made as well as how the processes and roles of the parties and, indeed, the media worked within Parliament House. She was also very excited to be given the opportunity to sit in on question time, which she described to me as an interesting experience.

Kimberley Appo is a delightful young student whom I was very pleased to welcome into my office this week, and who I am sure, with the added help of great initiatives such as the Learn, Earn, Legend! program, is in for a very bright and fulfilling future. I see her as a very good ambassador for young Indigenous Australians—in fact, in many respects a legend herself.
National Police Service Medal

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs) (22:17): The establishment of the National Police Service Medal was a 2007 ALP election commitment. In November 2010, the Minister for Home Affairs, the Hon. Brendan O'Connor MP, and I jointly announced that Her Majesty the Queen had approved the National Police Service Medal, the newest award to the Australian honours system.

The National Police Service Medal was developed in consultation with police and other stakeholders and is unique in the Australian honours system. The award does not just recognise length of service; it also recognises the quality of a police officer's service and requires an ongoing commitment from them to provide ethical and diligent service throughout their career.

The award sends a strong message of support to the 50,000 police men and women who devote their professional lives to serving their communities. The National Police Service Medal recognises the special status that sworn police officers have because of their role of protecting the community.

The letters patent establishing the National Police Service Medal states that its purpose is to 'accord recognition for the unique contribution and significant commitment of those persons who have given ethical and diligent service as a sworn member of an Australian police service'. The National Police Service Medal is a new type of award. It does not duplicate the purpose of any other award in the Australian honours system, and it is not a medal for long service by police. In fact, the National Medal will continue to recognise distinct periods of long and diligent service by police, as well as members of other services including fire, ambulance, corrective and emergency services, and voluntary search and rescue services. The National Police Service Medal will be awarded to recognise the unique character of service required throughout a policing career.

While a minimum of 15 years service will be required to qualify, the purpose of the National Police Service Medal is not to represent a distinct period, and there are no clasps for additional periods of service. It will be awarded once only upon completion of the minimum period, and recipients will need to continue to meet the standard required for the award in order to retain it. Poor conduct at any time following receipt can result in the medal being cancelled. In this respect, it is quite different from long service and good conduct medals. If a person's award is cancelled as a result of misconduct, there should be no expectation that it will be restored after a subsequent period of good conduct.

Another feature of the National Police Service Medal is that commissioners of police will be able to recommend awards for police officers who have served less than 15 years if they are killed in the course of their duties or if they are unable to continue to serve in a sworn capacity because of an injury or permanent disability sustained as a result of their police service. Commissioners will still need to be satisfied that the other requirements for the medal are met—that is, the service will need to have been ethical and diligent, and at least one day of service must be on or after 30 October 2008.

Today, the Prime Minister said she was honoured, both as Prime Minister and as the proud daughter of parents who were both police officers, to present the first National Police Service Medals at a ceremony here in
Parliament House. Today's ceremony honoured 16 police officers, two from each of the state and territory police services nominated by their police commissioners as representing the best examples of the career police service in their jurisdictions. From the South Australian Police Force: Sergeant William Francis Bampton and Senior Constable First Class Jessie Kerr Hughes. From the Victorian Police Force: Inspector Michael Beattie and Inspector Kerryn Hynam. Her medal was accepted by Assistant Commissioner Wendy Steendam. From the Western Australian Police Force: Senior Constable Kevin Alfred Jones and Inspector Sharron Lorraine Leonhardt. From the New South Wales Police Force: Superintendent Doreen Esme Cruickshank and Senior Sergeant Stephen Raynor Horn. From the Queensland Police Force: Senior Sergeant Peter Bernard Banaghan and Senior Sergeant Monica Annette O'Mara. From the Northern Territory Police Force: Senior Constable Keith Richard Currie and Senior Constable Julie Anne Spurling. From the Tasmanian Police Force: Constable Anthony Ronald Buckingham and Detective Senior Constable Robyn Joan Button. And from the Australian Federal Police: Sergeant Natasha Myrtle Elliott and Superintendent Cedric John Netto.

The ceremony was a special occasion for the Prime Minister and her ministerial colleagues to honour the recipients in the presence of their family and friends, the state and territory police commissioners, and representatives of the Police Federation of Australia. The ceremony was also attended by a number of cabinet ministers, including the Hon. Robert McClelland MP, Senator the Hon. Joe Ludwig and the Hon. Brendan O'Connor MP. I was certainly privileged to be present as the Prime Minister's parliamentary secretary. The ceremony was also attended by the Leader of the Opposition, the Hon. Tony Abbott MP, and representatives of the Australian Parliamentary Friends of Police Group, Chris Hayes MP and Senator Stephen Parry.

The design of the National Police Service Medal and ribbon is particularly special because both were designed by two serving police officers, Rick Steinborn and James Cheshire. The medal will be finished in cupro-nickel. The St Edward's Crown, representing the sovereign, whom all Australian police officers ultimately serve, is located on the suspender bar. The front of the medal features the Federation Star located inside a circular chequered band, known as the Sillitoe Tartan. The Federation Star represents the national scope of the medal, while the Sillitoe Tartan is the internationally recognised symbol of policing. The back of the medal has two sprays of golden wattle, the national floral symbol, located immediately below a raised horizontal panel on which the recipient's details are engraved. The words 'for service as an Australian police officer' appear in capital letters around the inside of the outer rim. The ribbon has a central panel of three stripes of dark blue, gold and dark blue. The central panel is flanked by white panels, each bisected by a thin red stripe. Blue and gold are Australia's heraldic colours, and their appearance here symbolises the medal's relationship to other Australian medals for service. The combination of dark blue and white symbolises police service, consistent with the ribbon of the Australian Police Medal. The thin red stripes represent the ever-present hazards of police service.

The National Police Service Medal has been placed in the Order of Wearing Australian Honours and Awards immediately after the Civilian Service Medal 1939-1945. The National Police Service Medal has a more senior position in the order than long-service awards such as the National Medal...
and the Defence Long Service Medal. This positioning is justified because retaining the National Police Service Medal requires recipients to demonstrate a quality of service for the entire length of their careers as sworn police officers. This is a higher standard than is required for long-service awards, which only require that a quality of service is sustained up to the qualifying date.

In concluding, I would like to acknowledge the dedication of Australia's police commissioners and the Police Federation of Australia in helping to bring the government's commitment to fruition. I would also like to acknowledge my parliamentary colleagues Senator the Hon. John Faulkner, Senator the Hon. Joe Ludwig, the Hon. Brendan O'Connor MP and also the Hon. Bob Debus, a former member of the House. As cabinet secretary, Senator Faulkner and Senator Ludwig were in turn responsible for honours policy matters and each worked with officials and stakeholders to progress the National Police Service Medal through its consultation and approval stages. They worked closely with the Minister for Home Affairs, at first Mr Debus and later Mr O'Connor. Mr O'Connor deserves recognition for his extraordinary personal commitment to see this come to fruition. He has been a fantastic champion of the National Police Service Medal. By virtue of their positions, all of these colleagues were in regular contact with police commissioners and the federation as they brought crucial law enforcement perspectives to the process of developing this medal.

Most importantly, I want to acknowledge the police officers who protect us on a daily basis. I know the National Police Service Medal will be worn with special pride by today's recipients and by all their colleagues who are honoured with the medal in future. The National Police Service Medal demonstrates the admiration and gratitude of all Australians for those who are entrusted to uphold the law and keep the peace on our streets. This work is sometimes dangerous, but it is crucial to the maintenance of a civil society. Those police officers who honour the trust placed in them by serving ethically and diligently thoroughly deserve recognition through this new medal.

**Senate adjourned at 22:28**

**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.]

*Acts Interpretation Act—Acts Interpretation (Substituted References – Section 19B) Amendment Order 2011 (No. 1) [F2011L01903].*

*Aged Care Act—

Aged Care (Residential Care Subsidy – Amount of Concessional Resident Supplement) Determination 2011 (No. 2) [F2011L01909].

Aged Care (Residential Care Subsidy – Amount of Pensioner Supplement) Determination 2011 (No. 2) [F2011L01906].

Aged Care (Residential Care Subsidy – Amount of Respite Supplement) Determination 2011 (No. 2) [F2011L01905].

Aged Care (Residential Care Subsidy – Amount of Transitional Accommodation Supplement) Determination 2011 (No. 2) [F2011L01904].

*Broadcasting Services Act—

Broadcasting Services (Events) Notice (No. 1) 2010 (Amendment No. 12 of 2011) [F2011L01907].

Broadcasting Services (Events) Notice (No. 1) 2010 (Amendment No. 13 of 2011) [F2011L01908].
Civil Aviation Act—Civil Aviation Regulations—Instrument No. CASA 390/11—Instructions – RNP APCH LNAV and RNP APCH LNAV/VNAV on Qantas B767-300 aircraft [F2011L01910].

Export Inspection and Meat Charges Collection Act—Select Legislative Instrument 2011 No. 167—Export Inspection and Meat Charges Collection Amendment Regulations 2011 (No. 1) [F2011L01913].

Export Inspection (Establishment Registration Charges) Act—Select Legislative Instrument 2011 No. 166—Export Inspection (Establishment Registration Charges) Amendment Regulations 2011 (No. 1) [F2011L01914].


Migration Act—Select Legislative Instrument 2011 No. 122—Migration Amendment Regulations 2011 (No. 4)—Supplementary explanatory statement [further to explanatory statement tabled with instrument on 6 July 2011].

National Health Act—Select Legislative Instrument 2011 No. 169—National Health Amendment Regulations 2011 (No. 1) [F2011L01912].

Departmental and Agency Files

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2011—

- Climate Change and Energy Efficiency portfolio.
- National Archives of Australia.
- Regional Australia, Regional Development and Local Government portfolio.
- Treasury portfolio.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

National Health and Medical Research Council
(Question No. 910)

Senator Abetz asked the Minister representing the Minister for Health and Ageing, upon notice, on 16 August 2011:

With reference to the National Health and Medical Research Council (NHMRC) document, Naltrexone implant treatment for opioid dependence: Literature Review:

(1) Given that the paper by Professor Hulse (Hulse, 2005), reported that hospital presentations for opioid overdose stopped in the 6 months following implants, with a reduction from 21 (6 months pre implantation) to zero overdoses (6 months post), a change that Professor Hulse believes to be significant, with a p value of 0.0001: Why then did the NHMRC document state that Hulse 'found no significant change in risk of opioid overdose from six months pre treatment to six months post treatment for implant or control groups', and if this statement is false or misleading, will the NHMRC rescind this document and re-establish the rights of those at risk of premature death.

(2) Given that experimental medicine can be used for either: (a) producing new information; or (b) patient treatment to reduce the risk of premature death (Special Access Scheme, Therapeutic Goods Administration): (a) Why then does the document make recommendations that Naltrexone implants 'should only be used in the context of a well conducted RCT', which has had the effect of removing Naltrexone patient services in Melbourne due to the loss of insurance cover for Naltrexone treatment; and (b) will the NHMRC therefore rescind this document and re-establish the rights of those at risk of premature death.

(3) Can the NHMRC explain why they did not follow their own guidelines (http://www.nhmrc.gov.au/guidelines/how-nhmrc-develops-its-guidelines) in the development of this document, specifically: (a) '4. The draft guidelines are put out for public consultation, as required by the NHMRC Act; and (b) 7. NHMRC may choose to have a peer review of the guidelines. If so, they are sent to a number of experts in the subject area for their opinion, primarily on the evidence base used for the guidelines'; and given that this should have included experts in the field of Naltrexone medicine, will the NHMRC rescind this document and re-establish the rights of those at risk of premature death.

(4) Given that, under the NHMRC guidelines, 'the main principles of guideline development is that they should be based on the best available evidence' and that: (a) Professor Hulse's RCT confirmed that Naltrexone implants were significantly better than oral Naltrexone at preventing return to heroin use (Hulse, 2009); and (b) opioid overdose deaths are reduced by 25 times when comparing implant Naltrexone to oral Naltrexone in the 4 months post detox; if the NHMRC document had explained that oral naltrexone failed when compared with implant naltrexone to prevent return to opiate use under the heading on effectiveness and findings would then the removal of rights of patients at risk of premature death to the more effective treatment (implants) not have been promoted, and will the NHMRC therefore rescind this document in light of this new information.

(5) Given that the current cost to the Western Australian Government for detox services is $7 000 to $8 000 per patient and the Fresh Start Recovery Programme currently receives $6 150 from the Western Australian Government for the treatment of Western Australian patients receiving detox services, with the closure of detox services in other parts of Australia as a result of the findings of this document, will the Commonwealth provide funding for non-Western Australian patients seeking detox treatment, who now have to travel to Perth to be treated at the Fresh Start Recovery Programme.
Senator Ludwig: The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

(1) The sentence referred to in the NHMRC Literature Review is correct.

On page 40 of the Literature Review there is reference to Hulse et al. (2005), who found that ‘For emergency department presentations and hospital admissions and when data from emergency department presentations and hospital admissions were combined, there were more opioid overdoses six months pre treatment vs six months post treatment but the significance was not reported’.

Hulse et al. (2005) reported more presentations to the emergency department and hospital for opiate overdoses pre-treatment (21 overdose in 20 people [out of n=361]), which reduced to zero in the six month post-implant period, but the authors did not present any statistical calculation related to this change (and not the p value as cited in the question), meaning that this change was non-significant (as highlighted in the Literature Review). Nowhere in Hulse et al. (2005) do the authors say this was a significant result.

(2) (a) The Literature Review recommended that future research should be conducted in the context of a well-designed Randomised Clinical Trial (RCT) because RCTs “are the most rigorous way of determining whether a cause-effect relation exists between treatment and outcome”.

By publishing its Literature Review, NHMRC translated the evidence into advice for the Australian community. NHMRC’s Literature Review has no bearing on the way in which naltrexone implants are currently regulated via the Therapeutic Goods Administration’s regulatory framework.

Medical indemnity insurers are private companies that make underwriting decisions based on their assessment of risk.

(b) Based on the answer to (a) above, NHMRC has no intention of rescinding its Literature Review.

(3) (a) NHMRC’s Literature Review is not a guideline and, therefore, NHMRC was not required to conduct public consultation prior to releasing it.

(b) The NHMRC Reference Group suggested suitable peer reviewers to provide the NHMRC with feedback on the draft Literature Review. Fifteen independent peer reviewers were invited to participate in the peer review process. Seven of those invited agreed to participate and were sent a copy of the draft document to consider, however only five submitted comments to NHMRC.

The peer reviewers provided extensive comments which were taken into account before finalising the document through the Council of NHMRC.

Given the above, NHMRC has no intention of rescinding its Literature Review.

(4) As noted in the answer to Question 3 above, the NHMRC Literature Review is not a guideline. The Literature Review acknowledges that naltrexone implants show some efficacy. However, its conclusion was that the published scientific data is limited and that more research is needed.

Given the above, NHMRC has no intention of rescinding its Literature Review.

(5) NHMRC does not have a role in funding service delivery at a jurisdiction nor Commonwealth level and is therefore unable to respond to this question.

Australian Bureau of Statistics
(Question No. 996)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 18 August 2011:

(1) What was the total expenditure of the Australian Bureau of Statistics for the 2010-11 financial year in relation to:

(a) advertising;
(b) air travel within Australia in business class;
(c) air travel within Australia in economy class;
(d) air travel within Australia by charter flight;
(e) air travel outside Australia in first class;
(f) air travel outside Australia in business class;
(g) air travel outside Australia in economy class;
(h) air travel outside Australia by charter flight;
(i) hospitality and entertainment;
(j) information and communications technology (ICT) costs generally;
(k) ICT costs to external providers;
(l) external consultants generally;
(m) external accounting services;
(n) external auditing services;
(o) external legal services; and
(p) memberships or grants paid to affiliate organisations.

(2) In relation to each of the items referred to in question 1, what is the budgeted total expenditure for the 2011-12 financial year.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

The table below provides the total expenditure for the Australian Bureau of Statistics (ABS) for the requested items. All amounts are inclusive of GST. The ABS’s cyclical work program, in particular the conduct of the 2011 Census of Population and Housing is reflected in some of the line items reported below.

<table>
<thead>
<tr>
<th>Item</th>
<th>2010-11 Actual Expenses ($, inclusive of GST)</th>
<th>2011-12 Budgeted Expenses ($, inclusive of GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Advertising</td>
<td>1,282,791</td>
<td>13,511,070</td>
</tr>
<tr>
<td>(b) Air travel within Australia in business class</td>
<td>616,478</td>
<td>876,434</td>
</tr>
<tr>
<td>(c) Air travel within Australia in economy class</td>
<td>4,119,394</td>
<td>5,856,455</td>
</tr>
<tr>
<td>(d) Air travel within Australia by charter flight</td>
<td>20,426</td>
<td>29,039</td>
</tr>
<tr>
<td>(e) Air travel outside Australia in first class</td>
<td>76,562</td>
<td>84,219</td>
</tr>
<tr>
<td>(f) Air travel outside Australia in business class</td>
<td>637,209</td>
<td>700,930</td>
</tr>
<tr>
<td>(g) Air travel outside Australia in economy class</td>
<td>371,530</td>
<td>408,682</td>
</tr>
<tr>
<td>(h) Air travel outside Australia by charter flight</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>(i) Hospitality and entertainment</td>
<td>20,035</td>
<td>22,038</td>
</tr>
<tr>
<td>(j) Information and communications technology (ICT) costs generally</td>
<td>52,939,697</td>
<td>60,331,667</td>
</tr>
<tr>
<td>(k) ICT costs to external providers</td>
<td>The ABS has no outsourced ICT arrangements</td>
<td>The ABS has no outsourced ICT arrangements</td>
</tr>
<tr>
<td>(l) External consultants generally</td>
<td>1,101,107</td>
<td>1,211,218</td>
</tr>
<tr>
<td>(m) External accounting services</td>
<td>487,789</td>
<td>536,568</td>
</tr>
<tr>
<td>(n) External auditing services</td>
<td>278,768</td>
<td>306,644</td>
</tr>
<tr>
<td>(o) External legal services</td>
<td>289,948</td>
<td>318,943</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
(Question Nos 275, 302 and 309)

Senator Humphries asked the Minister representing the Minister for Defence, upon notice, on 29 November 2010:

Since 14 September 2010, for each Minister and any Parliamentary Secretaries within their portfolio:
(1) Do the Minister and Parliamentary Secretaries have access to a departmental credit card; if so, can a copy be provided of all bank statements.
(2) (a) How many mobile devices are provided to the Minister’s office; and (b) what is the total spend on mobile devices for each office to date.
(3) At what level is each staff member employed in the office.
(4) What has been the total cost of travel for the Minister and Parliamentary Secretaries.
(5) What has been the total travel for all staff, by office.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator’s question is as follows:

(1) The Department of Defence does not provide departmental credit cards to their portfolio Minister’s or Ministerial staff employed under the Members of Parliament (Staff) Act 1984.

(2) (a) The table below provides details of the number of mobile devices that were allocated to the Minister’s and their Ministerial Staff as at 29 November 2010:

<table>
<thead>
<tr>
<th>Office of the Minister for Defence</th>
<th>Mobile Phones</th>
<th>Blackberries</th>
<th>Data Cards</th>
<th>iPads</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td>14</td>
<td>10</td>
<td>Nil</td>
</tr>
<tr>
<td>Office of the Minister for Defence Science and Personnel</td>
<td>Mobile Phones</td>
<td>2</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>Blackberries</td>
<td>3</td>
<td></td>
<td>2</td>
<td>Nil</td>
</tr>
<tr>
<td>Data Cards</td>
<td>3</td>
<td></td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>iPads</td>
<td>7</td>
<td>9</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>Office of the Parliamentary Secretary for Defence</td>
<td>Mobile Phones</td>
<td>Nil</td>
<td>Blackberries</td>
<td>3</td>
</tr>
<tr>
<td>Data Cards</td>
<td>9</td>
<td>3</td>
<td></td>
<td>Nil</td>
</tr>
</tbody>
</table>
iPads Nil

(2) (b) The Department does not at this stage have any expenditure details for the cost of mobile devices for the current portfolio Ministers for the period 14 September to 29 November 2010.

(3) The employment of staff under the Members of Parliament (Staff) Act 1984 is administered by the Department of Finance and Deregulation. On 19 October 2010, the Department of Finance and Deregulation tabled with the Senate Finance and Public Administration Committee, Government Personnel Positions as at 1 October 2010.

The table below provides details of the number of departmental officers employed in the Ministerial offices for the period 14 September to 29 November 2010:

<table>
<thead>
<tr>
<th>Office</th>
<th>DLOs</th>
<th>ADCs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for Defence</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Minister for Defence Science and Personnel *</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Minister for Defence Materiel</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary for Defence</td>
<td>1</td>
<td>Nil</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5</td>
<td>2</td>
</tr>
</tbody>
</table>

* One ADC is shared between the offices of the Minister for Defence Science and Personnel and the Minister for Defence Materiel.

Under the relief staffing arrangements portfolio departments are responsible for providing relief staff for periods of up to 12 weeks. As at 29 November 2010, the Department had the following relief staffing arrangements in place in the various offices:

<table>
<thead>
<tr>
<th>Office of the Minister for Defence</th>
<th>APS Level</th>
<th>No. of relief staff</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EL2</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>APS 6</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Office of the Minister for Defence Materiel</th>
<th>APS Level</th>
<th>No. of relief staff</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EL2</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>A/EL2</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>APS 6</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Office of Parliamentary Secretary for Defence Support</th>
<th>APS Level</th>
<th>No. of relief staff</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>APS 6</td>
<td>1</td>
</tr>
</tbody>
</table>

The Department did not provide any relief staff to the office of the Minister for Defence Science and Personnel.

(4) and (5) The costs of official travel by Ministers, Parliamentary Secretaries and accompanying staff employed under the Members of Parliament Staff (Act) 1984 are largely paid by the Department of Finance and Deregulation. As such, with the exception of those costs listed below, the information sought will be tabled by the Special Minister of State in the last sitting week of June 2011 in his six-monthly report on Parliamentarians Travel Paid by the Department of Finance and Deregulation.

The table below provides details of the total departmental costs (GST exclusive) of short-term transport for each Minister, which includes the use of self-drive short-term hire cars, taxis and COMCAR usage for the period from 14 September to 29 November 2010:

<table>
<thead>
<tr>
<th>Minister for Defence</th>
<th>$ 5,076.11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for Defence Science and Personnel</td>
<td>Nil</td>
</tr>
<tr>
<td>Minister for Defence Materiel</td>
<td>$ 4,407.07</td>
</tr>
<tr>
<td>Parliamentary Secretary for Defence Support</td>
<td>$ 2,353.99</td>
</tr>
<tr>
<td>Total Cost</td>
<td>$11,837.17</td>
</tr>
</tbody>
</table>
The table below provides details of the total cost of travel (GST exclusive) undertaken by departmental staff employed in each Ministerial office for the period from 14 September to 29 November 2010. Departmental staff includes departmental liaison officers, Aides-de-Camps and departmental officers employed under the relief staffing arrangements:

<table>
<thead>
<tr>
<th>Office</th>
<th>Total Number of Departmental Staff</th>
<th>Total Cost of Travel per Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Minister for Defence</td>
<td>6</td>
<td>$34,780.50</td>
</tr>
<tr>
<td>Office of the Minister for Defence Science and Personnel</td>
<td>2</td>
<td>$5,869.67</td>
</tr>
<tr>
<td>Office of the Minister for Defence Materiel</td>
<td>5</td>
<td>$4,397.48</td>
</tr>
<tr>
<td>Office of the Parliamentary Secretary for Defence</td>
<td>2</td>
<td>$3,058.52</td>
</tr>
<tr>
<td>Total</td>
<td>15</td>
<td>$48,106.17</td>
</tr>
</tbody>
</table>