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Proof and Official Hansards for the House of Representatives, the Senate and committee hearings are available at http://www.aph.gov.au/hansard

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

SITTING DAYS—2011

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FORTY-THIRD PARLIAMENT
FIRST SESSION—THIRD PERIOD

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

Senate Officeholders

President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Hon. Alan Baird Ferguson
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
Leader of the Family First Party—Senator Steve Fielding
Chief Government Whip—Senator Anne McEwen
Deputy Government Whips—Senators Carol Louise Brown and Helen Beatrice Polley
Chief Opposition Whip—Senator Stephen Shane Parry
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
Family First Party Whip—Senator Steve Fielding

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

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(1) Chosen by the Parliament of South Australia to fill a casual vacancy vice Amanda Eloise Vanstone, resigned.

(2) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Ian Campbell, resigned.

(3) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Christopher Martin Ellison, resigned.

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

**PARTY ABBREVIATIONS**

AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Liberal Party; FF—Family First Party; LP—Liberal Party of Australia; NATS—The Nationals

**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—A Thompson
GILLARD MINISTRY

Prime Minister
Hon. Julia Gillard MP

Deputy Prime Minister, Treasurer
Hon. Wayne Swan MP

Minister for Regional Australia, Regional Development and Local Government
Hon. Simon Crean MP

Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate
Senator Hon. Chris Evans

Minister for School Education, Early Childhood and Youth
Hon. Peter Garrett AM, MP

Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Senator Hon. Stephen Conroy

Minister for Foreign Affairs
Hon. Kevin Rudd MP

Minister for Trade
Hon. Dr Craig Emerson MP

Minister for Defence and Deputy Leader of the House
Hon. Stephen Smith MP

Minister for Immigration and Citizenship
Hon. Chris Bowen MP

Minister for Infrastructure and Transport and Leader of the House
Hon. Anthony Albanese MP

Minister for Health and Ageing
Hon. Nicola Roxon MP

Minister for Families, Housing, Community Services and Indigenous Affairs
Hon. Jenny Macklin MP

Minister for Sustainability, Environment, Water, Population and Communities
Hon. Tony Burke MP

Minister for Finance and Deregulation
Senator Hon. Penny Wong

Minister for Innovation, Industry, Science and Research
Senator Hon. Kim Carr

Attorney-General and Vice President of the Executive Council
Hon. Robert McClelland MP

Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate
Senator Hon. Joe Ludwig

Minister for Resources and Energy and Minister for Tourism
Hon. Martin Ferguson AM, MP

Minister for Climate Change and Energy Efficiency
Hon. Greg Combet AM, MP

[The above ministers constitute the cabinet]
GILLARD MINISTRY—continued

Minister for the Arts
Minister for Social Inclusion
Minister for Privacy and Freedom of Information
Minister for Sport
Special Minister of State for the Public Service and Integrity
Assistant Treasurer and Minister for Financial Services and Superannuation
Minister for Employment Participation and Childcare
Minister for Indigenous Employment and Economic Development
Minister for Veterans’ Affairs and Minister for Defence Science and Personnel
Minister for Defence Materiel
Minister for Indigenous Health
Minister for Mental Health and Ageing
Minister for the Status of Women
Minister for Social Housing and Homelessness
Special Minister of State
Minister for Small Business
Minister for Home Affairs and Minister for Justice
Minister for Human Services
Cabinet Secretary
Parliamentary Secretary to the Prime Minister
Parliamentary Secretary to the Treasurer
Parliamentary Secretary for School Education and Workplace Relations
Minister Assisting the Prime Minister on Digital Productivity
Parliamentary Secretary for Trade
Parliamentary Secretary for Pacific Island Affairs
Parliamentary Secretary for Defence
Parliamentary Secretary for Immigration and Multicultural Affairs
Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing
Parliamentary Secretary for Disabilities and Carers
Parliamentary Secretary for Community Services
Parliamentary Secretary for Sustainability and Urban Water
Minister Assisting on Deregulation and Public Sector Superannuation
Minister Assisting the Attorney-General on Queensland Floods Recovery
Parliamentary Secretary for Agriculture, Fisheries and Forestry
Minister Assisting the Minister for Tourism
Parliamentary Secretary for Climate Change and Energy Efficiency

Hon. Simon Crean MP
Hon. Tanya Plibersek MP
Hon. Brendan O’Connor MP
Senator Hon. Mark Arbib
Hon. Bill Shorten MP
Hon. Kate Ellis MP
Senator Hon. Mark Arbib
Hon. Warren Snowdon MP
Hon. Jason Clare MP
Hon. Warren Snowdon MP
Hon. Mark Butler MP
Hon. Kate Ellis MP
Senator Hon. Mark Arbib
Hon. Gary Gray AO, MP
Senator Hon. Nick Sherry
Hon. Brendan O’Connor MP
Hon. Tanya Plibersek MP
Hon. Mark Dreyfus QC, MP
Senator Hon. Kate Lundy
Hon. David Bradbury MP
Senator Hon. Jacinta Collins
Senator Hon. Stephen Conroy
Hon. Justine Elliot MP
Hon. Richard Marles MP
Senator Hon. David Feeney
Senator Hon. Kate Lundy
Hon. Catherine King MP
Senator Hon. Jan McLucas
Hon. Julie Collins MP
Senator Hon. Don Farrell
Senator Hon. Nick Sherry
Senator Hon. Joe Ludwig
Hon. Dr Mike Kelly AM, MP
Senator Hon. Nick Sherry
Hon. Mark Dreyfus QC, MP
**SHADOW MINISTRY**

- **Leader of the Opposition**: Hon. Tony Abbott MP
- **Deputy Leader of the Opposition and Shadow Minister for Foreign Affairs and Shadow Minister for Trade**: Hon. Julie Bishop MP
- **Leader of the Nationals and Shadow Minister for Infrastructure and Transport**: Hon. Warren Truss MP
- **Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations**: Senator Hon. Eric Abetz
- **Deputy Leader of the Opposition in the Senate and Shadow Attorney-General and Shadow Minister for the Arts**: Senator Hon. George Brandis SC
- **Shadow Treasurer**: Hon. Joe Hockey MP
- **Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House**: Hon. Christopher Pyne MP
- **Shadow Minister for Indigenous Affairs and Deputy Leader of the Nationals**: Senator Hon. Nigel Scullion
- **Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate**: Senator Barnaby Joyce
- **Shadow Minister for Finance, Deregulation and Debt Reduction and Chairman, Coalition Policy Development Committee**: Hon. Andrew Robb AO, MP
- **Shadow Minister for Energy and Resources**: Hon. Ian Macfarlane MP
- **Shadow Minister for Defence**: Senator Hon. David Johnston
- **Shadow Minister for Communications and Broadband**: Hon. Malcolm Turnbull MP
- **Shadow Minister for Health and Ageing**: Hon. Peter Dutton MP
- **Shadow Minister for Families, Housing and Human Services**: Hon. Kevin Andrews MP
- **Shadow Minister for Climate Action, Environment and Heritage**: Hon. Greg Hunt MP
- **Shadow Minister for Productivity and Population and Shadow Minister for Immigration and Citizenship**: Mr Scott Morrison MP
- **Shadow Minister for Innovation, Industry and Science**: Mrs Sophie Mirabella MP
- **Shadow Minister for Agriculture and Food Security**: Hon. John Cobb MP
- **Shadow Minister for Small Business, Competition Policy and Consumer Affairs**: Hon. Bruce Billson MP

[The above constitute the shadow cabinet]
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
Hon. Sussan Ley MP

Shadow Minister for Universities and Research
Senator Hon. Brett Mason

Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House
Mr Luke Hartsuyker MP

Shadow Minister for Indigenous Development and Employment
Senator Marise Payne

Shadow Minister for Regional Development
Hon. Bob Baldwin MP

Shadow Special Minister of State
Hon. Bronwyn Bishop MP

Shadow Minister for COAG
Senator Marise Payne

Shadow Minister for Tourism
Hon. Bob Baldwin MP

Shadow Minister for Defence Science, Technology and Personnel
Mr Stuart Robert MP

Shadow Minister for Veterans’ Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC
Senator Hon. Michael Ronaldson

Shadow Minister for Regional Communications
Mr Luke Hartsuyker MP

Shadow Minister for Ageing and Shadow Minister for Mental Health
Senator Concetta Fierravanti-Wells

Shadow Minister for Seniors
Hon. Bronwyn Bishop MP

Shadow Minister for Disabilities, Carers and the Voluntary Sector and Manager of Opposition Business in the Senate
Senator Mitch Fifield

Shadow Minister for Housing
Senator Marise Payne

Chairman, Scrutiny of Government Waste Committee
Mr Jamie Briggs MP

Shadow Cabinet Secretary
Hon. Philip Ruddock MP

Shadow Parliamentary Secretary Assisting the Leader of the Opposition
Senator Cory Bernardi

Shadow Parliamentary Secretary for International Development Assistance
Hon. Teresa Gambaro MP

Shadow Parliamentary Secretary for Roads and Regional Transport
Mr Darren Chester MP

Shadow Parliamentary Secretary to the Shadow Attorney-General
Senator Gary Humphries

Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee
Hon. Tony Smith MP

Shadow Parliamentary Secretary for Regional Education
Senator Fiona Nash

Shadow Parliamentary Secretary for Northern and Remote Australia
Senator Hon. Ian Macdonald

Shadow Parliamentary Secretary for Local Government
Mr Don Randall MP

Shadow Parliamentary Secretary for the Murray-Darling Basin
Senator Simon Birmingham

Shadow Parliamentary Secretary for Defence Materiel
Senator Gary Humphries

Shadow Parliamentary Secretary for the Defence Force and Defence Support
Senator Hon. Ian Macdonald
**SHADOW MINISTRY—continued**

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<tr>
<td>Shadow Parliamentary Secretary for Primary Healthcare</td>
<td>Dr Andrew Southcott MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health</td>
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<td>Shadow Parliamentary Secretary for Supporting Families</td>
<td>Senator Cory Bernardi</td>
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<td>Senator Michaelia Cash</td>
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<tr>
<td>Shadow Parliamentary Secretary for Environment</td>
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 09:30, read prayers and made an acknowledgement of country.

BUSINESS
Rearrangement
Senator FARRELL: I move:
That general business order of the day No. 55 (Wild Rivers (Environmental Management) Bill 2011) be postponed to a later hour of the day.
Question agreed to.

BILLS
Defence Force Retirement and Death Benefits Amendment (Fair Indexation) Bill 2010
In Committee
Bill—by leave—taken as a whole.

Senator RONALDSON (Victoria) (09:32): I seek leave to move the amendments standing in my name together.

The TEMPORARY CHAIRMAN (Senator Hutchins): Is leave granted?
Senator Wong: We did not receive these, Senator Ronaldson, so I would prefer it if we could go through them separately.

Senator RONALDSON: I am very surprised if that is the situation because these were circulated some considerable period of time ago.

The TEMPORARY CHAIRMAN: Leave is not granted. Senator Ronaldson, would you like to move your first amendment?

Senator RONALDSON: Yes, I would. I will say, prior to doing that, that this is no secret or surprise to the government. This was all flagged well in advance, in fact, during the May session. I move amendment (1) on sheet 7037 revised:

(1) Title, page 1 (line 2), after “1973 “, insert “ and the Defence Forces Retirement Benefits Act 1948 “.

Senator HUMPHRIES (Australian Capital Territory) (09:34): I rise to support not just the amendment that Senator Ronaldson is moving but the Defence Force Retirement and Death Benefits Amendment (Fair Indexation) Bill 2010 as a whole, which is being presented by Senator Ronaldson to ensure that Australia attends to one of a number of serious omissions with respect to proper indexation of pensions of those who have served Australia, in a variety of ways, in what might loosely be described as public service.

It has been clear for some time that Australia has experienced a problem with the standard of living provided to those Australians who have been either public servants or members of the Defence Force in that it is not keeping pace with the standard of living provided to other Australians who are the beneficiaries of Australian government pensions. The pensions of, for example, aged pensioners—as is well known—are adjusted by a combination of factors, the greater of the consumer price index or the male total average weekly earnings. As a result, it is fair to say that pensions overall, such as age pensions, have kept pace quite appropriately with the level of rising prices and in many cases have exceeded those levels. What is also clear, however, is that those with fixed incomes based on other kinds of pensions—Commonwealth superannuation pensions and various Defence retirement pensions—have not had the benefit of that adjustment. It is time that we as a nation took proper steps to respond to the expectation of those Australians that their living standards would be protected by virtue of their having been servants of the Commonwealth.
This bill deals with the question of the indexation of the pensions of Australians who have served in certain forms of defence. It is appropriate that that indexation be considered—not as the entire and final answer to this issue because, as I indicated, there are other manifestations of this problem which are not addressed this bill but must be tackled in the longer term—in order to ensure that Australians do justice by those people who have served loyally and whose standard of living is not keeping pace with rising prices. I particularly look forward to hearing the contribution of the Australian Greens to this debate. I can recall this issue being one of extreme importance in the ACT context during the last federal election. I can recall that the Australian Greens made a sweeping promise that their support would go to the improvement of indexation arrangements for all retirees—all Australian government or defence retirees—at the higher standard of male average weekly earnings or the consumer price index. They solemnly maintained that this was a fair, appropriate and just thing to do. The bill before the Senate today, although it does not entirely achieve that objective, does take that objective an important step forward. I hope and expect that the Greens will be good to their word—particularly as it relates to the Australian Capital Territory electorate, where this was an issue of some considerable importance to a very significant proportion of the population—and that they will ensure that this legislation is passed.

It is important to ensure that the Australian government and the Australian parliament review these arrangements on a continuous basis. That has occurred, in a sense, through a number of inquiries in this parliament. The Senate has conducted a number of inquiries into the question of indexation levels of Australian retirement pensions provided by the government. It has looked at this issue on numerous occasions, and on every occasion a Senate committee has addressed this issue it has come to the same view: that the consumer price index is not of itself a satisfactory measure of indexation for people in that position. Sadly, other reviews conducted outside the parliament, by people who have been commissioned to consider this question, have not come to the same conclusion. With all due respect to the minds that were applied to this issue outside the parliament, I think they have got it wrong and that the question of appropriate indexation is better addressed through Senate committees—which were often chaired by Senator Watson in previous parliaments—and other parliamentary committees.

I think it is important that we come to this issue afresh and begin to address the issue. It has remained unfinished business for such a long period of time before the parliament and particularly the Senate, which has focused on the issue very strongly. The amendments that Senator Ronaldson will move today will ensure that the legislation better focuses on that question. They deserve the serious and sympathetic attention of the Senate. We must not let this issue remain unaddressed for much longer. It is clearly a question that many people in our community depend on having answered in order to address what for them is a static or even declining standard of living. We simply cannot tolerate that to be the case. This legislation takes an important step in the direction of addressing that unfinished business, as I have called it, which does need to be tackled as soon as possible.

Senator RONALDSON (Victoria) (09:41): by leave—After some discussions with the minister, I also move amendments (2) and (3) on sheet 7037 revised together:

(2) Clause 2, page 2 (table item 2), omit "Schedule 1", substitute "Schedules 1 and 2".
Clause 3, page 2 (line 11), after "members", insert "and Defence Forces Retirement Benefits Scheme members".

Amendments (1), (2) and (3) are the enabling provisions for proposed schedule 2, or amendment (5), which is to bring the DFRB scheme into this bill. There was a drafting error and these amendments seek to address that so that the DFRB and the DFRDB will be dealt with by this bill.

Quite rightly, there is a very strong view in the community that this is a fair, just and equitable indexation outcome. There is a very strong view amongst those on this scheme that they are currently being unreasonably dealt with. They have made it quite clear, and I and the coalition support them. How can it be that they are treated differently from age pensioners? How can that be fair or just? Clearly, it is not. I say to the chamber today that there is a huge obligation on us to ensure that people who have served this country are appropriately dealt with. How can it possibly be that this chamber can tolerate differential treatment of people in this situation? Are we now to throw out once and for all the notion of the uniqueness of military service? Effectively, if this bill is not supported today, we are removing something that has underpinned this parliament and this country for decades.

On a bipartisan basis we have supported the notion of the uniqueness of military service—and, if this bill is not supported, it will be unique for all the wrong reasons. It will be unique because fair and equitable indexation will not be provided.

When the CPI was first used as the measure of indexation decades ago, it was a reasonable measure, but it is no secret, and nor should it be, that age pension indexation was changed because the CPI no longer reflected what was reasonable indexation. It no longer reflected the maintenance of purchasing power—and that is the very reason that age pensions were altered.

I look back at this debate over the last 12 months and at those who have supported it. Senator Lundy will come in here today and vote against this bill given her previous comments and those of many of her colleagues. I have with me a letter that was written by Senator Lundy and those who supported her. They were the former member for Fraser, Bob McMullan; the member for Canberra, Annette Ellis; the member for Wakefield, Nick Champion; the member for Eden-Monaro, Dr Mike Kelly; and Senator Lundy. They said that, by failing to act, the government had gone back on an election commitment made in 2007.

The letter was written to Lindsay Tanner, the former finance minister, after the release of the now severely tarnished Matthews report, which I do not think anyone supports in any measure at all. I know for sure that the RSL does not support it. I note that Rear Admiral Ken Doolan AO RAN (Rtd) and Les Bienkiewicz, who is from the Defence Force Welfare Association, are here. I do not think any of their members thought for one minute that the Matthews inquiry was a reasonable inquiry; no-one supports it, and nor should they, because it has been completely tarnished. In the letter Senator Lundy and her colleagues said:

Understandably, there is a huge disappointment in both the findings and the government response announced on the same day. It had been widely expected that the recommendations would have supported a change to the method of indexation of these pensions to that of which is high, MTAWE or CPI, consistent with the pension, following the earlier Senate and other inquiries. Significantly, many people genuinely believe that prior to the 2007 election the ALP had committed to determining a fairer method of indexation, and a review would provide the direction. So the immediate acceptance of the recommendation of no change in government response is being seen
as a reversal of the pre-election position espoused by the ALP …

So how could Senator Lundy possibly come in here today and oppose this? This is longstanding ALP policy, and quite rightly, because the differential is unfair and unreasonable. How can the government come in here and use as their only method of defence the fact that it is fiscally irresponsible? No doubt the finance minister will also do that. It is complete and utter bunkum. How dare this government oppose this equity measure, this fairness measure, on the back of some quaint notion about fiscal irresponsibility!

Senator Wong: 'Quaint'!

Senator RONALDSON: I will take that interjection from the finance minister. Her government has overseen a level of expenditure and wastage unseen in this country's history. Why should the gentlemen sitting in the gallery today, and the 30,000 people who will be supported by this bill, pay for your fiscal recklessness? Why should they be penalised for the fact that you have absolutely no control over your spending, that your spending has been completely out of control, and that you have taken this country from $40 billion in the black to $110 billion in the red? Why should they pay for that? How can you come in here and plead some case when you know that the government does not even support what you say?

Senator Wong: You can't even get your figures right. It is complete incompetence.

Senator RONALDSON: Senator Wong, I would like you to go back to South Australia and explain to the DFRDB men and women why you opposed fair indexation. I hope members from South Australia were listening to your comment. I am sure that you will be reminded on many occasions of your comment in relation to this matter.

As we have discussed before, Senator Wong's, in my view, cute defence—although 'cute' is too tawdry a word—in relation to costings, with carefully selected quotations from the AGS, is absolutely appalling. You and I know, Minister, that there are savings that were identified by the coalition which—surprise, surprise!—the government took up in the budget. So, having accused us of not having any offsets, you actually stole the offsets that we had identified. 'Oh, no, they're not there!' the minister said. 'Oh, no, they're not there!' other ministers said. Well, they were there, and they were identified. They were identified by the government itself in the budget and you lifted exactly what we were talking about.

I am not suggesting that that was inappropriate, clearly, because we had suggested it ourselves. What I am saying is that you actually have taken the money that we used as offsets and put it somewhere else—not to support these people, these superannuants. You have taken it elsewhere. Why should they cop that? Why should they cop you taking our savings and putting them elsewhere? The fact is there is absolutely no reason why they should cop it at all, and everyone in this chamber knows that.

I am very interested in hearing what the Leader of the Greens will say today, because he and I know that his office has sent out emails to people who will be positively impacted by this change. I will read the email from Senator Brown's office: 'The Australian Greens support the full indexation of pensions for all Commonwealth employees, including defence force personnel.' That was sent by John Dodd, from the office of Senator Brown. So, Senator Brown, I have a challenge for you today. Are you prepared to stick to what you
said or will you sell these superannuants down the drain as well? Are you prepared to follow on the back of that email from your office to a superannuant? I have the email. If you do not believe me I will table it, but I think you know full well that that is exactly what you said.

Senator Brown, you and I know that the Australian Greens—along with the government and the Independents—are obligated to support this bill. You will stand condemned if you go back on your own words in relation to this matter. It is there for all to see. You have made it quite clear. You have an opportunity this morning to put into practice what you have written. I trust that you will do so because, as I said, you will stand utterly condemned if you do not take the opportunity to confirm what you said you believed in this email. I do not know what Senator Xenophon is doing with this bill, but I make this plea to him: take this opportunity to protect the notion of the uniqueness of military service today. He has the opportunity to send out a very clear message that he and this chamber are not prepared to tolerate an intolerable situation, that he is prepared to stand up and say: 'How can someone in their position be treated differently from someone on an aged pension? How can that possibly be?' Senator Xenophon should look again at this matter. As a man who does believe in fairness and equity—I think he has espoused that before—he should ask himself, 'How can I possibly not support this bill?'

As I said earlier, these amendments enable amendment (5), which deals with schedule 2, to include the DFRB. I urge the chamber to ensure that these men and women are treated fairly.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (09:53): I have gone back to page 1732 of the Hansard of Thursday, 24 March. In the earlier debate on this bill I moved a funding proposal for the new indexation method for Defence Force superannuation pensions, which is at the heart of this bill—that is, to adopt the Treasury recommended mining super profits tax. This would take a tiny amount of the super profits tax made from the massive resources boom currently being experienced by this country—which has disadvantage almost everybody outside that resources boom as we face increased interest rates coming down the line in two months, a high Australian dollar, a squeeze on business and a squeeze on pensioners as food prices go up, amongst other things—and fund this very bill that is now before the Senate.

But there was a division on the bill, and listed for the noes in the Hansard on that funding mechanism for this bill are Senator Humphries and Senator Ronaldson. So the opposition voted down a legitimate funding option for this legislation—and the opposition have not come up with one—because it was against the Abbott mantra of not having any tax placed on anything, including the foreign owned corporations that are ripping billions out of the country at the moment and sending it to rich shareholders overseas. Senator Humphries and Senator Ronaldson, and indeed the whole of the opposition and the government, voted down that clear and Treasury recommended option for funding the legislation.

In proposing this legislation the best that the opposition can do is to bring forward a funding mechanism that would divert moneys not spent by the defence forces into funding this bill. Unfortunately for them, those moneys had been co-opted into the government's own budget for spending on other priorities. So we now have a stoush between the government and the opposition which we did not need to have. If they had supported the Greens option then we would
have had this bill moving towards the funding that is required and the recipients getting a fair go.

We have here a lot of sound and fury from the opposition, but a failure to take responsibility, as if they were in government, to take up a proper funding option that is Treasury recommended. Instead they have said no to that because they take the political point of view that tackling the mining companies to pay a fair go is more important than funding the entitlements that are outlined in this bill.

I said in my speech during the second reading debate—and Senator Humphries is correct on this—that we wanted to extend these benefits to the whole of the public sector. The opposition will not do that. Instead, they are supporting a two per cent cut for the people currently in jobs in the public sector—a squeeze on public servants—when it is entirely unnecessary in this age of a resources boom in this country. I submit to the Senate that where private members' legislation has big costs involved we need to be mature, grown up and financially responsible—and the government notes that the liabilities for this legislation will extend to $6 billion in the future. The opposition have to be able to point to how they are going to finance that. In that, they have been a complete failure. The government opposes the legislation so it does not believe it has to work towards it. The Greens came forward with a Treasury recommended option for funding this legislation, and the opposition voted down their own bill when they voted down that funding option.

Senator Humphries: That is a pathetic argument.

Senator BOB BROWN: I hear Senator Humphries saying it is pathetic. I believe it was pathetic. He ought to have voted for that funding option when it was here, but he did not. He voted it down. That shows you how seriously the opposition look at the all-important and critical matter of having the funds available for an important measure like this. They failed, they did not take it seriously, and they have to bear the responsibility for that failure.

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs) (09:59): It is no secret that I have continued to seek a way to improve the method of indexation for Defence and other Commonwealth superannuation pensions. Unfortunately, this bill is not the answer. We do acknowledge the unique nature of military service and our debt to our service men and women, and I welcome the acceptance of the motion of support to this effect in the House of Representatives on 2 June and support the expression for fair indexation. I also accept, as I have often argued, that the CPI is no longer an accurate measure of the changes of the cost of living. This has been acknowledged by the Australian Bureau of Statistics and the government, and I have therefore agreed that a better measure of indexation for military and other Commonwealth superannuation pensions should be developed. This was the reason for the Labor government's development of the PBLCI, the pensioner and beneficiary living cost index, which has already improved the standard of living for pensioners, including those military and civilian superannuants whose Commonwealth pensions fall below the age pension income and asset levels.

That the CPI alone is no longer the best measure of changes in the cost of living was also recognised in the Matthews review of pension indexation arrangements in Australian government civilian and military
superannuation schemes. One of its recommendations states:

If a robust index which reflects the price inflation experience of superannuants better than the CPI becomes available in the future, the Australian Government should consider its use for indexing Australian Government civilian and military superannuation pensions.

The government's commitment to fiscal responsibility and to returning the budget to surplus by 2012-13 is and must be of paramount concern. This government is proud of its handling of the global financial crisis and the way we are coping with the costs of this year's natural disasters in Australia—and we are proud of our responses to the disasters and distress of neighbouring countries—but we know that, consequently at this time, all new expenditure must be offset by savings over the forward estimates. The proposals for this bill do not satisfy this criterion.

In initially providing estimates of the cost of this bill to 2014-15, the Minister for Finance and Deregulation, my colleague Senator Wong, noted that no offsetting savings were proposed. The bill's explanatory memorandum proposed only that the costs could be met through the accrued funds of the Future Fund, but this assertion has been challenged by the Department of Finance and Deregulation and by the Government Actuary.

This bill is divisive. A major problem is that it unfairly applies to only a section of the Defence superannuants and debars over 7,200 current Military Superannuation Benefits Scheme superannuants, as well as the future beneficiaries of the MSBS—and, of course, all other Commonwealth superannuants, including those employed in the Department of Defence. This point was made in many of the submissions to the Senate inquiry, even those in support of the bill. The Australian Veterans and Defence Services Council, for example, noted that the bill was 'a start' but would not overcome the financial problems of all veterans. I have had emails and messages from Commonwealth defence and civilian pensioners who have long campaigned for measures such as those outlined in the bill but find that they have been excluded from its provisions. In the context of the bill's title, 'Fair Indexation', is it fair to discriminate in this way?

In March the Senate referred the bill to the Senate Finance and Public Administration Legislation Committee, which considered departmental and public submissions and reported on 10 May. The committee recommended that the bill not be passed. Coalition senators presented a dissenting report. The Department of Defence submission to the Senate committee opposed the bill, reasoning that the military superannuation schemes had been designed to reflect the unique nature of military service and did already provide benefits well in excess of the community standard. Any requirement for Defence to fund the changes proposed by the bill would significantly impact on Defence funding for ongoing programs. The Senate Finance and Public Administration Legislation Committee agreed that the unique nature of military service is already reflected in provisions and entitlements. It also highlighted that significant factors in its assessment were the impact on the government's fiscal position and the ability of the Department of Defence to deliver ongoing programs. The committee pointed to the gap between the target level of assets required in the Future Fund and the actual level of assets in the fund and stated that 'the game would be exacerbated if the bill is passed'.

I would like to acknowledge the commitment and hard work of those who have made submissions to this inquiry despite the difficult time constraints. Some of the individuals who have made extremely useful
contributions were constituents of mine. I would like to mention in particular the ongoing and valuable work of Peter Thornton and Bert Hoebee. I remain committed to trying to improve the indexation methods applying to military and civilian Commonwealth pensions and will continue to do so within the fiscal constraints and all of those factors that do apply. I will continue to work with representative organisations such as DFWA, SCOA and ACPSRO, to whom I am indebted for their ongoing advice. I am convinced, as I think we all are, that the CPI no longer provides the kind of indexation that responds to the cost-of-living needs of this group of superannuants and pensioners, and I have sought advice on the development of the new analytical living cost index to reflect more accurately the cost of living of military and civilian superannuants, including those to whom this bill would apply.

I challenge the empty rhetoric and the feigned indignation of Senator Humphries and others opposite with respect to my constituency here in the ACT. You do not need to look too far into the policies of the coalition and their attacks on Canberra and the Australian Public Service—to the tune of 12,000 jobs; that still stands as a coalition policy. It exposes the duplicitous nature of their presentation here to feign concern for the welfare of superannuants while attacking the very jobs for the people who will find themselves on a Commonwealth superannuation pension at some point in the future. So let us not stand here and feign indignation. This bill is divisive in its character and nature. I understand what you are trying to do—tap into the discontent that prevails right across Commonwealth and military superannuants—but this bill does not achieve it. It is, I think, an attempt to tap into sentiment without providing any solution whatsoever.

Senator FIELDING (Victoria—Leader and Whip of the Family First Party) (10:06): I rise to speak on the Defence Force Retirement and Death Benefits Amendment (Fair Indexation) Bill 2010. I will speak to this amendment and the whole bill. It is a great honour to stand here in support of this bill. Fair indexation for military superannuation is something that Family First has been campaigning on for some time now. I rose here in the parliament to speak on this issue in November 2009, and I later raised it with the former minister, Alan Griffin, as well. Last year I began a petition on my website calling on the government to fix the unfair indexation of military superannuation. In just a matter of days it attracted thousands of signatures, highlighting how many people feel strongly about this matter. It is an issue that I have followed closely because it is something I care about deeply.

Last year I travelled to Afghanistan to see firsthand our diggers in action and witnessed the tough conditions they are forced to endure on a daily basis. Service in the Australian Defence Force is no ordinary job. It is a unique service which deserves special recognition. It is unique because, when you sign up to the ADF, you give the state or the nation the authority to send you overseas into a role where your life is potentially at risk 24/7. We send our soldiers into dangerous places on orders that will put them in harm's way. We ask our soldiers to follow through with their orders, even when they know that this may mean they will never see their family or loved ones again. It is an incredible situation to put your self in, and it takes incredible people to do this. Given these circumstances and the uniqueness of this, we as a society have the obligation to give them our full support and respect.

Unfortunately, when it comes to retirement and death benefits, governments, both Liberal and Labor, have not honoured
this obligation in the way I think we should. The current arrangements for indexing of these retirement and death benefits are inadequate and put our military pensioners further behind community income standards. This bill seeks to rectify this inequality through a fairer indexation regime. At the moment, the Defence Force and superannuation pensions are only indexed to CPI, which is not always the best and most appropriate index. Even the Australian Bureau of Statistics has said that 'the CPI is not a purchasing power or cost-of-living measure'.

The CPI is just a measure of changes in the price of a basket of goods and services and should not be used as the only measure to index the military pensions of our former servicemen and servicewomen. This is an outdated way to index pension payments because, at the moment, the true value of those military pensions is falling compared to the rising incomes of the general population. Even the government has admitted that the CPI is not an appropriate measure for indexing the pension, and has reformed other government pensions which were previously indexed to CPI. These include the age pension, the wife pension, the disability support pension, the widows pension, the parenting payment, the carer payment, the service pension, the partners service pension, the income support pension and the war widows pension. With all these, the government has already recognised that CPI is not the best indexation measure.

In the 2008 budget, the government recognised that many seniors were concerned that their cost of living may rise faster than the consumer price index. To address this concern, the government announced:

… the Government will guarantee that the Age Pension will increase in line with the higher of the consumer price index, increases in male total average weekly earnings or the living cost index for age pensioner households. These arrangements will ensure that the Age Pension keeps pace with increases in prices and improvements in community living standards.

I believe that our veterans should have their superannuation treated in a similar way. Their military pension payments must be linked to the average wage so that they do not slip below a certain percentage of any increase in the average wage. This method of indexation makes a lot more sense, and it is ridiculous that the government has not been prepared to budge on this issue. The current indexation arrangements have meant that military superannuation pensions are 35 per cent lower than they would have been if they had been linked to wage based indexation such as male total average weekly earnings 20 years ago. This gap of 35 per cent works out to be an enormous amount of money and would make a real difference to veterans. Not changing it not only seriously erodes the standard of living of people relying on these payments but also sends a terrible message: that this is the way that government treats those people who have given their all for Australia.

This bill is about giving a fair go to those Australians who have put their lives on the line. Here is a key question: why should politicians have their superannuation payments indexed more generously than our veterans? Why should Federal Court judges have their pensions payments indexed to the increases in judicial salaries but military personnel have their payments linked only to the CPI? Why should veterans be worse off compared to others? How does this possibly make any sense?

Senator XENOPHON (South Australia) (10:12): I rise to make some remarks on the Defence Force Retirement and Death Benefits Amendment (Fair Indexation) Bill 2010. I am grateful for the discussions I have had with the federal member for Fadden, the
shadow minister for defence personnel, as well as Senators Johnston and Ronaldson in relation to this bill. Like most Australians, politicians always want to be supporting the troops. This is an admirable desire and, given the nature of the jobs performed by the defence forces, it is completely justified. Let me be clear: there is no question that the men and women who serve or have served in our defence forces are inspirational individuals whose dedication to protecting our country should be recognised. But the brilliance of our Defence Force is not the only factor in play when it comes to this bill.

This bill has been put forward at a time when Australia is still in budget deficit and we need to be fiscally cautious. This bill also needs to be seen in the context of the extraordinary budget Australia spends on defence each year—$26.9 billion in 2010-11. That is an NBN every two years without the need for private equity. And, while we should all be concerned about the potential waste with the creation of the NBN, I wonder if successive Australian governments have been as concerned as they should have been about waste in our defence forces. The opposition says that it has identified money in the budget which could be directed towards funding this measure. The government has countered that it will slash 1,000 civilian jobs from its procurement budget, although the opposition argues that those are not current jobs but simply jobs that are expected to be created in the future—in other words, the opposition claims they are phantom cuts. The Alliance of Defence Service Organisations supports the opposition's bill and has made a number of criticisms about Treasury estimates on the costs of the coalition's bill. Treasury have responded to those criticisms, standing by their figures. A number of things have been put: that the current rate of Commonwealth contribution is over three times the community standard; that the notional contribution rate for the DFRDB is 33.3 per cent, which is over three times the community standard of nine per cent as required by the superannuation guarantee; and that the proposed changes would increase the notional contribution rate to 40.6 per cent, which is over four times the community standard. Those are some of the arguments that have been put.

You need to look at the general principle of indexation. I think there are compelling arguments in relation to that. It is important to acknowledge that, currently, pensions payable under the DFRDB and DFRB schemes are defined benefits and are essentially risk-free, unlike the retirement savings of most Australians. Many Australians suffered because of the GFC and were forced to watch and worry as their superannuation shrank. It should be fairly noted that the recipients of these defined benefits fortunately do not have similar worries. That is entirely appropriate.

There are troops who have been injured on active duty and are not receiving the proper care and compensation they deserve. I acknowledge that there is a current review of military compensation for those injured in battle and the widows who are tragically left behind. I would argue that if we were to increase the benefits to anyone, in terms of priorities, surely we should be increasing the benefits to those brave men and women first. That must be our priority. That is not to say that support staff in the Defence Force do not play a critical role, but I reiterate: our first priority should be to those who have faced real danger and have suffered injuries, both physical and psychological. Shouldn't we be pushing the government to target any additional benefits to those individuals first?

I am grateful for the very passionate and articulate representations from Rear Admiral
Ken Doolan, National President of the RSL; Colonel David Jamison, National President of the Defence Force Welfare Association; and Les Bienkiewicz, Executive Director of the Defence Force Service Welfare Association. They have all strongly argued the case that the time for change is now.

I am also concerned about how the government approaches what I believe is an unacceptably high level of waste and fraud in the Defence Force—in particular, the issue of waste. It is important that, if we are to have these reforms, they must be sustainable. It is important that there is long-term funding for them, because the fiscal implications in the longer term will be very significant.

I recently spoke to the Minister for Defence, Stephen Smith, about the issue and argued that there were significant savings to be made within Defence which I believe could be used to better compensate both front-line troops and other Defence employees—in other words, the opportunity exists for Defence to save money that could be spent on its people. We do not do nearly enough in this country to stop waste within the Defence budget. In the UK, by comparison, the tasks of investigating waste and fraud are properly resourced and, not surprisingly, waste and fraud rates are demonstrably lower. There is a much more effective mechanism for dealing with waste and fraud.

I have real concerns about Australia’s Defence Materiel Organisation, in terms of its size and efficiency. Why does Australia's DMO have a staff of around 7½ thousand people when the equivalent organisation in the UK has a staff of around 2½ thousand people and the UK has a defence budget four times that of our Defence Force? More broadly, how can the Australian Defence Force justify having one public servant, one bureaucrat, for every two soldiers? We need to get serious about this issue in Australia so that money currently wasted or fraudulently appropriated can be better directed to defence personnel. That is why I will be moving to amend the terms of reference to the Senate Foreign Affairs, Defence and Trade References Committee inquiry into procurement procedures for defence capital equipment to include the following: the committee should assess the effectiveness of the Defence Materiel Organisation, including the size and level of its management structure, as compared to a similar organisation in the United Kingdom and large Australian industries, and have its costs judged against the timeliness and quality of its output, the service it provides to the Australian Defence Force, the extent to which it value-adds to national defence, and the long-term viability of Australian Defence Force industries.

To complement that inquiry, I am also proposing that the Senate Economics Legislation Committee inquire into defence accounting in the context of ascertaining whether strategic reform program cuts are real or notional, to further examine the whole of the department for real savings in the budget and to look at funding those sorts of pension increases in the longer term. The government says that there is no money and disputes that there is a live dispute about the figures, but I am saying that there are ways of finding that money and that targeting waste in the defence budget is the logical place to start looking. I believe these savings need to be found quickly—say, in the next 12 months. The process of having rigorous, forensic and thorough inquiries by the Senate into this ought to be the way to go. I think that is the long-term, sustainable process to deal with this issue.

I will not be supporting the coalition's bill. I do support the longer term aim and believe that the steps I have outlined are a more
prudent way of getting us to where we need to go as a nation. It is one thing to say that you want to support the troops today, but surely the best approach is to rebuild the system, eliminate waste and use those savings so that troops and support staff can rely on improved benefits on a long-term basis. That is my position. I am looking forward to working with the coalition and my colleagues in the Australian Greens to find those savings so that we can have a long-term, sustainable solution to this problem.

Senator HUMPHRIES (Australian Capital Territory) (10:21): I want to respond to the remarks of particularly Senators Bob Brown and Lundy in this debate. Both of those individuals and their parties to some extent have paid lip service to the principles behind this bill. Both of those individuals have gone to very large public meetings and told those public meetings, with their hand on their heart, how sincerely they believe that justice needs to be done for people in defence retirement, with respect to their pensions. Both of those individuals today betray those constituencies and those people by their actions.

I will turn first to Senator Lundy. Senator Lundy has shared the platform many times with me in the ACT over several elections where members of the retirement community—self-funded retirees and government superannuants—have come in large numbers to hear what we have to say about this issue. As Senator Lundy herself said in today's remarks, she acknowledges that the CPI is no longer an appropriate measure of indexing pensions. She acknowledges that there have been flaws in previous government inquiries into this matter. I think she was strongly implying, without saying as much, that the Matthews report, the most recent of those reports, had serious flaws in it. She acknowledges that something needs to be done but she found reason today not to do what had to be done and that is to take the first step towards addressing this issue with a vote in favour of this piece of legislation.

Why did she not support it? It was on two grounds. One is that she said that the coalition had not justified its savings to offset the cost of this measure. She misrepresented those savings by saying that we were proposing to raid the Future Fund in order to achieve this. That was either deliberately or accidentally a serious misrepresentation of what the coalition has proposed. We did propose, it is true, to put money into the Future Fund which would then be drawn out in the future to pay for the additional superannuation costs which this measure would incur. But to say that we were going to raid the Future Fund without making clear that we were also putting money into the Future Fund to meet those obligations is frankly false. We have made very clear that we propose to achieve those funds being put aside for that purpose by reducing the growth in the APS full-time equivalents in the Department of Defence by one-third. This is a decision that would still see projected staff numbers in the Department of Defence grow by something like 8.3 per cent by financial year 2013-14 compared with a larger projected growth in the previous budget, not in this year's budget.

We are not proposing to cut Commonwealth employees in the Department of Defence in real terms; we are talking about reducing projected government growth. Even a justification based on wanting to protect Public Service numbers can hardly point to a decision made by the opposition that we would not be allowing growth to occur at such a large scale in the future as somehow justification for not supporting this bill. Public servants that are not yet there are being cut, not ones that are actually there at the moment. It is an extraordinarily stupid—
with respect—argument. There is no basis for it whatsoever.

Then there is the argument that we are dividing the community by this—we are picking off some Commonwealth superannuants and not others. On what basis does the government think that we cannot deal with this issue on a progressive basis? That has not been explained. Senator Lundy fled the chamber as soon as she had made those remarks and will have to come back to the people of this community—

Senator Wong: Mr Temporary Chairman, I rise on a point of order. It is inappropriate to make that kind of construction that a senator leaving the chamber has 'fled the chamber'. He should withdraw it.

Senator Humphries: That is not a point of order. I am making reference to the fact that Senator Lundy is prepared to make promises to the people of this community in Canberra with her hand on heart and then, when it comes to actually exercising her vote to support those measures, she is not around. She is not here to do what she should be doing for the people of Canberra.

Senator Wong: You were going to sack 12,000 public servants. You're a hypocrite.

Senator Humphries: I am not a hypocrite on this issue, Senator Wong, I am sticking by my word. I told the people of Canberra I wanted to support this measure and I am doing it here today. Senator Lundy is not.

The TEMPORARY CHAIRMAN (Senator Hutchins): Senator Humphries! Come to order! If you want to make any comments you have to make them through the chair.

Senator Ronaldson: A point of order, Mr Temporary Chairman. How can you possibly pick Senator Humphries out from this exchange when the minister was the one that started it? If you are going to ask for some order in the chamber, can you at least please be fair about whom you call to order.

The TEMPORARY CHAIRMAN: I am afraid, Senator Ronaldson, that Senator Humphries was speaking.

Senator Ronaldson interjecting—

The TEMPORARY CHAIRMAN: If you want to interrupt him again, you can go right ahead but it is taking out of his time. Do you want to say any more?

Senator Humphries: Mr Temporary Chairman, I have to say that I think it is disgraceful. I give Senator Lundy credit for the fact that she did come and take part in this debate—

Senator Wong: A little hollow man, seriously.

Senator Humphries: I am sorry it has come to name-calling, Senator Wong, but I have to say I have stood by a consistent position on this matter.

Senator Wong interjecting—

Senator Humphries: I have stood by a consistent position. I certainly have.

Senator Wong interjecting—

The TEMPORARY CHAIRMAN: Minister, allow the senator to speak uninterrupted, please.

Senator Humphries: I have maintained a very consistent position about this matter. I have always argued that indexation should be improved and today by my vote I am backing that position. I am supporting what I have always said to the people of the ACT is the case. With great respect, Senator Lundy and her former colleagues in the ACT Labor Party, Ms Ellis...
and Mr McMullan, and Dr Mike Kelly, the member for Eden-Monaro, and a host of other Labor members with significant numbers of Commonwealth retirees in their electorates have made the same sorts of sounds. The difference between them and me is that today I am going to honour the commitment that I have made to the people of my electorate by voting for this bill and they will not. That is the difference and that is consistency. I want to turn to what Senator Bob Brown has had to say in this debate. At the last federal election the Greens in the ACT fought very hard on this issue. They argued very strongly that indexation had to be improved for Defence superannuants and for civilian superannuants. Senator Brown has justified not supporting the bill today on the basis of having on a previous occasion put to the Senate a motion to link support for this legislation to his proposal to increase the mining tax, saying that, because the coalition failed to support his measure to increase the size of the mining tax to pay for this particular expenditure to increase superannuant pensions, therefore he cannot support the coalition's bill. A few logical observations need to flow from this. First of all, if we had put forward a bill which had no savings in it to address this issue—if we had no savings proposed in our legislation to deal with the extra expenditure which we are asking the Commonwealth to incur—there would be some justification for Senator Brown saying to the Senate, 'We can't support you because you don't tell us how you are going to pay for this piece of legislation'. But, of course, we did not do that. We did come forward with savings to address the cost of this measure. And those savings were valid savings; they were effective savings. How do we know that they were effective? Because the Labor government itself has taken up those savings in the budget of this year. It has cut projected growth in the size of the Defence civilian workforce: that is exactly what it has done. As they say, imitation is the sincerest form of flattery. You are flattering us by saying we were right with those measures; we could achieve those savings. And, with you having achieved those savings with the measures we proposed, I think it is now incumbent on you, the Labor Party, to support the measures in this bill.

But Senator Brown's position is another one altogether. He tied this into his mining tax—a measure that he knows the coalition would not support, does not support and will not support—and had us say, 'We can't support you because we don't believe that we need the mining tax to be increased or that we need the mining tax at all, and we have other alternative measures for making these savings.' We voted against Senator Brown's motion, as he knew would be the case. Having done all of that, Senator Brown now says, 'Well, we don't need to support your legislation, because you did not support our particular proposal for how to pay for it'.

My question to Senator Brown is: will that be a test he applies to every piece of legislation for additional expenditure that comes forward to this Senate in the next 2½ years? And, if not, why not? If you felt that a particular measure had to be paid for by linkage to an increase in the mining tax, will you apply that test to every piece of legislation that the opposition brings forward or, for that matter, that the government brings forward? 'Good idea; we like what you're doing but we won't support you unless you also support our position on a mining tax.' There is no obvious linkage between Commonwealth superannuation, Defence Force retirement benefits and mining, so on what other basis would Senator Brown be making this proposition?
I will tell you what Senator Brown was doing: he wanted to break his promise and he wanted to betray the people to whom this promise had been made. He did not have the guts to say, 'We're not prepared to do that anymore. We're not in election mode and we don't need the votes at this stage.' So he concocted a little scheme where he linked this to something which he knows the coalition does not support, had us defeat his motion and then said, 'Oh well, therefore I can't support your bill.' It makes absolutely no sense; there is no logic in that whatsoever.

This is a measure which the coalition has funded in the package it has put to the Senate. We know it has funded it because you have taken the saving yourselves. It is incumbent on you, therefore, not to use the argument that we have not paid for it. We have paid for it. If you do not believe that the pensions are worth paying and if you do not believe that the people who have served Australia in the Defence Force are worth this increase then say that. Say it in as many words: do not pretend that there is some other fiscally responsible reason why you cannot support the legislation.

I am sorry that Senator Wong needs to resort to name-calling in this exercise, but it is something that I feel very strongly about, and have ever since I entered this Senate. I had been here only a little while when I went to two people: I went to Senator Watson, the former long-serving senator from Tasmania, and asked him, 'What's the argument about this indexation of Commonwealth pensions? What's the argument against indexing it by some higher measure than the CPI?' He said, 'There is no argument.' I also went to my predecessor, Senator Margaret Reid, and asked her a similar question, and she gave a very similar answer. I have stood by that view ever since then, and today I am going to vote consistently with the views that I believe in and which I have expressed to my electorate. It is a great pity that others who have reaped votes from retired public servants in the ACT by saying, 'We sympathise with your point of view, and we will do all we can to support it,' are not taking the same position here today.

Senator Wong (South Australia—Minister for Finance and Deregulation) (10:35): I rise not only in relation to this amendment but in relation to the great many contributions which have been made. I want to start by being really clear about what this bill is about and what it is not about.

The first thing I would like to emphasise is that this bill is not about whether people in this chamber, on any side, honour and respect the service that our military personnel engage in. Frankly, I find it a little offensive that some—and particularly the previous speaker—have chosen to play this debate. There is nobody in this chamber who lacks in patriotism. There is nobody—

Senator Humphries: I didn't accuse you of lacking patriotism.

Senator Wong: There is no-one in this chamber who lacks for patriotism. There is no-one in this chamber who does not honour deeply the work that our serving personnel undertake, and the nature of that service has been most tragically brought home in recent weeks. That is not what this bill is about.

What this bill is about is whether or not the government is able to change the indexation of superannuation payments to some military personnel. I have sat through many debates in the almost nine years I have been here and, I have to say, cynical, sometimes hypocritical, contributions do occasionally make their way into the Senate chamber—but today would probably have to be amongst the top five. I say this to those people who firmly and with great merit advocate for increases in indexation: the
position of the opposition should be judged not just by their words—sometimes 'fine'; sometimes feigned indignation—in the chamber today. They should be judged by what they did in government, when they never funded this. Eleven years in government with revenues being upgraded every year, particularly for much of that last period of government, and they never sought to fund this. They did not properly fund this in their election campaign. Those are not my words. You can look at the way in which their costing were considered by the department of finance and the Treasury. They have not funded it properly in this bill, and I venture that they will not properly fund it in the election costings campaign for the forthcoming election.

On this, one is judged not by what political points you make in the chamber but how you find the money to do worthy things. One of the things that finance ministers experience—and I am sure Senator Minchin would agree with this—is that you are generally making decisions between meritorious requests for funding. There are some which are not, but by and large what come before the Expenditure Review Committee are things that are worthy of funding. Generally, you do not make decisions, because this would be easy, about funding or not funding things that are not worthy. You often have to make decisions between things which are worthy. I again say: judge the opposition not by the contributions they have made today; judge them by 11 years in government when they had the opportunity and never funded it, by an election campaign when they had the opportunity and did not properly fund it, by today when it is not funded, and by whether or not they fund this in the election campaign in a couple of years—whether they actually make the savings to fund this.

**Senator WONG:** I will be very interested, Senator Humphries, if you do it.

There are a few points I want to make. The first is in relation to numbers. There have been a few numbers thrown around. The hard edge—and this is probably why the Howard government, in 11 years, never funded this—is that this bill has a fiscal cost of $1.7 billion over four years and an underlying cash cost of $175 million over four years, and it will increase the Commonwealth unfunded liabilities by $6.2 billion. If it were to be extended to all Commonwealth superannuation schemes, this would have massive costs: an immediate increase in the unfunded superannuation liability of $32.9 billion, a cash impact of $322 million over four years and a fiscal impact of $12 billion over four years. They have gone very quiet over there, Madam Acting Chair.

They say they have savings. Let us examine that carefully, because, when you are judged as a party of government on your policies, you are judged by where the rubber hits the road, which is whether you actually find the money to fund it. Let us look at where the coalition would currently be in terms of the budget were they in government. For all their fine words, the coalition, first, before they did anything, would have entered this parliamentary term with an $11 million black hole.

**Senator Humphries interjecting—**

**Senator WONG:** Senator Humphries sighs. That is what the Department of Treasury and the Department of Finance and Deregulation found, Senator, if you do not like it—if you do not like what Peter Costello set up as the Charter of Budget Honesty.

The coalition have subsequently blocked savings measures the government has put forward worth $5 billion. Add to that the $11 billion black hole savings measures blocked,
which worsen the budget position by over $5 billion. Additional savings measures not supported were $7.7 billion, and in the 2011-12 budget—and we have not seen their final position on this; I notice there is a lot of argument about it—they are also proposing to not support a range of government savings measures. This would again worsen the bottom line. In addition—this is interesting—they also double-counted savings. They used savings for their election policy, which they still say they are going to fund, which include a contribution to but not full funding of this policy. They then used some of those savings for the flood package. You cannot go to the same well twice. You cannot use one set of savings for a range of different expenditures; it just does not add up. You cannot say, 'We are saving this amount of money here and we are going to use that money twice, at least, to fund things such as rebuilding Queensland after the floods or funding additional superannuation indexation.'

So what is the total impact of the coalition's set of decisions from the election campaign until now? There are really two propositions that people need to know about. The coalition would be in deficit every year until 2013-14 and potentially beyond. They would not have a deficit in 2012-13. They would have a deficit in 2013-14. They would be some $12 billion worse off than the government's budget position over the four years out to 2014. And then they tell us, 'We found the savings to fund this.' It is laughable. You are prepared to play with the legitimate concerns of a constituency because you know you do not have to actually find the money. The cynicism of that, I think, is shameful. You know you cannot fund this, but you are cynically playing politics with people who would like an increase in their indexation, because you want to make a political point. You should be judged pretty harshly on that.

I want to make a point about the hypocrisy of the coalition. On the one hand they say, 'We want a strong budget position; we want a surplus,' but on the other they proceed to seek to wreck it. Senator Ronaldson used the old line that it is okay because they would not have wasted so much money. Let's be clear about what he is actually saying. What the coalition are actually saying is that they would not have put money into the economy during the global financial crisis. What Treasury tells us about the effect of that stimulus is that some 200,000 Australians would have been on the dole queues were that stimulus not put into the economy. So essentially Senator Ronaldson's position is, 'We would rather have had 200,000 families without a wage earner than have put the stimulus in.' That is not good economic policy and it is not an answer to the fact that you do not have the money to fund this today.

There are some in the coalition who understand this. It is interesting that in this chamber today we do not have any of the hardheads. We do not have Senator Minchin making a contribution to this debate. We do not even have Senator Cormann, who ostensibly is one of their economic spokespersons in the Senate, explaining how they would fund this. We have Senator Humphries, who is making an ACT political point against Senator Lundy, and Senator Ronaldson, who is playing a bit of politics with a constituent. So we do not actually have the people who will make the decision about the budget.

Senator Minchin made this point. He was reported on by the Australian Financial Review:

Even as he leaves, Minchin, a former finance minister, has been trying to instil in his party some respect for good policy.
He's been banging this drum for some time, going back at least to a meeting of the Coalition economics committee earlier this year that considered a Liberal MP's private member's bill to award a higher rate of indexation to veterans' pensions.

Confronted by arguments that the move would be very "popular", he told his younger colleagues, in part, that such a proposal risked being a "thin edge of the wedge".

If veterans were given a higher rate of indexation on what was already a defined benefit pension, he argued, what was to stop others wanting the same thing?

The Coalition had to protect its credentials as fiscal conservatives, he said …

Senator Minchin's views became more public when he confronted Mr Abbott, as reported in the press in recent times, in the party room about the need to support good policy. I could not have put it any better than Senator Minchin myself. It is interesting that he, as a former finance minister, is not prepared to come in here and argue this, because he knows he did not do this for good reason and that you do not have the savings to do this.

I had a few more issues, which I may need to into in another part of the committee debate. The coalition claimed that they have moved a second reading amendment, which I think is already before the chamber, which simply calls on the government to reassess the growth in civilian bureaucracy, within the DoD, including in the Defence Materiel Organisation. They should be aware that the government took some $1.2 billion worth of savings in this budget. I think Senator Humphries referred to this. He said, 'They must be real because the government took them.' The government did—in addition to the efficiencies the government is also finding through the Strategic Reform Program.

Those savings, Senator Humphries, go to the budget bottom line and to help fund things such as the mental health package; to help fund things such as the extension of family tax benefits to teenagers, which you supported; and to help fund things such as the increase in the childcare rebate, which is obviously an ongoing expenditure of the Commonwealth. These are the hard decisions that you refused to engage in. Are you saying those savings are hypothecated only for this policy, in which case you should be up front with people and say, 'We are, therefore, not going to take those savings which are already taken for the mental health reform package'? You are very quiet. These are the decisions you refuse to be transparent on. You refuse to be transparent on them because you know that those savings are not real and you are not prepared to be up front with the Australian people about how you will reprioritise expenditure in order to increase the indexation of payments in the way this bill proposes.

I might have to do this in a subsequent contribution, but I also want to address the extraordinary comments in the dissenting report that the opposition has made and the response to it by the Australian Government Actuary —'setting the record straight'— which I think the Senate should be referred to. I will do that subsequently.

Senator RONALDSON (Victoria) (10:50): I want to finish up in relation to some comments that have been made. I am bitterly disappointed that Senator Xenophon has chosen this course of action. He cannot in any way call our savings 'phantom savings'. They most certainly are not. In relation to Senator Lundy, Senator Lundy had a great opportunity today—

Senator Xenophon: I didn't call your savings that. You got it wrong.

Senator RONALDSON: Okay. If you want to take a point of order, that is fine.
Senator Xenophon: This is not so much a point of order. What I actually said, so that there is no misunderstanding, was that the coalition has said that the government's proposed cuts in personnel were, in fact, phantom savings because they were cuts to proposed increases in staff. I was actually supporting what the coalition was saying in relation to that. I can show you the transcript.

The TEMPORARY CHAIRMAN (Senator Troeth) (10:59): Senator Xenophon, if you wish to explain further, I will give you the call after Senator Ronaldson.

Senator XENOPHON: I just wanted to clarify that. I was actually with Senator Ronaldson on that particular point.

Senator RONALDSON: I do not think that comment has been made, but let us not get bogged down on that. Senator Lundy said that we are tapping into sentiment. The only reason that we took this policy to the last election was because of the anger coming from the military superannuants in relation to their unfair treatment. That is the only reason that that was in our policy at the last election. We saw a situation that needed to be addressed having been approached by those who were being treated unfairly. That is why it is in our policy, so do not talk to me about coming at the 11th hour in relation to this matter. We have been absolutely and utterly consistent about this. Not only did we respond when we were approached in relation to this matter but we put in our election policy and we have the bill before the chamber today. Senator Lundy said that we have tapped into sentiment but have no solution. We have a solution all right, and I have a solution for Senator Lundy—vote for it. That is the solution for Senator Lundy.

Senator Bob Brown's comments were in typical style for him, but I will not reflect on that. The interesting part is that this 'fake amendment', as I would call it, was moved by Senator Brown on 24 March. Guess the date of the email from the senator's staff member to one of the superannuants confirming their commitment—28 March. Senator Brown, I think you should be very careful when you come in here and start bandying around that political twaddle when you actually fell at the first hurdle by your going back completely on commitments that you made.

I congratulate Senator Humphries and turn to a motion moved by my good friend and colleague the shadow minister who has responsibility for this, the member for Fadden, Mr Stuart Robert. I congratulate him on a motion that went through the House last week, moved by Mr Robert, which was supported on the voices. The motion was:

That this House:

... ... ... 
(2) calls on all Members to support the:

... ... ...

(b) Coalition's policy to index the military pensions to members of the DRRDB and DFRB schemes who are aged 55 and over, to the higher movements in the CPI, Male Total Average Weekly Earnings or the Pensioner Beneficiary Living Cost Index.

Did the government oppose this in the other place? Did they oppose it downstairs? No, they did not. Why did they not? Because they were concerned that if they went for a vote they would lose it and they would be obligated when it came back here to support it. What a deceitful action on behalf of these 30,000 people who deserve this indexation. What a deceitful government you are, Minister Wong. You had the opportunity downstairs to stake your claim about your view, and you know why you did not do it downstairs? You were concerned that the motion would go through on the voices, you would see where the Independents were and,
when it came back up here, you thought you had a commitment from one of the Independents that he was going to vote this legislation down. What a dishonourable approach to take in relation to this matter. The government has been caught absolutely red-handed in its duplicitous behaviour in relation to this bill.

It is not good enough to talk to me about making sure we limit speakers and then attack the coalition for not having Senator Minchin and Senator Cormann in here. Please do not play politics when you have already made a request in relation to how many speakers there are going to be. I want to make it absolutely clear that if you think the indignation of these 30,000 superannuants is feigned then you stand utterly condemned for that comment. Their indignation in relation to this is real.

Senator Wong: Madam Temporary Chairman, on a point of order: that is a misrepresentation. That is not what I said. The indignation that is feigned is yours, Senator Ronaldson, because you have never funded this and you are not doing so now.

The TEMPORARY CHAIRMAN: There is no point of order.

Senator RONALDSON: This is false or feigned indignation when we took it to the last election, when we fully costed it at the last election and we have brought it in in a bill?

Senator Wong: You did not!

Senator RONALDSON: Is that feigned indignation? Well, deary me, look at that, that is feigned indignation! You go through and put in your policy—

Senator Wong: Madam Temporary Chairman, on a point of order: Senator Ronaldson is misleading the Senate. The coalition did not fully fund it at the last election. He should correct the record. He is misleading the Senate.

The TEMPORARY CHAIRMAN: I call Senator Ronaldson.

Senator RONALDSON: Senator Wong, I am not surprised you are embarrassed about your behaviour today and I am not surprised you are embarrassed about what you are doing to these 30,000 men and women. You should be embarrassed when you take silly points of order which just show how extensive your embarrassment is. You have an obligation to do the right thing today. If you choose to talk about everything bar the bill, as you did—let the record show how much discussion there was about this bill in your 15-minute contribution, Minister—if that is the way you want to approach it, that is fine, but your problem is the Hansard is forever and 30,000 people now know how utterly duplicitous your government is. Thirty thousand people now know that you had the opportunity in the House on 2 June to test the water in relation to this. You did not do so.

Senator Cameron: It's a coalition con job; that's what it is.

The TEMPORARY CHAIRMAN: Order, Senator Cameron!

Senator RONALDSON: You're a very strange man, Dougie, you really are. You are the one who comes in here and bangs on about fairness and equity day after day, week after week, year after year. You have the opportunity now to do something about an utterly unfair situation and of course you will just sit there.

Senator Cameron: A coalition con job.

Senator RONALDSON: You are the zombie, Senator Cameron. You have had the opportunity, and you are the zombie who will sit there and vote with the government. You are the king of the zombies, my friend.
Senator Cameron interjecting—

Senator RONALDSON: You are the king of the zombies. I will say it again—

Senator Cameron interjecting—

The TEMPORARY CHAIRMAN (Senator Troeth) (10:59): Order! Senator Ronaldson has the floor.

Senator RONALDSON: I will say again before I sit down: there is an opportunity for this chamber to do the right thing. There is the opportunity for this chamber to treat 30,000 people, in an indexation sense, no differently from those on the age pension. What is this argument about? When you are confronted with that situation, what is this argument about? Is it petty jealousy on the part of the government because you have not done this—and, because we have done it, you are not going to support it? Is that one of the reasons? Because there is no reason for you not to do the right thing in relation to this matter. None of the arguments that you have put up support in any way your refusal to vote for this bill.

Minister Wong, you have selectively quoted from the Australian Government Actuary's report, but you know what the Australian Government Actuary said about this—exactly what was said. I am not going to go through that today but I invite honourable senators and anyone listening to this, or reading the transcript later, to go and have a look at what the Australian Government Actuary said. It shows how fallacious this government's arguments are. Thank you.

Senator XENOPHON (South Australia) (11:01): Madam Chair, if I may briefly clarify this so there is no misunderstanding, I said in my contribution earlier that the government has counted that it will slash 1,000 civilian jobs from its procurement budget, although the opposition argues those 1,000 jobs are not current jobs, simply jobs that are expected to be created in the future—in other words, the opposition claims they are phantom cuts. So I think I was fairly representing what the opposition's public position was in relation to those job cuts. I hope that clarifies any misunderstanding on Senator Ronaldson's part. I was not having a go; I was simply recounting what I understand to be the public comments of the opposition, saying that what the government says are job cuts are phantom cuts because they are not jobs that actually exist. Hopefully, there was no misunderstanding in relation to that.

Senator WONG (South Australia—Minister for Finance and Deregulation) (11:02): There were two other matters I wanted to make sure I got on the record. The first is that Senator Xenophon flagged in his contribution his intention to move for an inquiry into defence procurement matters—

Senator Xenophon: It is an additional term of reference on the DMO.

Senator WONG: Yes. So there are a range of terms of reference he is seeking in relation to defence procurement. Obviously, we are willing to work through those constructively with Senator Xenophon. He has raised that and we will have that discussion with him, and I just wanted to make sure I put that on the record.

The second point is in relation to the Australian Government Actuary. On 24 May there was a letter from the Australian Government Actuary which sets out the response to the coalition's dissenting report on this bill, which I think is important reading because it demonstrates the falsity of some of the assertions that Senator Ronaldson is making today and that were made in the dissenting coalition senators report. There were three aspects of the coalition's report that the Australian Government Actuary disagreed with. The first was, and I quote:
The dissenting report claimed that the departments of Defence and Finance and Deregulation reached different conclusions based on AGA advice. I can confirm that the statements made by both departments are correct and that they are not inconsistent.

Second, on the use of fiscal balance figures—and I am quoting from the Australian Government Actuary here:

The dissenting report misrepresented our advice in relation to the use of fiscal balance and cash expenditure figures by selectively quoting text out of context. We specifically stated that in the context of the current costings the short-term fiscal balance costs probably are not unreasonable when used in a decision-making context.

Third, and I quote again:

The dissenting report suggested that the AGA's position was that cash expenditure figures are the most appropriate basis on which to cost this bill. This is diametrically opposed—

diametrically opposed—
to the Australian Government Actuary’s actual advice, which made it clear that we believed the best measure of the underlying costs to the Commonwealth was the increase in the unfunded liability together with the increase in the notional employer contribution rate.

So, leaving all of the technicalities aside, essentially the Australian Government Actuary are refuting three propositions that were made in the dissenting report by coalition senators. They are also saying that the government should be looking at fiscal balance and unfunded liabilities. I again remind the Senate that the fiscal cost of the bill is $1.7 billion over four years and the unfunded liability increase is $6.2 billion.

The fact that the coalition does not have a funding stream for this is demonstrated by the amendment we have not got to, which is amendment (4). That is the amendment seeking to get around the issue of this not being allowed to be a money bill, which requires the parliament to appropriate money for this purpose. You do not have savings for this. You did not do it in government, and nothing Senator Humphries or Senator Ronaldson have said today explains that to the 30,000 people you keep speaking about. You had 11 years in government, with far higher increases in revenue than this government is experiencing, and you never, ever chose to put in place this change. You did not properly fund it in the election campaign and you are not properly funding it now. That really goes to the heart of the reality of your position in this debate. You have not done what would be required, were you serious about funding this bill. Again I say I look forward to seeing whether your election policy actually funds this, because it would be contrary to all of your form to date. Maybe, when you stand up in this place and talk about this, people will have regard to your form, not to what you say you are going to do. I would also make this point, because there was some discussion about Defence expenditure. I am not sure if it is being pressed but this is in response to some assertion that we do not have sufficient regard to the importance of military service and to those serving. I would remind those opposite that, in addition to the obvious ongoing costs of operations, in the 2010-11 budget this government funded in excess of $1 billion for additional force protection measures and, in the 2011-12 budget, an additional $252 million for the C17 Globemaster and $177 million for the Bay Class vessel to extend our amphibious capability. We spend over $20 billion per annum.

Senator Ronaldson: You are filibustering now.

Senator WONG: I am being accused of filibustering when I am outlining the $20 billion plus—

Senator Humphries interjecting—
Senator WONG: Actually Senator Ronaldson did, Senator Humphries. At least he has done the right thing and recognised that. I am outlining the substantial amount of money that we rightly put towards our serving men and women. Really, amendments (1) to (3) are simply to fix up a mistake that the opposition made in the drafting of their bill when they forgot this particular scheme. Given the government's position, which is that these are not affordable changes, the government is not supporting these amendments. To try and expedite the debate, I will flag that the government is also opposing amendment (4), which really goes to the heart of this fiscal issue because it is saying essentially, 'Government, go and find the money.'

Senator RONALDSON (Victoria) (11:09): We stand by the dissenting report. The 30,000 are those people who will immediately benefit but there are 57,000 who will ultimately benefit.

Question put:
That the amendments (Senator Ronaldson's) be agreed to.

The committee divided. [11:14]

(The Chairman—Senator Ferguson)

Ayes..................32
Noes..................32
Majority..............0

AYES

Abetz, E
Back, CJ
Bernardi, C
Boswell, RLD
Bushby, DC (teller)
Colbeck, R
Cormann, M
Fielding, S
Fifield, MP
Humphries, G
Kroger, H
Mason, B
Nash, F
Ronaldson, M

Adams, J
Barnett, G
Birmingham, SJ
Brandis, GH
Cash, MC
Coonan, H
Eggleston, A
Fierravanti-Wells, C
Fisher, M
Johnston, D
Macdonald, ID
McGauran, JJJ
Parry, S
Ryan, SM

NOES

Arbib, MV
Bishop, TM
Brown, RJ
Conroy, SM
Farrell, D
Feeney, D
Furner, ML
Hogg, JJ
Hutchesons, S
Lundy, KA
McEwen, A (teller)
Milne, C
O’Brien, K
Siewert, R
Sterle, G
Wortley, D

Bilyk, CL
Brown, CL
Cameron, DN
Crossin, P
Faulkner, J
Forshaw, MG
Hanson-Young, SC
Hurley, A
Ludlam, S
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Stephens, U
Wong, P
Xenophon, N

PAIRS

Boyce, SK
Heffernan, W
Joyce, B
Minchin, NH
Polley, H
Collins, JMA
Ludwig, JW
Evans, C

Question negatived.

Senator RONALDSON: I move amendment (4), standing in my name:

Schedule 1, page 6 (after line 15), at the end of the Schedule, add:

7 Subsection 125(3)
Omit “All”, substitute “Subject to subsection (4), all”.

8 At the end of section 125
Add:

(4) Payments for the purposes of the Defence Force Retirement and Death Benefits Amendment (Fair Indexation) Act 2011 are to be made out of money appropriated by the Parliament for the purpose.

This amendment will avoid any dispute with the House of Representatives about right of the Senate to initiate bills which increase expenditure under the appropriation, by
expressly providing this bill does not appropriate funds of itself.

Question put.

The committee divided. [11:19]

(The Chairman—Senator Ferguson)

Ayes.......................32
Noes.......................32
Majority..................0

AYES

Abetz, E
Back, CJ
Bernardi, C
Boswell, RLD
Bushby, DC (teller)
Colbeck, R
Cormann, M
Fielding, S
Fifield, MP
Humphries, G
Kroger, H
Mason, B
Nash, F
Ronaldson, M
Scullion, NG
Trood, R

NOES

Arbib, MV
Bishop, TM
Brown, RJ
Conroy, SM
Farrell, D
Feeney, D
Furner, ML
Hogg, JJ
Hutchins, S
Lundy, KA
McEwen, A (teller)
Milne, C
O’Brien, K
Siewert, R
Sterle, G
Wortley, D

PAIRS

Boyce, SK
Heffernan, W
Joyce, B

Minchin, NH
Evans, C

Question negatived.

Senator RONALDSON: I move opposition amendment (5) on sheet 7027 revised:

(5) Page 6 (after line 15), at the end of the bill, add:

Schedule 2—Amendment of the Defence Forces Retirement Benefits Act 1948

1 Section 15D
Before ‘Any’, insert ‘(1)’.

2 Section 15D
Omit ‘Any’, substitute ‘Subject to subsection (2), any’.

3 At the end of section 15D
Add: (2) Payments for the purposes of the Defence Force Retirement and Death Benefits Amendment (Fair Indexation) Act 2011 are to be made out of money appropriated by the Parliament for the purpose.

4 Subsection 83(1)
Insert:

LCI means Pensioner and Beneficiary Living Cost Index.

5 Subsection 83(1)
Insert:

LCI number, in relation to a quarter, means the All Groups Pensioner and Beneficiary Living Cost Index number that is the weighted average of the 8 capital cities and is published by the Statistician in respect of that quarter.

6 Subsection 83(1)
Insert:


7 Subsection 84(1)
After ‘in this section’, insert ‘and section 84AA’.

8 Subsection 84(2)
Omit ‘The’, substitute ‘Subject to section 84AA, the’.

9 After section 84
Insert:

84AA Additional increase in certain pensions

(1) This section applies in relation to a pensioner who is 55 or older.

(2) In relation to a pensioner to whom this section applies, the prescribed percentage for a prescribed half-year, ascertained in accordance with subsection 84(3), is taken to be increased in accordance with this section.

(3) If the prescribed percentage for a prescribed half-year is less than the percentage for the prescribed half-year worked out using the pension MBR method in section 84AB, the prescribed percentage is taken to be the percentage worked out using the pension MBR method.

(4) If, after applying subsection (3), the prescribed percentage for the prescribed half-year is less than the percentage for the prescribed half-year worked out using the LCI method in section 84AC, the prescribed percentage is taken to be the percentage worked out using the LCI method.

84AB Percentage increase using the pension MBR method

The percentage worked out in relation to a prescribed half-year using the pension MBR method is the percentage that represents \( A - B \) expressed as a percentage of \( B \), where:

\[ A \] is the single pension rate MBR amount (see item 1A of the table in section 59A of the VEA) applicable on the adjustment day prior to the first day of the prescribed half year; and

\[ B \] is the single pension rate MBR amount (see item 1A of the table in section 59A of the VEA) applicable on the day before that adjustment day worked out to 3 decimal places.

Note: Changes in the single pension rate MBR amount reflect changes in Male Total Average Weekly Earnings (MTAWE).

Rounding

(2) If a percentage worked out under subsection (1) would, if it were worked out to 4 decimal places, end in a number that is greater than 4, that percentage is to be increased by 0.001.

Publication of substituted amounts

(3) If at any time (whether before or after the commencement of this section), the Australian Statistician publishes an amount in substitution for a particular amount previously published by the Australian Statistician, the publication of the later amount is to be disregarded for the purposes of this section.

Interpretation

(4) In this section:

_adjustment day_ means:

(a) 20 March; or
(b) 20 September.

84AC Percentage increase using the LCI method

(1) The percentage worked out in relation to a prescribed half-year using the LCI method is the percentage that represents \( A - B \) expressed as a percentage of \( B \), where:

\[ A \] is the LCI number in respect of the first quarter of the most recent half-year; and

\[ B \] is the highest LCI number in respect of the first quarter of any half-year earlier than the most recent half-year worked out to 3 decimal places.

Rounding

(2) If a percentage worked out under subsection (1) would, if it were worked out to 4 decimal places, end in a number that is greater than 4, that percentage is to be increased by 0.001.

Publication of substituted living cost index numbers

(3) Subject to subsection (4), if at any time (whether before or after the commencement of this section) the Australian Statistician publishes a living cost index number for a quarter in substitution for a living cost index number previously published by the Australian Statistician for that quarter, the publication of the later living cost index number is to be disregarded for the purposes of this section.

Change to reference base

(4) If at any time (whether before or after the commencement of this section) the Australian...
Statistician changes the reference base for the Pensioner and Beneficiary Living Cost Index, regard is to be had, for the purposes of applying this section after the change takes place, only to living cost index numbers published in terms of the new reference base.

Interpretation

(5) In this section:

*most recent half-year* means the half-year immediately preceding the prescribed half-year.

[also amend Defence Forces Retirement Benefits Act 1948]

Question put:

That the amendment (Senator Ronaldson's) be agreed to.

The committee divided. [11:23]

(The Chairman—Senator Ferguson)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>32</th>
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<tbody>
<tr>
<td>Noes</td>
<td>32</td>
</tr>
<tr>
<td>Majority</td>
<td>0</td>
</tr>
</tbody>
</table>

**AYES**

Abetz, E  
Back, CJ  
Bernardi, C  
Boswell, RLD  
Bushby, DC (teller)  
Colbeck, R  
Cormann, M  
Fielding, S (teller)  
Fifield, MP  
Humphries, G  
Kroger, H  
Mason, B  
Nash, F  
Ronaldson, M  
Scullion, NG  
Trood, R

**NOES**

Lundy, KA  
McEwen, A (teller)  
Milne, C  
O'Brien, K  
Siewert, R  
Sterle, G  
Wortley, D

**NOES**

Marshall, GM  
McLucas, J  
Moore, CM  
Pratt, LC  
Stephens, U  
Wong, P  
Xenophon, N

**PAIRS**

Boyce, SK  
Heffernan, W  
Joyce, B  
Minchin, NH

**PAIRS**

Polley, H  
Collins, JMA  
Ludwig, JW  
Evans, C

Question negatived.

Bill agreed to.

Bill reported without amendment; report adopted.

**Third Reading**

Senator **RONALDSON** (Victoria) (11:26): I move:

That this bill be now read a third time.

In doing so, could I say how disappointing today is for 57,000 people who expected that this fair indexation bill would go through this chamber. I thank those who have contributed positively. I thank those who have contributed positively. I thank the member for Fadden, the shadow minister, who has worked tirelessly to ensure that this bill got to this place. Those who oppose it stand condemned for not providing fair indexation to those 57,000 men and women. You will stand utterly condemned from now on, for time immemorial, for doing so. I thank Senator Fielding for having the intestinal fortitude to take on those who are trying to force him to oppose this. Thank you, Senator, for agreeing to this bill.

I say to the Greens: you cannot say on one hand that you will do something and then, when it comes to the crunch, do another. There is another senator here, whose name I will not mention, who has done exactly the
same thing, and she will stand condemned in the community of Canberra. I say this finally: the Australian Labor Party cannot effectively vote for a motion in the House of Representatives and then come back into this place and vote against it. It is utterly duplicitous behaviour. You are not prepared to test the floor in the House of Representatives, and you came up here because you knew you had the numbers. You stand utterly condemned. On behalf of this chamber, I apologise to those 57,000 people who have been, quite frankly, utterly let down by this parliament.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (11:28): I can only reiterate that had Senator Ronaldson and the opposition voted for the Greens amendment to fund this legislation when it came before the chamber in March, there would be a different outcome today. But they did not.

Opposition senators interjecting—

Senator BOB BROWN: We take upon ourselves the responsibility in this chamber to fund the measures we put through. The shadow minister, Mr Robert, has been a very good liaison point. He came up with a good idea for funding this legislation. It was then found that that option was not available, because it had already been taken up by the government in prior budget considerations. That left the Greens option on the table, and the opposition voted that down; otherwise, we would have a different outcome. The opposition needs to look at that. I reiterate that the option put forward is a Treasury backed option for funding social measures as well as many other measures. The opposition is putting its head in the sand. Not only does it not want to fund this legislation; it wants to cut income to the Treasury. You cannot expect to be seen as fair dinkum with legislation like this. Vote for the Greens financing option and be responsible, and you will get the right outcome.

Senator WONG (South Australia—Minister for Finance and Deregulation) (11:30): I was not going to speak on the third reading, because we wanted to deal with all of the divisions quickly, but, given that Senator Ronaldson has chosen to do a bit of grandstanding, I think a few facts in reply would be useful.

For those coalition senators who have recently entered the chamber, you are now about to vote for a bill which you have not funded, which has a fiscal cost of $1.7 billion.

Senator IAN MACDONALD: Rubbish.

Senator WONG: You cannot say 'rubbish', Senator. Those are the facts. Secondly, it has an underlying cash cost of $175 million over four years and would increase the Commonwealth's unfunded liability by $6.2 billion. That is just this bill.

Those of you who are supporters of Senator Minchin might want to be aware of his comments on this bill. At a meeting of coalition senators considering this bill he warned his colleagues about this move. When confronted by arguments that the move would be very popular, he told his younger colleagues that such a proposal 'risked being the thin end of the wedge'. The coalition 'had to protect its credentials as fiscal conservatives', he said. Senator Minchin is not in the chamber today, but he is at least inside the coalition arguing for a fiscally responsible position, and it is very interesting that no-one has answered his criticisms of this legislation.

Senator Bob Brown put it well when he asked whether the coalition was fair dinkum on this issue. I again say this: if the coalition were serious and fair dinkum on this, they would have done something in government; they never did.
In 11 years, you never—it is very quiet now—found the money to fund this. In your election policy you did not fully fund this, and you are not fully funding this now. You only care about this issue when you do not have to find the money to fund it. That is the reality and it is shameful.

The government is being consistent on this position. We are very clear. We have to take a fiscally responsible approach. We agree with Senator Minchin, unlike many of his colleagues.

Senator XENOPHON (South Australia) (11:33): I reiterate that the responsible thing to do, the best thing to do, is to go through a process in the next six to 12 months to see what savings can be made from Defence. I have had discussions with Senator Ronaldson, Senator Johnston, the government and my crossbench colleagues in relation to this. Let us go through the process of seeing what savings can be made—thoroughly, forensically, robustly—with the Defence Materiel Organisation and the Department of Defence. That is the best way of dealing with this. There are live issues in relation to the Government Actuary with respect to this. I want to get a long-term sustainable outcome. The best way to do this is to work through that process, and I look forward to working with the government, the opposition and my crossbench colleagues to achieve that outcome.

Question put:

That this bill be now read a third time.

The Senate divided. [11:38]

(The President—Senator the Hon. JJ Hogg)

Ayes....................34
Noes....................34
Majority..............0

AYES

Back, CJ
Bernardi, C
Boswell, RLD
Bushby, DC (teller)
Colbeck, R
Cormann, M
Ferguson, AB
Fierravanti-Wells, C
Fisher, M
Johnston, D
Macdonald, ID
McGauran, JJJ
Parry, S
Ronaldson, M
Scullion, NG
Trood, R

NOES

Arbib, MV
Bilyk, CL
Bishop, TM
Brown, RJ
Carr, KJ
Crossin, P
Faulkner, J
Forshaw, MG
Hanson-Young, SC
Hurley, A
Ludlam, S
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Sterle, G
Wortley, D

PAIRS

Boyce, SK
Heffernan, W
Joyce, B
Minchin, NH

Question negatived.
Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CAMERON (New South Wales) (11:41): For generations Australians have understood the need to preserve precious areas of land through the creation of national parks. Our oceans contain many iconic and increasingly fragile sites which now more than ever need protection. Our planet is under pressure from climate change, ocean warming, acidification and calcification. If you look at the recent CSIRO report, you will see how much pressure our oceans are under. That has also been clarified by the Climate Commission report, by sea level rises, by warming and by the calcification of some of our iconic areas. I chaired the inquiry into the bill by the Senate Environment and Communications Legislation Committee and I tabled its report yesterday afternoon. That report recommended that this bill not be passed.

Australia has the third-largest marine area of any nation. Our marine region extends from the coral-rich tropical seas of the north to the subantarctic waters of the Southern Ocean. Our oceans, which cover an area of over 16 million square kilometres, are twice the size of our continental landmass. In the unique area off the coast of south-west Western Australia, water depths reach almost six kilometres. These waters contain extraordinary natural biological diversity and richness. Many of the species found in Australian waters are not found anywhere else in the world—and there is still much more to be discovered.

Australians rely on our oceans for resources, recreation and livelihoods, and with this reliance comes a responsibility to manage our oceans sustainably now and for the benefit of future generations. Marine bioregional planning is focused on the conservation and sustainable use of Australia’s oceans. That is why the Australian government is working with stakeholders and communities to develop marine plans and marine reserves. The planning process is based on scientific analysis of Australia's marine environment as well as analysis of socioeconomic factors, and it includes community consultation and input.

The scientists of this country are under severe pressure from those who have antiscientific views, many of whom are sitting opposite.

Senator Boswell interjecting—

Senator CAMERON: There we go—I just thought that Senator Boswell would come in right away. Senator Boswell is one of those who has no credibility in terms of scientific analysis. Senator Boswell is one who says that there are no CO2 emissions causing problems anywhere in the world. Senator Boswell is a climate change denier, and that is why he is on his feet.

Senator Boswell: Mr Acting Deputy President, I rise on a point of order. I do not mind a fair exchange across the chamber, but Senator Cameron is going over the top. If he can show where I have ever said that I do not believe—

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop): What is your point of order, Senator Boswell?

Senator Boswell: Mistruth, dishonesty and lying to the Senate. I want him to withdraw that remark. If he can find it, I will get up and apologise. He owes me an apology, but he will not be forthcoming.
Senator CAMERON: As I have said before, Senator Boswell, I will not be apologising to climate change deniers. The planning process that the government has got is based on the scientific analysis of Australia's marine environment, the analysis of socioeconomic factors, and community consultation and input. Marine bioregional plans are being developed in Commonwealth waters in each of the five large marine regions around Australia. They are not being developed in state and Northern Territory waters close to shore. State waters start at the coast and usually extend three nautical miles out to sea. State waters also include a three-nautical-mile area around islands and include all enclosed waters. Commonwealth waters start at the outer limit of state waters and extend to the edge of Australia's exclusive economic zone, 200 nautical miles from shore. Commonwealth waters are protected as a matter of national environmental significance under national environmental law—the Environment Protection and Biodiversity Conservation Act 1999. This is why the marine bioregional plans are being made under national environmental law.

The planning process is also being used to identify regional networks of Commonwealth marine reserves that will become part of the national representative system of marine protected areas. The bill will amend the EPBC Act to alter the process by which bioregional plans are made. Bioregional plans form part of Australia's environment management system. The plans may include an overview of the region's key ecological features, an analysis of regional pressures and information to assist persons to determine whether to seek the minister's approval before conducting certain activities in the region.

While the majority of plans cover marine areas in Commonwealth waters, the plans may also be established for land based regions. The plans are non-binding, as they do not declare or alter a person's rights or obligations. Their purpose is to inform the administration of the EPBC Act. The minister is required to have regard to bioregional plans in making certain decisions under the act. Such decisions include fisheries, export approvals, listing and recovery of species and ecological communities, and approvals for proposed activity in Commonwealth waters. More broadly, bioregional plans are intended to promote environment management and conservation values.

The information contained in the plans is intended to foster a cross-jurisdictional approach to ecosystem management by Commonwealth, state and territory agencies. The plans are also designed to enhance community understanding of environmental management and encourage decision making by private industry that is consistent with environmental management principles. While bioregional plans are not binding on persons, the decisions that may be informed by bioregional plans can impact on their rights and obligations. For example, without prior ministerial approval, it is an offence to act in a manner which damages or is likely to damage Commonwealth waters. The minister may grant approval and, therefore, an offence may be avoided where the proposed activity is consistent with a bioregional plan.

There are five steps to the development of bioregional plans. Firstly, there is the characterisation of the region, including its natural systems and conservation values. A bioregional profile for each region brings together the available scientific information about a region's biophysical and broad socioeconomic characteristics and conservation values. Secondly, there is the regional assessment of the conservation values. This
step consolidates information about the conservation values, their status and the pressures on them. The assessment is used to categorise pressures on conservation values and identify regional priorities in relation to managing these pressures. Thirdly, there is the development and release of a draft marine bioregional plan. Consultation with stakeholders and community provides essential input in developing a marine bioregional plan. The EPBC Act requires the minister to consult publicly on a draft of the plan. Fourthly, there is the release of the marine bioregional plan. Following the minister's consideration of all input received on the draft plan, it is finalised and released. Fifthly, there is the update and review of the marine bioregional plan. Plans are reviewed periodically to accommodate new information and data about conservation values and the pressures acting upon them—regional priorities, government policy priorities and management and regulatory arrangements.

Bioregional plans are not legislative instruments but are made at the minister's discretion. Bioregional plans are also not subject to parliamentary disallowance. This bill will amend the EPBC Act to make bioregional plans disallowable instruments under section 46 of the Acts Interpretation Act 1901. While bioregional plans would continue to be non-legislative instruments, the amendment would authorise either house of parliament to disallow a bioregional plan. The amendment would not operate retrospectively but would apply only to bioregional plans made after the commencement of the provision in the bill. Classifying bioregional plans as disallowable non-legislative instruments would alter the process of preparing the plans. The bill would require bioregional plans to be published in the Commonwealth of Australia Gazette with copies available for purchase from the date of publication. The bill may also affect the date on which the bioregional plan commences. Unless otherwise specified in the bioregional plan, the plan will commence on the day after the notification in the Gazette. The bill would also require bioregional plans to be tabled in each house of parliament within six sitting days of commencement. If not laid before both houses within this time frame, the bioregional plan would cease to have effect. Once the plan is tabled, both houses of parliament would have 15 sitting days in which to give a notice of motion to disallow the bioregional plan.

Debate interrupted.

PETITIONS

The Clerk: Petitions have been lodged for presentation as follows:

Asylum Seekers

The petition of the undersigned shows:

Australia is currently one of the only developed countries which does not have a Complementary Protection process in place for those who arrive in Australia in need of protection and who fall outside the 1951 UN Convention Relating to the Status of Refugee (Refugee Convention) criteria. This includes girls and women facing honour killings and female genital mutilation.

Your petitioners ask that the Senate:

by Senator Hanson-Young (from 470 citizens)

Petition received.
NOTICES
Presentation

Senators Cormann, Xenophon and Williams to move:

That:

(a) the National Consumer Credit Protection Amendment Regulations 2011 (No. 2), as contained in Select Legislative Instrument 2011 No. 40 and made under the National Consumer Credit Protection Act 2009; and

(b) the National Consumer Credit Protection Amendment Regulations 2011 (No. 3), as contained in Select Legislative Instrument 2011 No. 67 and made under the National Consumer Credit Protection Act 2009, be disallowed.

Senators Cormann, Xenophon and Williams to move:

That the Senate requests that there be laid on the table, no later than 31 December 2011, a report by the Reserve Bank of Australia into bank fees and charges levied by authorised deposit-taking institutions.

Senator Siewert to move:

That the time for the presentation of the report of the Community Affairs References Committee on planning options and services for people ageing with a disability be extended to 6 July 2011.

Senator Xenophon to move:

That the following bill be introduced: A Bill for an Act about online financial transactions connected with interactive gambling services, and other gambling matters. Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011.

Senator Xenophon to move:

That the following bill be introduced: A Bill for an Act to amend the National Consumer Credit Protection Act 2009 in relation to fees imposed by credit providers, and for related purposes. Consumer Credit Protection Amendment (Fees) Bill 2011.

BUSINESS
Rearrangement

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) (11:53): I move the motion in the terms circulated in the chamber relating to the consideration of private senators’ bills:

That the following list of general business orders of the day be considered under the temporary order relating to the consideration of private senators’ bills on Thursday, 23 June 2011:

No. 57—Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011

No. 55—Wild Rivers (Environmental Management) Bill 2011

No. 50—National Broadband Network Financial Transparency Bill 2010 (No. 2)

No. 17—Evidence Amendment (Journalists’ Privilege) Bill 2010 (No. 2)

No. 20—Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2010

No. 52—Foreign Acquisitions Amendment (Agricultural Land) Bill 2010.

Question agreed to.

COMMITTEES
Legal and Constitutional Affairs Legislation Committee

Reporting Date

Senator McEWEN: by leave—On behalf of the chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I move:

That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill
2011 and related bills be extended to 20 June 2011.

Question agreed to.

Finance and Public Administration Legislation Committee

Meeting

Senator FIFIELD: by leave—I move:

That the Finance and Public Administration Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1 pm.

Question agreed to.

Rural Affairs and Transport References Committee

Meeting

Senator BUSHBY: by leave—On behalf of the chair of the Rural Affairs Transport References Committee (Senator Heffernan), I move:

That the Rural Affairs and Transport References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 3.30 pm.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Government business notices of motion Nos 2 and 3 to 23 June.

COMMITTEES

Rural Affairs and Transport References Committee

Reference

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:56): I seek leave to amend the motion standing in my name for today proposing a reference to the Rural Affairs and Transport References Committee on live export markets.

Leave granted.

Senator SIEWERT: I move the motion as amended:

That the following matters be referred to the Rural Affairs and Transport References Committee for inquiry and report by 25 August 2011:

(a) the role and effectiveness of government, Meat and Livestock Australia, Livecorp and relevant industry bodies, in improving animal welfare standards in Australia’s live export markets, including:

(i) the level, nature and effectiveness of:

(A) expenditure and efforts to promote or improve animal welfare standards with respect to all Australian live export market countries,

(b) expenditure and efforts on marketing and promoting live export to Australian producers,

(c) ongoing monitoring of the subscription to, and practise of, animal welfare standards in all live export market countries, and

(d) actions to improve animal welfare outcomes in all other live export market countries and the evidence base for these actions;

(ii) the extent of knowledge of animal welfare practices in Australia’s live export markets, including:

(A) formal and informal monitoring and reporting structures, and

(b) formal and informal processes for reporting and addressing poor animal welfare practices;

(b) the domestic economic impact of the live export trade within Australia, including:

(i) the impact on regional and remote employment especially in northern Australia,

(ii) the impact and role of the industry on local livestock production and prices, and

(iii) the impact on the processing of livestock within Australia; and

(c) any other related matters.

Question agreed to.
BILLS

Migration Amendment (Declared Countries) Bill 2011

First Reading

Senator HANSON-YOUNG: I move:
That the following bill be introduced: A Bill for an Act to amend the Migration Act 1958, in relation to the declaration of third countries for the removal of offshore entry persons.

Question agreed to.

Senator HANSON-YOUNG: I present the bill and move:
That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator HANSON-YOUNG (South Australia) (11:58): I move:
That this bill be now read a second time.

I seek leave to table an explanatory memorandum relating to the bill.

Leave granted.

Senator HANSON-YOUNG: I seek leave to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

The Migration Amendment (Declared Countries) Bill 2011 seeks to amend the Migration Act 1958 to require that any agreement to send asylum seekers to a third country be brought before both houses of Parliament as a disallowable instrument.

Currently under section 198A, an 'offshore entry person' may be taken to a declared country, whereby the Minister may, but is not obliged to declare in writing that the specified country:

(i) provides access, for persons seeking asylum, to effective procedures for assessing their need for protection; and

(ii) provides protection for persons seeking asylum, pending determination of their refugee status; and

(iii) provides protection for persons who are given refugee status, pending their voluntary repatriation to their country of origin or resettlement in another country; and

(iv) meets relevant human rights standards in providing that protection.

While all ministers have discretionary powers within their portfolios to make decisions without the need to put something before Parliament, any decision to export our international obligations onto another country, can hardly be argued as being discretionary. The very nature of the debate around whether Australia will send asylum seekers who have arrived by boat, seeking our protection, to a third country, be it Malaysia, Papua New Guinea, Manus Island or Nauru, should not be a decision left to the Minister of the day.

The fact that previous declarations made for Nauru and Manus Island under the former Howard Government were never made public, highlights the importance of this amendment, particularly when dealing with countries that have not signed or ratified the UN Convention on the Status of Refugees, or the UN Convention Against Torture.

Any discussion around the movement of asylum seekers within our region must focus on a genuine protection framework, working towards encouraging the countries of first asylum to sign and ratify the conventions on refugees and torture. While the Greens do not support any attempt to export those who have come to Australia seeking our protection to another country, this Bill will ensure that both houses of Parliament have the opportunity to debate whether or not it this approach acceptable, and to debate the impacts that any declaration would have on our international and domestic obligations.

It is clear that the Act as it currently stands is inadequate when dealing with such an important issue. We cannot simply allow a decision that affects the lives of some of the world's most
vulnerable to be left to the Minister of the day, with no parliamentary scrutiny.

From human rights activists, legal experts, and members of the community to members of parliament, the proposal for a third country removal agreement has brought with it both concern and criticism.

More than 15 Australian refugee groups recently issued a joint statement condemning federal political leaders for arguing asylum seeker policy was a choice between reopening Nauru or a new detention centre in Malaysia. These groups, like the Australian Greens, condemn that policy, arguing neither is acceptable. The groups also said: 'The question Australian and international policy makers should focus on is not how to stop the boats but how refugees in Asia-Pacific can receive effective protection.'

This amendment to the Migration Act should not be considered controversial, but rather an essential part of our parliamentary process. Signing an agreement with another country to export people who have reached our shores seeking our protection, deserves proper parliamentary scrutiny and transparency, not simply an assurance from the Minister of the day that the country in question ticks all the boxes laid out by the Australian Government.

Any proposal where humans are exported to another country deserves proper scrutiny, and the Greens' position on this is clear: We do not support sending people in need to a country where their rights and protection are not guaranteed. While this Bill is not about preventing the Government from engaging in international affairs, or overriding any attempt to negotiate a genuine regional protection framework, it is about acknowledging that any proposal of this nature is given the attention and debate it deserves.

I urge all sides of Parliament to support this Bill, and allow both Houses of Parliament to appropriately scrutinise any proposed declaration to send asylum seekers who arrive in Australia to another country.

I commend this Bill to the Senate.

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

Leave granted; debate adjourned.

MOTIONS

Centenary of the Choice of a Design for the National Capital

Senator HUMPHRIES (Australian Capital Territory) (11:59): I, and also on behalf of Senator Lundy, move:

That the Senate—
(a) notes that:
(i) 24 May 2011 marks the centenary of the launch of an international competition to design an Australian national capital,
(ii) the winning design by the American architect, Walter Burley Griffin, was announced in May 1912, and
(iii) the winning design for Canberra was a collaboration between Griffin and his wife Marion Mahony Griffin; and
(b) calls on the National Capital Authority and the Intergovernmental Working Group for the Centenary of Canberra to arrange an appropriate celebration of the centenary of the choice of the Griffin design for our nation's capital.

Question agreed to.

BUSINESS

Rearrangement

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) (11:59): I move:

That, on Monday, 20 June 2011:
(a) the hours of meeting shall be 10 am to noon, 3.30 pm to 6.30 pm and 7.30 pm to 10.30 pm; and
(b) the routine of business from 3.30 pm shall be the items specified in standing order 57(1)(a)(iv) to (xi)

Question agreed to.
COMMITTEES

Scrutiny of New Taxes Committee

Meeting

Senator PARRY (Tasmania—Chief Opposition Whip in the Senate and Deputy Manager of Opposition Business in the Senate) (12:00): At the request of Senator Cormann, I move:

That the Select Committee on the Scrutiny of New Taxes be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1.50 pm.

Question agreed to.

National Capital and External Territories Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (12:00): At the request of Senator Crossin I 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, 22 June 2011, from 12.30 pm to 2 pm, to take evidence for the committee's biannual review of the National Capital Authority.

Question agreed to.

MOTIONS

Tarkine Wilderness

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (12:01): I move:

That the Senate—

(a) reaffirms the World Heritage significance of the Tarkine wilderness in the north-west of Tasmania;

(b) notes:

(i) the resolution passed unanimously by the Senate on 13 September 2007, that noted that the government had asked the Australian Heritage Council also to examine, identify and advise the Minister for the Environment and Water Resources (Mr Turnbull) of any World Heritage values contained in the areas proposed, and

(ii) that this request was never communicated to the Australian Heritage Council or carried out; and

(c) calls on the government to:

(i) direct the Australian Heritage Council as a matter of urgency to advise the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) of any World Heritage values contained in the Tarkine area boundary already examined by the Council,

(ii) immediately include the Tarkine on the National Heritage List through the Minister's emergency listing powers, and

(iii) publicly release the Australian Heritage Council’s 2010 report into the National Heritage values of the Tarkine.

Question put.

The Senate divided [12:06]

(The Acting Deputy President—Senator Mark Bishop)

Ayes ................. 6
Noes .................. 33
Majority ............... 27

AYES

Brown, RJ
Ludlam, S
Siewert, R (teller)
Xenophon, N

NOES

Bilyk, CL
Bishop, TM
Boyce, SK
Bushby, DC
Colbeck, R
Farrell, D
Feeney, D
Fifield, MP
Hutchins, S
Ludwig, JW
Marshall, GM
McLucas, J
Nash, F
Parry, S (teller)
Sherry, NJ

Birmingham, SJ
Boswell, RLD
Brown, CL
Cameron, DN
Crossin, P
Faulkner, J
Ferguson, AB
Forshaw, MG
Kroger, H
Landy, KA
McEwen, A
Moore, CM
O’Brien, K
Pratt, LC
Stephens, U
Phosphate-based Laundry Detergents

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12:08): I move:

That the Senate—

(a) congratulates the not-for-profit organisation Do Something! for its successful 'National Phosphate Ban' campaign which has resulted in all major players in the Australian detergent industry now implementing or agreeing to phase out phosphates in laundry detergents by 2014; and

(b) calls on the Government to legislate to ban phosphate based laundry detergents.

Question put.

The Senate divided [12:13]

(The Acting Deputy President—Senator Mark Bishop)

Ayes....................6
Noes....................32
Majority.................26

AYES

Brown, RJ
Ludlam, S
Siewert, R (teller)

NOES

Pratt, LC
Sherry, NJ
Stephens, U
Troeth, JM
Trood, R

DeforestACTION Program

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (12:16): I move:

That the Senate—

(a) notes:

(i) the dire situation facing wild orang-utan populations in southeast Asian forests are being destroyed at a rate equal to 300 soccer fields every hour,

(ii) that orang-utans are predicted to be extinct in the wild within 10 to 15 years due largely to the palm oil industry replacing native forest with palm plantations,

(iii) that only three vegetable oils, namely peanut, sesame and soybean, are required to be labelled as food products under Australian labelling laws allowing palm oil to be hidden as vegetable oil,

(iv) the DeforestACTION program run in 350 Australian schools and in many other schools worldwide raises awareness of forestry impacts and fundraises for international wildlife and forest conservation projects, and

(v) the DeforestACTION program’s objectives are to:

(a) raise funds to buy back and preserve rainforests (initially in Indonesia),

(b) regrow a full forest ecosystem (initially 50 000 hectares),

(c) create the world’s largest orang-utan sanctuary, allowing people to interact remotely with the animals,

(d) monitor rainforest via satellites to provide real time intelligence require to halt illegal deforestation,

(e) develop a proven model for 21st century learning to be embraced by schools globally, and

(f) create global awareness of the dangers of destroying forest for monoculture farming, especially palm oil;

(b) recognises and congratulates Tasmania's
Taroona High School students and staff for their awareness and fundraising activities for the DeforestACTION program resulting in recognition of Taroona High School as the world's leading school for the program; and

(c) calls on the Government to:
   (i) include palm oil as a declared ingredient in food and cosmetic products under current labelling laws, and
   (ii) support the DeforestACTION program by showing leadership in protecting native forests in Australia and primary forests around the world.

Question put.

The Senate divided. [12:17]

(The Acting Deputy President—Senator Mark Bishop)

AYES

Brown, RJ
Ludlam, S
Siewert, R (teller)
Xenophon, N

NOES

Bilyk, CL
Boswell, RLD
Brown, CL
Cooman, H
Farrell, D
Feeney, D
Fifield, MP
Furner, ML
Kroger, H
Lundy, KA
McEwen, A
Moore, CM
O’Brien, K
Pratt, LC
Stephens, U
Trood, R

Proposed Gas Hub and Bilby Habitats

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:20): I, and also on behalf of Senator Ludlam, move:

That the Senate—

(a) notes that:
   (i) the bilby is listed as a threatened species under the Environment Protection and Biodiversity Conservation Act 1999,
   (ii) human generated habitat degradation is identified as a major threat to bilbies according to the National Recovery Plan for the Greater Bilby Macrotis lagotis (2006), and
   (iii) the plan lists the following threats to the species:
      (a) a potential increase in predation through creating a corridor for predators to move along,
      (b) habitat destruction and degradation resulting from mining and other development, and
      (c) road mortality,
   (iv) building a gas hub at James Price Point, Western Australia, could result in degradation to known bilby habitats,
   (v) Woodside Petroleum has been given permission by the Government to clear 25 hectares of vegetation in known bilby habitat,
   (vi) there was evidence of bilbies in the area according to surveys conducted for the project, and
   (vii) this decision on clearing pre-empts any final decision by the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) on the gas hub and has been given during the process of a strategic assessment; and
   (b) calls on the Minister for Sustainability, Environment, Water, Population and Communities to re-examine this decision and halt any clearing until a decision has been made on the strategic assessment of a gas hub for Browse Basin gas.

Question negatived.
COMMITTEES
Finance and Public Administration Legislation Committee
Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (12:21): I move:

That the final report of the Finance and Public Administration Legislation Committee on its inquiry into exposure drafts of Australian privacy amendment legislation be presented by 30 September 2011.

Question agreed to.

Community Affairs References Committee

Senator XENOPHON (South Australia) (12:22): by leave—I seek to amend the motion standing in my name relating to a reference to the Community Affairs References Committee before asking that it be taken as formal. I seek to amend the reporting date for this inquiry from 22 August 2011 to 12 October 2011 and also to change paragraph (c) so that it reads 'the effectiveness and accuracy of the billing code and prosthesis list' rather than the current wording, which is 'the effectiveness and accuracy of current billing systems'. I seek leave to make a short explanation.

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop): Leave is granted for two minutes.

Senator XENOPHON: The reason for the amendments to paragraph (c) is that my office was contacted by the committee secretariat in relation to the wording. There was concern that 'current billing systems' may have been too ambiguous and changing that to 'the billing code and prosthesis list' would give a clearer definition in the event that the department was concerned about it. I make it clear this is not a request of the department in terms of the amendment, but the committee secretariat raised an issue about what it meant and this clarifies that. On that basis, I move my amendment, as amended:

That the following matter be referred to the Community Affairs References Committee for inquiry and report by 12 October 2011:

The regulatory standards for the approval of medical devices in Australia, with particular attention to devices with high revision rates, and in undertaking the inquiry the committee consider:
(a) the role of the Therapeutic Goods Administration in regulating the quality of devices available in Australia;
(b) the cost effectiveness of subsidised devices;
(c) the effectiveness and accuracy of the billing code and prosthesis list;
(d) the processes in place to ensure that approved products continue to meet Australian standards;
(e) the safety standards and approval processes for devices that are remanufactured for multiple use;
(f) the processes in place to notify the relevant authorities and the general public of high revision rates or possible faulty devices;
(g) the effectiveness of the current regimes in place to ensure prostheses with high revision rates are identified and the action taken once these devices are identified;
(h) the effectiveness of the implemented recommendations of the Health Technology Assessment; and
(i) any other related matter.

Question agreed to.

Legal and Constitutional Affairs Legislation Committee

Additional Information

Senator McEWEN (South Australia—Government Whip in the Senate) (12:24): I present additional information received by the Legal and Constitutional Affairs Legislation Committee relating to the 2010-11 additional estimates.
Corporations and Financial Services Committee Report

Senator BOYCE (Queensland) (12:24): On behalf of the Parliamentary Joint Committee on Corporations and Financial Services, I present two reports of the committee as listed at item 7 on today's Order of Business, and seek leave to move a motion in relation to the reports.

Leave granted.

Senator BOYCE: I move:

That the Senate take note of the reports.

As Deputy Chair of the Joint Corporations and Financial Services Committee I am pleased to speak to these two reports. The first was the committee's report into access for small and medium business to finance and the second was the committee's report on the statutory oversight of the Australian Securities and Investments Commission. On 25 November last year, the House of Representatives referred to the committee an inquiry into small and medium business's access to finance. The report was presented to the Speaker out of session on 28 April, and I am pleased that I can now present that report to the Senate.

As senators know, access to finance from lending institutions is crucial to the ongoing productivity and growth of the small- and medium-business sector. While Australia came through the GFC relatively well, the crisis continues to leave its mark on our economy, particularly in the area of small and medium business, who are facing a perfect tsunami of problems relating to their ability to conduct business. This was no more evident than in the small- and medium-business finance sector. The committee heard evidence that, due to be GFC initially, lending competition decreased while the cost of providing finance increased. Small and medium businesses could access finance, however on less favourable terms and on less favourable conditions than prior to the crisis. Also those who were successful often had to wait longer, which stifles innovation, the keystone of small business.

In a unanimous report our committee made four recommendations to help improve the financial environment for Australia's small and medium businesses. We recommended that the government assess the value of developing uniform definitions of micro-, small and medium business to be applied for data gathering, policy development and analysis by Commonwealth and state agencies. That might sound like a minor change, but in fact it is not because across the ABS, the ATO, ASIC and a dozen other regulatory organisations and a dozen or more lending institutions different definitions are used all the time as to what constitutes micro-, small and medium business. The impost on many businesses is huge. We also recommended that the Reserve Bank of Australia specifically track the impact of the introduction of Basel III on the cost of small and medium business finance and residential mortgages. We recommended that the Code of Banking Practice and the Mutual Banking Code of Practice be amended to include a standardised notice period for notifying business borrowers of changes to loan terms and conditions that may be materially adverse for borrowers. This issue was raised with us often by small and medium businesses who were given varying amounts of notice about changes to their loan conditions. We recommended that the government undertake further work to explore policy measures that may strengthen the mutual sector as a fifth pillar of the banking system and therefore promote competition. I turn now to the second report, tabled in the House of Representatives on 23 May 2011, on the committee's statutory oversight of ASIC.
This is a requirement under the ASIC Act. ASIC is charged with monitoring and promoting market integrity and consumer protection in Australia’s financial system. The relevance of ASIC’s responsibilities to the ethical performance of this nation’s financial system cannot, in my view, be overstated. The committee’s oversight of ASIC provides an opportunity for the parliament to be assured that the regulator is operating effectively and to identify opportunities for improvement. The committee would like to direct parliament’s attention to several areas, including ASIC’s complaints-handling practices, compliance with the Legal Services Directions, and measures to promote financial literacy. We will continue to engage with ASIC to identify areas for improvement.

In preparing the report, the committee held a hearing on 11 March with ASIC officials, the Office of Legal Services Coordination and the Australian Securities Exchange. We would like to thank ASIC for their continuing cooperation and assistance, and the representatives from the Office of Legal Services Coordination and the ASX for the additional insights they provided. This is going to be a new direction that the Joint Committee on Corporations and Financial Services will take. We will hold four statutory oversight hearings into ASIC each year and we intend to broaden the number of people that we speak to about ASIC and its operations, partly to inform our work but also to inform ASIC’s work and to develop a better level of communication between the financial sector, ASIC and academics working in this field, and to establish a sense of where we sit in the international framework on our regulation of ASIC. I am very hopeful that this will deepen our ability to provide assurance to this parliament on the workings of ASIC.

I also take this opportunity to thank the former chairman of ASIC, Mr Tony D’Aloisio, for his work with and his assistance to the committee. We found his reports to us always insightful and informative. And I would like to welcome the new chairman, Mr Greg Medcraft. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Law Enforcement Committee Report

Senator HUTCHINS (New South Wales) (12:32): I present the report of the Parliamentary Joint Committee on Law Enforcement, Adequacy of aviation and maritime security measures to combat serious and organised crime, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator HUTCHINS: I move:

That the Senate take note of the report.

Since 2009, the Parliamentary Joint Committee on Law Enforcement has been examining the security of Australia’s aviation and maritime sectors. Specifically, the committee has been inquiring into the exploitation of these sectors, including our airports and seaports, by serious and organised criminal networks and whether our current security arrangements are adequate in the face of this threat. On behalf of the committee, I would like to thank all those who contributed to the inquiry. We were fortunate to be able to consult with a wide body of experts, including senior law enforcement officials, private operators, union groups, industry associations and security consultants. I would particularly like to thank the secretariat—Dr John Bell, Mr Bill Bannear and Ms Rosalind McMahon—and previous secretariat staff who also contributed to the inquiry: Mr Tim Watling,
Dr Shona Batge, Dr Jacqueline Dewar, Dr Tim Kendall, Dr Robyn Clough, Ms Nina Boughey, Ms Danielle Oldfield and Ms Victoria Robinson-Conlon.

The committee received a large amount of evidence pointing to ongoing penetration of our airports and seaports by organised crime. In addition to evidence provided by Australia's law enforcement community, particularly the Australian Crime Commission, the committee also had the opportunity to discuss the state of affairs with industry insiders during airport and seaport site visits in six states and territories. As a result of this comprehensive investigation, the committee is deeply concerned by the level of organised criminal activity occurring in the aviation and maritime sectors.

A key driver for this criminal activity continues to be the lucrative profits made by the importation of illicit drugs. The committee heard that a kilogram of cocaine that might cost a few thousand dollars in a source country such as Colombia might have a wholesale price of around $300,000 in Australia and a street-level price approaching $1 million. As the majority of illicit drugs, either in their final form or as precursor chemicals, are sourced overseas, this lucrative trade corrupts the same air and sea routes used by legitimate commerce.

In addition to the drug trade, the committee heard that the range of serious criminal activity includes, amongst other things, money laundering, tobacco smuggling, counterfeiting and the illegal trade in flora and fauna. This corruption of the industry is facilitated in part by trusted insiders within it—a small minority of individuals working within the aviation and maritime sectors, either recruited or placed by criminal networks, who have a disproportionately large impact. Current efforts to ensure the integrity of the workforce in these sectors are not adequate. The prevailing security regime in the aviation and maritime sectors was introduced in the post-September 11 climate and focuses narrowly on the threat of terrorist attack within these sectors. While the committee agrees that such security measures are vital for the safety of the community, it makes recommendations in this report that would see the security regime extended to defend against the threat of organised crime. This is in line with this government's policy since the inaugural National Security Statement in which serious and organised crime was identified as a threat to national security. A key recommendation, in line with this statement, is the strengthening of the Aviation and Maritime Security Identification Card schemes. During the course of the inquiry, the committee became aware that a number of individuals known to be closely involved with criminal activity continue to hold these cards allowing them to freely access sensitive areas. For this reason, the committee has recommended a mechanism by which such individuals could have their card revoked on the basis of compelling criminal intelligence. Further changes to the ASIC and MSIC schemes recommended by the committee include its expansion to cover important elements of the supply chain outside of the airport or seaport environment and the introduction of biometric information to simplify and strengthen the management of the system.

The committee also spent considerable time examining the law enforcement response to organised crime in the aviation and maritime sectors. The committee identified the key role that intelligence played in ensuring an informed response. Intelligence, including from overseas partners, has a dual purpose. On the one hand, it informs successful operations such as the seizure of...
460 kilograms of cocaine from a yacht in Brisbane in October last year. This successful operation required the timely sharing of information and coordination of action at an operational level between key agencies. On the other hand, intelligence can be used at a strategic level to build a picture of criminality that allows not just reactive intervention but proactive prevention. The committee is therefore keen to see an enhanced analytical use of intelligence from all sources and supports ongoing efforts that allow such 'fusion' to take place.

The committee has been encouraged by the development of joint-agency task forces in a number of states, and has recommended this be emulated in all jurisdictions. State based task forces would be supplemented by a national flying squad that would direct a joint-agency response to trouble spots on an as-needs basis.

In chapter 4 of the report, the committee recommends a number of measures that would reduce the vulnerability of ports and airports, referred to as 'target hardening'. These measures include an enhanced role for CCTV, drug and currency sniffer dogs, and the development of a confidential means for container examination. Importantly, the committee has recommended a number of enhancements to the air passenger environment. Organised crime figures are currently able to travel under false identities with impunity, facilitating criminal activity. In response, the committee has recommended that travelling under a false identity be made an offence. In addition, the committee has recommended that the provision of photo identification by passengers be made mandatory prior to boarding a plane.

In conclusion, I note that serious and organised crime continues to threaten Australia's community and is estimated to cost the national economy more than $15 billion each year. The government will need to continually adapt to this evolving threat. I therefore commend the committee's report and recommendations to the Senate. I note that the Australian government is serious about defending the community from the threat of organised crime, and I therefore commend these recommendations to the government as essential to that effort.

Senator PARRY (Tasmania—Chief Opposition Whip in the Senate and Deputy Manager of Opposition Business in the Senate) (12:40): I also rise to speak on this report on aviation and maritime security measures to combat serious and organised crime, being a member of the committee and being involved with the inquiry for its duration. I recommend the report to all senators and members to read. It has some revealing information. The committee, in taking a lot of in camera evidence, was given information that really assisted in the compilation of this report, which obviously cannot be discussed. However, the evidence that is in the report is compelling. The evidence given by agencies certainly led us to the 21 recommendations and I wholeheartedly support the recommendations.

Senator Hutchins touched on one of the recommendations I wish to highlight, and that is recommendation No. 4. The committee recommended the formation of a maritime crime task force that would be a national flying squad led by the Australian Federal Police. The intent and the purpose of this flying squad is to randomly check and go to any areas that they are required to go to in the light of information or intelligence that comes before that flying squad. I believe this would be a great deterrent to illicit activity in the maritime sector in particular. To have a flying squad that could arrive unannounced at any time to investigate issues, be they intelligence based or random, would be a great deterrent.
Senator Hutchins also touched upon the prices of illicit drugs on the international and domestic market. This is a cornerstone aspect of why crime activity and the importation of illicit material, in particular drugs, are prevalent in our maritime and aviation sectors. I will go through some detail because the main rationale for organised crime is simply to drive profit. The profit is enormous.

Senator Hutchins touched upon cocaine. I will go to heroin. Heroin, when it leaves its source in Afghanistan—and this is shown in a table in appendix 4 of our report—can have a top price of about $2,500 for a typical kilogram. When it comes to Australia, 700 grams, so just under a kilogram, can wholesale for $210,000. That is an enormous mark-up from $2,500 a kilogram to $210,000 for less than a kilogram when it arrives in Australia.

Ecstasy—a tablet of choice, sadly—can leave the Netherlands at a wholesale price for the top range of about $4,700 per 1,000 tablets. It will then wholesale in Australia at the top price of around of about $20,000 per 1,000 tablets. A lot of tablets can come through our airports and our ports. Methylamphetamine can leave Canada with the top-range price of $23,000 for a kilogram—I am quoting the top range; the wholesale price can be a lot less in the source country—and be wholesaled in Australia for $210,000 a kilogram.

Australia is the most lucrative country for organised crime because we seem to have the ability to pay and we pay higher prices. If you look at the average prices in other countries, in the United States methylamphetamine is about $70,000 per kilogram. Likewise, if we go back to cocaine, it is about $43,000 per kilogram for cocaine in the United States compared to $250,000 per kilogram here for the top-range wholesale price Senator Hutchins also quoted. So we seem to have the ability to pay. The end-users here want to pay and that is why the crime syndicates are lucrative options for organised crime. They are certainly picking a market and that is why we need to be tougher on our borders in Australia. This report goes to address how we can harden our borders and how we can detect crime operations on our waterfront and in the aviation sector, and I commend the report to the Senate. I seek leave to continue my remarks.

Leave granted; debate adjourned.

**BILLS**

**Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011**

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

First Reading

Bills received from the House of Representatives.

Senator SHERRY: I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (12:45): I table a revised
explanatory memorandum relating to the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011 and move:

That these bills be now read a second time.

I seek leave to have the second reading speeches incorporated in Hansard.

Leave granted.

The speeches read as follows—

FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (FURTHER ELECTION COMMITMENTS AND OTHER MEASURES) BILL 2011

This Bill delivers on three important election commitments made by the Government during the 2010 election campaign to improve support for Australian families and children. These will make the system of family tax benefit advances more flexible to better meet families’ needs, and make sure children have a health check before they start school.

The Bill also includes a measure from the 2010-11 Budget on streamlining notification of compensation payments, along with some minor clarifications to family payments and technical amendments.

An additional two election commitments for Australian families were included in an earlier Bill. These were:

- improved support for families with teenagers, which will provide substantial increases in family assistance for families with teenagers aged 16 to 19 in secondary school or vocational equivalent; and
- better access to the baby bonus to assist families with the upfront costs of having a new baby.

Together, these commitments will significantly improve the assistance available to Australian families to assist with the costs of raising children.

More flexible family tax benefit advances

The first election commitment in the Bill being introduced today overhauls the advance payment rules for family tax benefit Part A to better meet families’ needs. This initiative is part of the Government’s Better Access to Family Payments package, which will give families improved and more flexible access to their family payments.

One element of the Better Access to Family Payments package has already been introduced in a recent Bill – a $500 upfront payment of the baby bonus for eligible parents.

Managing the household budget can be a delicate balance, especially when something unexpected happens. The fridge or washing machine can break down, or a school uniform can get damaged and need replacing.

The measure in this Bill will ensure that advance payment rules for family tax benefit Part A are more flexible, helping families deal with unexpected expenses.

Under the new rules that will apply from 1 July 2011, families will have more choice over the size and timing of their advance payments.

For some families, this new flexibility will mean avoiding higher credit card bills or small loans from high interest providers such as payday lenders. For others, it will make it easier to manage the family budget around one-off expenses like the car registration or a broken fridge.

Currently the maximum advance amount is fixed at around $330 for six months for all families, and this full amount can only be advanced twice a year – on 1 July and 1 January. This means that families do not have the flexibility to request advances when they actually need them to meet unexpected costs.

Under the new rules, families will be able to choose the value of their advance payment between minimum and maximum amounts. The minimum amount for all families will be 3.75 per cent of the maximum standard rate for a child aged under 13 – this would give a minimum advance amount of around $160.

The maximum amount will be linked to the family’s usual annual rate of payment. Generally,
a maximum of 7.5 per cent of that rate will be available for advance payment.

For a family not receiving rent assistance, and with one child under 13, this would give a maximum advance amount of around $320. For a family not receiving rent assistance, and with two children under 13, the maximum advance would be around $640.

The maximum advance would be higher for a family receiving rent assistance.

An overall maximum will apply, set initially at $1,000 in 2011-12, and maintained at the same percentage of the maximum rate for one child under 13 as in the first year.

Some families on the base rate of family tax benefit Part A would have access to a smaller advance amount because of their smaller existing entitlements.

Families will repay their advances through adjustments to their ongoing fortnightly family tax benefit Part A entitlement in the following six months.

From 1 July, families will be also able to request advances at any point in the year, and can have multiple advances up to their maximum advance amount.

However, Centrelink will not approve advance payment requests if they would result in financial hardship. Families making repeated requests will also be assessed to see whether they may benefit from financial advice or financial counselling.

There are currently around 1.5 million families that could benefit from this measure if they choose to take these more flexible family tax benefit advances.

These reforms for families are similar to the improvements that this Government has already implemented for age pensioners as part of its historic pension reforms.

**Healthy start for school**

The second election commitment delivered through this Bill will set up a new requirement for income support recipient parents of four year-olds, to make sure their children have a health check before they start school.

The new requirements apply to families where either member of a couple has received income support for any part of the year.

The requirement will also apply to non-parent carers who have received family tax benefit for a child in their care for at least 26 weeks, and who also received an income support payment at some time during the financial year. In addition, the new requirement will only apply to non-parent carers who still have the care of the child at the end of the financial year.

Pre-school health checks make sure children are healthy, fit and ready to learn when they start school. These important checks promote early detection of developmental issues and illnesses.

Research indicates that disadvantaged children not only begin school less well prepared, but that early gaps persist and even widen as children progress through school. An early check is critical to help detect any developmental barriers, such as hearing or sight impairment.

The health checks to be included will be set by Ministerial determination. Many children receive health checks through child and maternal health clinics or through other health services. In 2008, the Federal Labor Government also introduced a Healthy Kids Check for four year olds so that families also have the option of receiving these services from a general practitioner or practice nurse.

Parents will need to confirm with Centrelink that the check has been done. There will be an exceptional circumstances provision to waive the new requirement, such as when the child has a severe disability or terminal illness.

This requirement will apply from the entitlement year that begins on 1 July 2011 and it is estimated around 92,000 children aged four, whose families receive income support at some point in the year, will be affected by this measure each year.

This important measure is another example of this Government putting the health and wellbeing of children front and centre.
of children and families at the centre of our welfare reform agenda.

The Government’s welfare reforms reflect the expectations of the broader Australian community – that people receiving welfare support should take personal responsibility for themselves and their families. People must participate in study, training or work and parents must care for their children.

It builds on the new model of non-discriminatory income management already rolled out in the Northern Territory, and the income management trials in Cape York and the Kimberley. Income management makes sure welfare payments are spent in the best interests of the child.

Income management is having positive results:

- More welfare money is being spent on food, clothing and school-related expenses and less on alcohol, gambling, cigarettes and drugs.
- Over half of those who could have left the scheme in the Northern Territory have volunteered to stay on it – they find the Basics Card is a helpful budgeting tool.
- And in Western Australia, two-thirds of people on compulsory income management and 82 per cent on voluntary income management said they recommended income management to others – a pretty good endorsement.

**Strengthening child support compliance**

In the third election commitment in this Bill, the compliance regime on the use of default income in child support assessments will be strengthened.

A new, more accurate, default income arrangement will be introduced that uses a parent’s previous taxable income, increased by wages growth, instead of a lower default income in cases where they have not lodged a tax return.

Currently, when a parent has not lodged a tax return, their child support assessment is estimated at two-thirds of the Male Total Average Weekly Earnings. However, this figure often understates the parent’s actual income.

Almost one in four child support cases have incorrect assessments due to late or non-lodgement of tax returns. Some parents have failed to lodge returns for over seven years. This non-compliance with tax obligations works against the policy objective of the Child Support Scheme that parents contribute towards the cost of raising their children according to their capacity to pay.

Under legislative changes made in 2006, and implemented during 2008, a new default income of two-thirds of Male Total Average Weekly Earnings has applied in child support cases where a person does not lodge their tax return for more than two years. This default income is around $39,000 per annum.

Since 1 July 2008, there has been a 570 per cent increase in the use of this default income where it is lower than the person’s previous taxable income.

To ensure a more accurate child support assessment and therefore better support for children in separated families, the new process will generally use the parent’s last known taxable income, indexed by the growth in average wages. However, if the current calculation of two-thirds of Male Total Average Weekly Earnings would produce a higher income, that figure will be used instead.

This measure will help ensure that child support assessments are fairer and more accurate and remove the unintended incentive for parents on higher incomes to benefit from a lower child support assessment if they do not lodge a tax return.

**Streamlining of compensation payments notification**

A measure from the 2010-11 Budget will also be introduced in this Bill. This measure will streamline the process of notifying Centrelink when payments are made by compensation payers and insurers.

These compensation payers and insurers will now need to tell Centrelink before compensation payments (lump sum payments as well as ongoing periodic payments) are made to compensation recipients or their partners.

The new requirement will help make sure people are paid their correct Centrelink
entitlements and avoid overpayments and unnecessary debts accruing.

This measure will help simplify the process of Centrelink notification for recipients of compensation who also receive Centrelink payments.

**Minor amendments**

Lastly, some minor clarifications will be made to several family assistance and child support provisions. These clarifications do not change current policy.

This Bill delivers on three important election commitments and a measure from last year’s Budget. The measures in this Bill will improve support for Australian families, improve child support assessments and help prevent compensation recipients accruing unnecessary debts with Centrelink.

**FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE FINANCIAL VIABILITY) BILL 2011**

Today I am introducing a Bill to that builds on the Government’s commitment to better ensure the financial viability of the child care sector.

Members will recall the overnight collapse of ABC Learning in 2008 – a collapse that was simply unprecedented in this country.

It was a collapse made possible by the fact that the former Coalition Government allowed ABC Learning to continue to expand virtually unchecked and unhindered.

As a result, with virtually no notice, almost 100 000 families across the nation were left wondering what they were going to do the next morning.

Tens of thousands of confused parents didn’t know if they’d be able to go to work or to study the next day.

16 000 child care workers didn’t know if they still had a job to go to.

When a child care provider as large as ABC collapses, the consequences for both families and staff are severe.

If it hadn’t been for the Australian Labor Government’s quick and decisive action in 2008, when we stepped in to stabilise the sector and keep ABC’s doors open for families while future arrangements were made - these families, children and workers would have been left in the cold.

Instead 90 percent of these centres continue to operate for Australian families today.

Following that catastrophic collapse the Australian Government committed to strengthen stability in the child care industry so that parents’ could be confident that their care arrangements would be there to support them when they need it.

We have introduced a range of new measures to better ensure the financial viability of child care providers.

We are:

- more closely scrutinising the financial background and key personnel of child care providers when granting approval to operate a child care service; and
- requiring operators to give the Department 42 days notice of their intention to close.

Furthermore through legislation that is currently before the Senate, we will:

- enhance the Government’s ability to deal with ‘pheonixing’ – where an operator who accumulates debts, exits and then re enters the market under a restructured company; and
- strengthen the Secretary’s powers to refuse applicants who are not fit and proper persons to operate child care services.

The Family Assistance Legislation Amendment (Child Care Financial Viability) Bill 2011 builds on these reforms.

The amendments in the Bill broaden the powers of the Secretary of the Department to request detailed financial information about large Long Day Care providers and use this information to assess their financial viability on an ongoing basis.

It will also deliver greater audit powers to the Australian Government where we have serious concerns about a provider’s financial health.

This means that for the first time large Long Day Care providers will be required to demonstrate that they are financially viable as a condition of receiving Government funding.
These providers will also be required to continually demonstrate their financial viability each year in order to receive Government funding.

This will establish an ‘early warning’ system, so that the Australian Government can anticipate and respond to a potential collapse of a major child care provider.

Our focus on large long day care providers in this Bill is in recognition of the widespread impact a collapse of such a provider – like ABC Learning – can have on families, children and child care workers.

The Australian Government recognises that child care is an essential enabler of workforce participation, most particularly for Australian women.

At a time when employers are crying out for workers then it is essential that we are supporting parents who want to return to work to be able to participate confidently.

Parents need to have trust that when they drop their child off in the morning that their child is in quality child care.

Importantly, they also need to know that when they drop their child off at care, someone will be there to meet them each and every day.

Debate adjourned

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

**Governance of Australian Government Superannuation Schemes Bill 2011**

**ComSuper Bill 2011**

**Superannuation Legislation (Consequential Amendments and Transitional Provisions) Bill 2011**

**Taxation of Alternative Fuels Legislation Amendment Bill 2011**

**Excise Tariff Amendment (Taxation of Alternative Fuels) Bill 2011**

**Customs Tariff Amendment (Taxation of Alternative Fuels) Bill 2011**

**Energy Grants (Cleaner Fuels) Scheme Amendment Bill 2011**

**First Reading**

Bills received from the House of Representatives.

**Senator SHERRY:** I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed on the Notice Paper as indicated on today’s Order of Business. I move:

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

Question agreed to.

Bills read a first time.

**Second Reading**

**Senator SHERRY** (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (12:48): I table a revised explanatory memorandum relating to the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011 and move:

That these bills be now read a second time.

I seek leave to have the second reading speeches incorporated in Hansard.

Leave granted.

The speeches read as follows—

GOVERNANCE OF AUSTRALIAN GOVERNMENT SUPERANNUATION SCHEMES BILL 2011

The Governance of Australian Government Superannuation Schemes Bill 2011 (the Bill) is part of a package of Bills to improve and modernise the governance arrangements for the main Commonwealth civilian and military superannuation schemes.
The Bill gives effect to the Government’s announcement, in October 2008, to merge the trustees for the Commonwealth’s main civilian and military superannuation schemes – that is, the Australian Reward Investment Alliance, the Military Superannuation and Benefits Board and the Defence Force Retirement and Death Benefits Authority (DFRDB Authority) - to form a single trustee body.

The main civilian and military superannuation schemes that will come under the single trustee are the:

- Commonwealth Superannuation Scheme;
- Public Sector Superannuation Scheme;
- Public Sector Superannuation Accumulation Plan;
- Military Superannuation and Benefits Scheme;
- Defence Force Retirement and Death Benefits Scheme; and
- Defence Force Retirement and Benefits Scheme.

The single trustee will also assume responsibility for the scheme established by the Superannuation Act 1922, the Papua New Guinea Scheme and the Defence Force (Superannuation)(Productivity Benefit) Scheme. These schemes currently come under the Commissioner for Superannuation and, in the case of the latter scheme, the DFRDB Authority and the Commissioner for Superannuation.

The Bill establishes the Commonwealth Superannuation Corporation (CSC) as the single trustee. CSC is a Commonwealth authority for the purposes of the Commonwealth Authorities and Companies Act 1997.

Importantly, the Bill does not impact on the design of the schemes or on members’ entitlements, which are protected by separate scheme legislation that cannot be changed by the trustee. In particular, there is no change to the existing features and benefits that reflect the unique nature of military service in the Australian Defence Force, such as death and disability arrangements.

The Government’s decision to merge the civilian and military trustees was made with the aim of improving member benefits and service levels.

The ability of a single trustee to consolidate scheme funds will provide the opportunity to access increased benefits of scale. This includes access to higher service levels and better investment opportunities, which will allow members of all the schemes to benefit through lower investment costs and higher investment returns.

Members of the Military Superannuation and Benefits Scheme (MSBS) – which comprises the bulk of serving Defence Force personnel – stand to gain substantial benefits from the merger. This is because the scheme has just over $3 billion in assets under management whereas the civilian schemes have approximately $18 billion in assets under management. There is clear industry experience that members of smaller superannuation schemes have the most to gain when their scheme funds are consolidated into a larger pool of funds.

All scheme members will also ultimately benefit from a highly skilled and innovative trustee being responsible for their superannuation schemes. This includes the ability for the single trustee, due to its increased presence in the superannuation industry, to attract and retain quality and experienced board members and staff.

Since last year, the Government has undertaken consultation with military stakeholders on how the Bill will affect members of the military schemes. While recognising that members of the MSBS in particular will benefit from the trustee consolidation, the Government has also accepted many of the suggestions made by the ex service community to protect the status of military superannuation. This includes a requirement for CSC to have regard to the unique nature of military service as set out in the relevant military superannuation legislation when it is performing a function under that legislation. I thank the ex-service community for their dedication to representing the interests of their members.

Both military and civilian interests will be represented on the 11 member governing board of CSC. The Chief of the Defence Force will be responsible for nominating two member directors and there will be consultation between the...
Finance and Defence Ministers on suitable candidates for the five employer director positions. Three other member directors are nominated by the President of the ACTU.

The Government has also responded to suggestions that there be a review of the first five years of the operation of the Act. This will ensure the ongoing effectiveness of the single trustee arrangements.

Overall, the Bill will better secure the superannuation arrangements for military personnel and Commonwealth civilian employees for the long term. It will also allow substantial benefits to flow to members, while retaining the individual scheme benefits and entitlements.

The Bill reflects the Government’s ongoing commitment to provide efficient and sustainable superannuation arrangements for Commonwealth employees and military personnel, together with its strong commitment to protect those features of military superannuation that recognise that military service is unique and different from civilian employment.

COMSUPER BILL 2011

The ComSuper Bill 2011 (the Bill) is part of a package of bills to improve and modernise the governance arrangements for the main Commonwealth civilian and military superannuation schemes.

This Bill will establish ComSuper and provide that it is a statutory agency for the purposes of the Public Service Act 1999 consisting of a Chief Executive Officer (CEO), as head of the agency, and staff. The Bill will also provide that ComSuper will be a prescribed agency for the purposes of the Financial Management and Accountability Act 1997.

The Bill will modernise the governance structure of ComSuper as a statutory agency, and clarify ComSuper’s functions. The Government’s decision to improve superannuation administration was made with the aim of improving service levels for current and former members.

The function of the CEO will be to provide administrative services to the Commonwealth Superannuation Corporation (CSC), which will be established as the trustee of the main Australian Government civilian and military superannuation schemes from 1 July 2011 by the Governance of Australian Government Superannuation Schemes Bill 2011. The CEO will be responsible for providing administrative services to CSC.

The CEO will be appointed by the Minister for Finance and Deregulation in consultation with the Minister for Defence.

Overall, the implementation of the Bill will better secure the superannuation arrangements for Commonwealth civilian employees and military personnel for the long term. The Bill reflects the Government’s ongoing commitment to provide efficient and sustainable superannuation arrangements for Commonwealth employees and military personnel.

SUPERANNUATION LEGISLATION (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2011

The Superannuation Legislation (Consequential Amendments and Transitional Provisions) Bill 2011 (the Bill) supports significant reforms to the governance of Commonwealth superannuation that are included in the Governance of Australian Government Superannuation Schemes Bill 2011 and the ComSuper Bill 2011.

The Bill makes consequential amendments to a range of other Commonwealth Acts of Parliament to take account of the changes to governance arrangements for Commonwealth superannuation schemes. It also puts in place transitional arrangements necessary for the reforms.

The Bill amends the Superannuation Act 2005 to facilitate public sector employees being able to consolidate their superannuation savings under the management of one trustee.

Following consultation with ex-service organisations, the Government has strengthened recognition of the unique nature of military service in the Bill. In particular, the Bill amends the Defence Force Retirement and Death Benefits Act 1973 to mandate the establishment of a dedicated Defence Force Case Assessment Panel by the single trustee, Commonwealth Superannuation Corporation. The establishment of the Panel ensures the continuation of the role and function currently performed by the Defence
Force Retirement and Death Benefits Authority within the framework of the single trustee.

The Bill requires the Panel to have military representation. This includes representation nominated by the Chiefs of each of the three services. The Bill also prescribes the Chair as being one of the directors of CSC who was nominated by the Chief of the Defence Force.

**TAXATION OF ALTERNATIVE FUELS LEGISLATION AMENDMENT BILL 2011**

This Bill is one of a number of Bills that together introduce fuel tax reforms first announced by the former Howard Government in its 2003-04 Budget.

The Bills phase in the new taxation arrangements in respect of liquefied petroleum gas, liquefied natural gas and compressed natural gas. The Bills also clarify the tax treatment of renewable fuels, namely ethanol, methanol and biodiesel, and correct a legislative anomaly that was wilfully ignored by the former Howard Government, providing much needed certainty for the renewable fuels industry.

Over time, the rate of excise applied to LPG, LNG and CNG will be calculated on the basis of the energy content of those fuels, discounted by 50 per cent to recognise the fuel security, potential environmental, and regional development benefits arising from their use. These arrangements will be phased in incrementally over a five year period to ensure that industry and users of the fuels have sufficient time to adjust to the new system.

According to the ACCC’s December 2010 report on the petroleum industry, Australia enjoyed the lowest automotive LPG prices in the OECD. The introduction of taxation on LPG will bring Australia into line with most other OECD countries.

This Bill also includes a commitment that renewable fuels (ethanol, methanol and biodiesel) do not pay effective excise. This commitment reflects discussions with our cross-bench colleagues and industry on these longstanding reforms. It will mean that these renewable fuels will play an important part in Australia’s transition to a low carbon economy and future energy security.

The taxation and grant arrangements that currently apply to ethanol, namely application of fuel taxation to both imported and domestically produced ethanol with a grant for domestically produced ethanol, will be maintained for a period of 10 years before a review is undertaken. Similarly, the taxation arrangements for biodiesel and renewable diesel, and the availability of the Energy (Cleaner Fuels) Scheme Grants, will remain in place before a review is undertaken after 10 years.

The Government will also exclude methanol, used in certain racing vehicles, from the new regime because of its limited use and small market. This recognises the concerns of the industry.

While the Government has not made any final decisions about the treatment of fuel in the carbon price arrangements, a principle of carbon pricing is to apply a price that reflects the relative emissions of different activities.

The Government notes the claims of the LPG industry that LPG generates 13 per cent less emissions than regular petrol and the low carbon opportunities of ethanol, methanol, biodiesel and other alternative fuels. The Government is committed to addressing the relative emissions generated by those fuels as part of its consideration of arrangements for fuel under the carbon price.

The support of the Parliament for this legislation is crucial.

Under the former Government’s legislation that will apply unless new legislative arrangements are made, the taxation arrangements for both imported and domestically produced ethanol will both jump to 7.6 cents per litre from 1 July 2011. This will mean that on this date the net excise on domestic ethanol will rise by 7.6 cents per litre and the duty on imported ethanol will fall by more than 30 cents per litre. In addition, the tax on imported and domestic ethanol will continue to rise each year by more than 7.6 cents per litre until they are both taxed at the petrol rate of 38.143 cents per litre. Biodiesel will also be overtaxed from 1 July 2011 if the Bills are not passed. The consequences of these arrangements would be devastating for industry.
The Gillard Government is committed to completing the unfinished business of the Howard Government and to acting in the national interest. It is imperative to have these Bills passed to avoid the unintended tax consequences on the ethanol and biodiesel industries.

Once enacted, the legislation will provide certainty for alternative fuels taxation so that industry will be able to make decisions, confident in the knowledge of the tax arrangements that apply.

This is in stark contrast to the position of the Liberal-National Coalition.

In May 2003 the then Treasurer Costello announced the alternative fuels tax arrangements as long-term, important reforms—saying Australia must have a more consistent and sustainable fuel tax regime.

In December 2003 the then Prime Minister Howard said the reforms will result in a more consistent and neutral tax regime for fuels used in vehicles. The Deputy Prime Minister John Anderson at the time emphasised the importance of investment certainty.

This stance was reaffirmed by the Coalition as recently as the 2010 federal election campaign. But after eight years of being Coalition policy, on 28 January this year, the Leader of the Nationals made it clear that the Opposition now opposed these once bipartisan fuel tax reform arrangements. This is despite the fact that the Coalition was happy to include the positive revenue implications of this policy in the budget forward estimates from the time the policy was first announced.

In the face of this opportunistic policy reversal by the Coalition, the Government is getting on with the job, mindful of the new paradigm, but determined to act in the national interest.

It is critical that the Bills are considered promptly in the Parliament. Royal Assent is necessary before 1 July 2011 to prevent the changes legislated for ethanol, biodiesel and renewable diesel by the Howard Government coming into operation on 1 July 2011. These changes would seriously undermine Australia's renewable fuels manufacturing industry.

These Bills have been developed following an extensive consultation process with industry that included the release for comment of a discussion paper and release of exposure draft legislation.

The Bills also give effect to the Government's decision announced on 24 January 2011 at a cost of $26 million, to defer the start date of the new taxation arrangements for alternative fuels until 1 December 2011. This decision reflects the Government's commitment to listen and respond to concerns raised by industry and provides additional time, particularly for the gaseous fuels industry, to prepare for the changes.

The new tax arrangements contained in the Bills that apply to the taxation of LPG have been developed in close consultation with the LPG industry to ensure that industry compliance costs are minimised to the greatest extent possible.

These Bills also address industry concerns about the fuel tax credit arrangements applying to alternative fuels when blended with other fuels. The Bills set out rules to work out fuel tax credit entitlements for blends of fuels and ensures that current arrangements are maintained.

The application of fuel tax to alternative fuels by the package of Bills recognises that ethanol, biodiesel and renewable diesel are already in the excise and customs system and generally qualify for existing grants. The Bills ensure that these current arrangements will continue with a review after ten years.

Grants currently payable under the Energy Grants (Cleaner Fuels) Scheme Act 2004 will continue to be payable from 1 July 2011. Renewable diesel and biodiesel will continue to have fuel tax applied at the full fuel tax rate of 38.143 cents per litre with cleaner fuels grants offsetting the fuel tax.

Methanol and the gaseous fuels (compressed and liquefied natural gas and liquefied petroleum gas) are not in the fuel tax system at present. Methanol will remain outside the system.

CNG, LNG and LPG will enter the fuel tax system from 1 December 2011 and be covered by new arrangements. These set duty on a net basis without applying an offsetting grant against duty payable and set the rates of fuel tax on CNG and LNG in cents per kilogram rather than on...
These changes were supported during consultations as industry considered that they would reduce business compliance costs.

These improvements to the former Howard Government policy reflect a Government that is willing to listen. The Gillard Government is committed to getting this policy right, and to continuing to monitor the policy settings over time.

Accordingly, the Gillard Government will review the operation of the legislation after 30 June 2015 as it applies to LNG, CNG and LPG. At this time, a review of this longstanding policy will be timely given broader energy issues, including a carbon price. It would also be an appropriate time to analyse industry compliance costs, particularly in the LPG sector. Such a review can also consider issues such as the size of the alternative fuels sector and the market growth of these industries.

A separate later review of the taxation and grant arrangements that apply to ethanol, biodiesel, renewable diesel and methanol will be undertaken by the Government after 30 June 2021. The exclusion of methanol from duty will also be reviewed at this time.

Full details of the Taxation of Alternative Fuels Legislation Amendment Bill 2011 are contained in the combined explanatory memorandum.

EXCISE TARIFF AMENDMENT (TAXATION OF ALTERNATIVE FUELS) BILL 2011

The Bill is part of a package of Bills concerning the taxation of alternative fuels. The Bill provides for excise to be applied to certain fuels manufactured or produced in Australia.

The Bill sets out the excise rates that will apply at each stage of phasing in the new alternative fuels tax regime for compressed and liquefied natural gas and liquefied petroleum gas, and sets out how blends of fuels in the fuels tax system should be handled to determine excise duty obligations.

Full details of the Excise Tariff Amendment (Taxation of Alternative Fuels) Bill 2011 are contained in the explanatory memorandum.

CUSTOMS TARIFF AMENDMENT (TAXATION OF ALTERNATIVE FUELS) BILL 2011

The Customs Tariff Amendment (Taxation of Alternative Fuels) Bill 2011 is one of the package of five related Bills which impose rates of duty on alternative fuels, biodiesel, renewable diesel, ethanol, methanol and gaseous fuels.


These amendments impose customs duty on those tariff subheadings in the Customs Tariff Act that apply to alternative fuels. The Bill creates new subheadings to specify those products and also certain blends containing ethanol and biodiesel.

The new rates of customs duty will apply to alternative fuels imported from all countries, including alternative fuels imported under Australia’s Free Trade Agreements.

These amendments will ensure that the rates of customs duty on imported alternative fuels are the same as the rates of excise duty on those goods when produced in Australia.

The amendments to the Customs Tariff Act will take effect from 1 December 2011.

ENERGY GRANTS (CLEANER FUELS) SCHEME AMENDMENT BILL 2011

The Bill is part of a package of Bills concerning the taxation of alternative fuels. The Bill amends the Energy Grants (Cleaner Fuels) Scheme Act 2004 to extend its operation.

The change is a consequence of two circumstances. First, the Government’s decision announced on 24 January 2011 to allow an additional five months until 1 December 2011 for affected industry participants and, in particular, the gaseous fuels sector to adjust to the changes. Second, as a result of revised fuel taxation arrangements for ethanol, biodiesel, renewable diesel and methanol.

Full details of the Energy Grants (Cleaner Fuels) Scheme Amendment Bill 2011 are contained in the explanatory memorandum.

Debate adjourned.
Ordered that the bills be listed on the Notice Paper as orders of the day as indicated at item 8(b) of today's Order of Business.

Sex and Age Discrimination Legislation Amendment Bill 2010

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.

COMMITTEES

Membership

Messages received from the House of Representatives notifying the Senate of the appointment of Mr Scott to the Joint Standing Committee on the National Broadband Network as a participating member and of Mr Windsor, Mr Tehan and Mr Chester to the Joint Standing Committee on Electoral Matters for the purpose of the committee's inquiry into funding of political parties and election campaigns.

Australia's Immigration Detention Network Committee

Appointment

The ACTING DEPUTY PRESIDENT (Senator Pratt): A message has been received from the House of Representatives transmitting for concurrence a resolution proposing the formation of a joint select committee. Copies of the message have been circulated in the chamber.

The House of Representatives message read as follows—

Message no. 173, dated 2 June 2011—Proposed Joint Select Committee on Australia’s Immigration Detention Network, and transmitting for the concurrence of the Senate the following resolution:

That:

(1) a Joint Select Committee on Australia’s Immigration Detention Network be appointed to inquire into and report on:

(a) any reforms needed to the current Immigration Detention Network in Australia;

(b) the impact of length of detention and the appropriateness of facilities and services for asylum seekers;

(c) the resources, support and training for employees of Commonwealth agencies and/or their agents or contractors in performing their duties;

(d) the health, safety and wellbeing of asylum seekers, including specifically children, detained within the detention network;

(e) impact of detention on children and families, and viable alternatives;

(f) the effectiveness and long-term viability of outsourcing immigration detention centre contracts to private providers;

(g) the impact, effectiveness and cost of mandatory detention and any alternatives, including community release;

(h) the reasons for and nature of riots and disturbances in detention facilities;

(i) the performance and management of Commonwealth agencies and/or their agents or contractors in discharging their responsibilities associated with the detention and processing of irregular maritime arrivals or other persons;

(j) the health, safety and wellbeing of employees of Commonwealth agencies and/or their agents or contractors in performing their duties relating to irregular maritime arrivals or other persons detained in the network;

(k) the level, adequacy and effectiveness of reporting incidents and the response to incidents within the immigration detention network, including relevant policies, procedures, authorities and protocols;

(l) compliance with the Government's immigration detention values within the detention network;

(m) any issues relating to interaction with States and Territories regarding the detention and
processing of irregular maritime arrivals or other persons;

(n) the management of good order and public order with respect to the immigration detention network;

(o) the total costs of managing and maintaining the immigration detention network and processing irregular maritime arrivals or other detainees;

(p) the expansion of the immigration detention network, including the cost and process adopted to establish new facilities;

(q) the length of time detainees have been held in the detention network, the reasons for their length of stay and the impact on the detention network;

(r) processes for assessment of protection claims made by irregular maritime arrivals and other persons and the impact on the detention network; and

(s) any other matters relevant to the above terms of reference;

(2) the committee consist of 11 members, 2 Members to be nominated by the Government Whip or Whips, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Members to be nominated by the Opposition Whip or Whips, 2 Senators nominated by the Leader of the Opposition in the Senate, 1 Member and 1 Senator nominated by the Australian Greens Whip, and 1 non-aligned member;

(3) participating members may be appointed to the committee. Participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of a member of the committee, but may not vote on any questions before the committee;

(4) every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives;

(5) the members of the committee hold office as a joint select committee until the House of Representatives is dissolved or expires by effluxion of time, whichever is the earlier;

(6) the committee shall elect a Government chair and deputy chair;

(7) the deputy chair shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting;

(8) in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote;

(9) 3 members of the committee constitute a quorum of the committee provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House;

(10) the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine;

(11) the committee appoint the chair of each subcommittee who shall have a casting vote only;

(12) at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting;

(13) 2 members of a subcommittee constitute the quorum of that subcommittee;

(14) members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum;

(15) the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced;

(16) the committee or any subcommittee may conduct proceedings at any place it sees fit;

(17) the committee or any subcommittee have power to adjourn from time to time and to sit during any adjournment of the House of Representatives and the Senate;

(18) the committee may report to both Houses of Parliament from time to time and that it present its final report no later than 7 October 2011;
(19) the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (12:50): I seek leave to have the message considered immediately.

Leave granted.

Senator SHERRY: I move:

That the Senate concurs with the resolution of the House of Representatives contained in message no. 173 relating to the appointment of a joint select committee.

Question agreed to.

BILLS

Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies (Consequential Amendments) Bill 2011
Electoral and Referendum Amendment (Enrolment and Prisoner Voting) Bill 2011
Australian Research Council Amendment Bill (No. 1) 2011
Tax Laws Amendment (2011 Measures No. 1) Bill 2011
Human Services Legislation Amendment Bill 2011

Electronic Transactions Amendment Bill 2011
Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Budget and Other Measures) Bill 2011
Personal Property Securities (Corporations and Other Amendments) Bill 2011
Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011
Electoral and Referendum Amendment (Provisional Voting) Bill 2011
Autonomous Sanctions Bill 2011
Therapeutic Goods Legislation Amendment (Copyright) Bill 2011

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

COMMITTEES

Economics Legislation Committee Report


Ordered that the report be printed.
Legislation Committees
Report

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (12:53): Pursuant to order and at the request of the chairs of the respective committees, I present reports on legislation from the Economics Legislation and the Community Affairs Legislation committees as listed at item 10 on today’s Order of Business, together with the Hansard records of proceedings and documents presented to the committees.

Ordered that the reports be printed.

BILLS
National Radioactive Waste Management Bill 2010
Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:

At the end of the motion, add "and further consideration of the bill be an order of the day for the next sitting day after:

(a) the Government receives the written consent of the Legislative Assembly of the Northern Territory to the dumping of radioactive waste in the Territory;

(b) the Minister for Resources and Energy has completed consultations with representatives of the Muckaty Land Trust and all other parties with an interest in, or who would be affected by, a decision to select the Muckaty Station site as the location for the national radioactive waste facility; and

(c) the Federal Court decision is handed down in the case between the Muckaty traditional owners, the Northern Land Council and the Commonwealth concerning the nomination of the Muckaty Station site as the location for the national radioactive waste facility."

(Quorum formed)
answer to the storage of nuclear waste, because there is no good answer, and that is to question the accruing usage of nuclear options in a world which would be better off nuclear free. President Obama has pointed to the nuclear industry and nuclear technology as perhaps the greatest threat to humankind in the 21st century. That is saying something in a century which is challenged by over-population, climate change, destruction of fisheries, loss of arable land, growing food prices and an inability for human beings to be able to settle matters without resorting to the use of weapons. What Obama was pointing to was the highly concerning, potential use of nuclear weapons in the coming century. You might say, ‘Well, what has a radioactive waste dump got to do with that?’ The answer is: the more we make the facility readily available and commercially available for the depositing in the future of high-level radioactive waste—not just medium- and low-level radioactive waste—the more we facilitate an industry which is not necessary, which is dangerous and for which there are better alternatives, whether you are looking at energy production or not.

Our submission is simple. This nuclear waste dump should not be being focused on the Northern Territory or forced on it against its will. It certainly should not be forced on the people of Muckaty—or should they be inveigled into it—when their will is certainly not in unison on the matter and there are thoughtful people who do not want radioactive waste on their land.

I commend the work that Senator Ludlam has done on this legislation. He has travelled a great deal. He has spent time on-site and he knows how the people in the region and in the Northern Territory—and, indeed, in Australia generally—feel about this proposal, which is a hangover from the Howard era. Yesterday we heard Senator Minchin’s proposal—as ever, he was not beating about the bush; I have to give him that—for a future for Australia with nuclear reactors. It is tied in to this proposal before us today.

We do not want and are not supporting nuclear reactors in this country and we are certainly not supporting this proposal for a nuclear waste dump at Muckaty in the Northern Territory.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (13:02): I thank all those senators who contributed to this debate. We are dealing with the National Radioactive Waste Management Bill 2010, which provides for the national radioactive waste management framework.

Most Australians benefit, directly or indirectly, from the medical, industrial and scientific use of radioactive materials. A small amount of radioactive waste is an inevitable by-product of these applications. For far too long, Australia has failed in its efforts to establish a national framework to safely store and dispose of our radioactive waste. This bill puts in place a voluntary process to select a site for a national radioactive waste management facility for the disposal of low-level radioactive waste and for the secure storage of intermediate-level waste.

In terms of international best practice, the International Atomic Energy Agency, the IAEA, has stated:

Almost every country can, in principle, establish a near-surface repository ... for disposing of short-lived waste generated in the country.

... ... ... Establishment and operation of these repositories is technically mature and there is no major
disagreement among experts on the acceptability of the concept …

Senator Siewert made much of the nomination of a remote facility site, observing that 'a facility would never be proposed in a leafy suburb'. It should not be, according to well-established international and national site selection criteria for low-level waste disposal. These state:

… site should be in an area of low population density and in which the projected population growth or the prospects for future development are also very low; …

This principle has been applied in Senator Ludlam’s own state of Western Australia where there is the Mount Walton East intractable waste disposal facility in the goldfields region for disposal of low-level radioactive waste. This has operated in a very remote location since 1992. In his contribution, I think—deliberately or otherwise—not acknowledged this occurrence in his own state.

International practice demands that Australia implement a national framework to responsibly manage our radioactive waste. This is what this bill is all about. It is not about anything else. It is about making sure we implement a national framework to manage responsibly our radioactive waste.

In 2007, a Lauder branch of the Ngapa clan volunteered a site as a potential location for a facility. This community has a right to be heard. In their speeches in this debate, the Greens suggested that evidence on the owners of land at Muckaty Station from the 2008 Senate inquiry were being ignored. Let me clarify what the Senate inquiry actually concluded. It said:

The Committee is not competent to deal with the anthropology that goes to the question of who has decision-making responsibility for particular areas of country within the area held by the Muckaty Land Trust.

It does not seem reasonable to … suggest that Ngapa clan members might not be responsible for the area under present discussion.

The Greens have also, I would argue, selectively heard the evidence presented to the 2010 Senate Legal and Constitutional Affairs Legislation Committee inquiry. For example, Dianne Stokes, a Yapa Yapa woman, told the Senate Legal and Constitutional Affairs Legislation Committee in Darwin that her country ends at the railway, which is 50 kilometres to the west of the nominated site, and this means that the nominated site cannot be in their country. On the assertion that Aboriginal groups from Muckaty Station are jointly the traditional owners of all land, Ms Stokes told the committee that each group had its own country. She said, 'We have all got different areas in the Warlmanpa land trust.'

One person has brought a matter before the Federal Court—one person—which touches on the nomination process for the site on Muckaty Station. It is contrary to proper process with respect to the independence of the judiciary for senators to state unambiguously who the traditional owners are and to claim that the traditional owners have not been consulted when these are precisely the matters of fact to be determined by the courts. I suggest that senators realise this but are making a political decision. That is their right, but let us understand this: they are making a political decision over judicial independence.

I am not going to comment on the merits of the case, but I note the following. The operation of the National Radioactive Waste Management Bill 2010, once it became law, would not depend on any particular outcome from the litigation. Rather, the legislation would accommodate any decision the court might make. For example, should the court find wholly for the applicant, the existing nomination would fall away, and the
minister, having already given undertakings that he would abide by its decision, would be able to invite fresh nominations of potential sites from the Central and Northern land councils. Such nominations would have to be made in accordance with the decision of the court and the processes and protections set out in this bill. Alternatively, if the court found that the NLC has acted as the law requires, the Commonwealth would continue to honour its agreement with the Ngapa, since the court had determined that it was properly entered into.

The current bill offers a framework for radioactive waste management that is much broader than the single nomination of Muckaty Station. For this reason, it is important that it proceed rather than the government act under the previous government's— the former Howard government's— legislation. The Minister for Resources and Energy stated in the House on 21 February 2011:

As soon as this bill is passed and litigation concludes, I will consult widely with the parties that have rights, interests or legitimate expectations with respect to any nomination.

The objective of the bill is to ensure that Australia has a framework in place to safely and responsibly manage our radioactive waste at a purpose-built facility. The process to identify a site will be based entirely on voluntarism. Comprehensive and independent environmental and nuclear regulatory approvals will apply to the siting, the construction and the operational phases of this project. In this way, the bill will ensure that we take responsibility for managing the wastes that arise from the range of uses of radioactive material that benefit all Australians. With those remarks, I conclude the debate.

Question negatived.

Original question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator LUDLAM (Western Australia) (13:11): I have a number of amendments to the National Radioactive Waste Management Bill 2010 which I wish to speak to and which I addressed very briefly in my speech on the second reading; however, I did not go into a great deal of detail about the way that the Greens would approach the committee stage of this bill. I have said—and we were happy to let it go through on the voices—that we do not support the bill proceeding to the committee stage, and that is because we believe that it is irredeemable: it is a bill based on a false premise and a broken promise, and we genuinely do not believe that it can be greatly improved. However, in the interests of allowing the Senate to undertake its role of scrutiny and improvement of bills, some time ago the Australian Greens went to the trouble of proposing a number of amendments that fall into a couple of key categories.

Before I go into greater detail, I state that broadly the amendments try to improve the legal integrity of the bill as well as to somehow and somewhat constrain and curtail the minister's total and unambiguous discretion in siting decisions. We recognise that this bill relates to siting; that once a decision has been made on location, whether it be Muckaty or somewhere else, a whole range of processes kick into gear, chief among which is the process of environmental assessment under the Commonwealth EPBC Act. That is the central vehicle through which many of these issues will be addressed, but the regulator, ARPANSA, will also be quite centrally involved in establishing the radiation health and safety impacts of the facility, of the transfer of the
materials to the facility and of its operation once it is up and running.

So we quite clearly recognise that this debate is effectively about siting and about who gets to decide which of the sites will be subject to those further processes of scrutiny and so on. But the difficulty we have is that, once these processes have been set in train, they will effectively be treated by government as a foregone conclusion. Before the minister jumps up to argue that due process will be followed in all instances and so on and that we are basically pre-empting the process of an environmental impact assessment and a radiation safety assessment, you do not have to look too much further than the motion put up jointly by Senator Siewert and I on Woodside in the West Kimberley. Woodside are in the middle of applications to flatten 25 or more hectares of bilby habitat in the West Kimberley before the strategic impact assessment of the proposal for a gas plant in the Browse Basin in WA has been approved or even considered. It is well understood by the Western Australian government and by the proponents that that project is going ahead right where it is proposed to be—to the degree that the company is already going ahead and putting bulldozers to the site—before the process of environmental impact assessment has been undertaken and concluded.

It is distressingly common in Australian environmental law that once a decision on a site or location has been made, either by a private proponent or by a government, it is full steam ahead. Investment decisions are made, board approval is given, the processes roll out and bulldozers go to country and start flattening the pace in preparation for site works. Often these are negotiated away or are described as being preparatory or part of the environmental impact assessment process or whatever it might be. But effectively the entire process of the environmental impact assessment and radiation safety impact assessment will be thoroughly pre-empted by this minister, if past form is anything at all to go by. As soon as that pin hits the map and the minister has pointed a finger and decided where that site is to be, it will be full steam ahead.

We will pursue the processes that roll out with great diligence and attention to detail, but we know for sure that the government will be basing all further actions on the assumption that that site will go ahead, irrespective of what falls out of the environmental impact assessment process. That is why we need to pay so much care and attention to the process, in the first place, of siting the dump, which this bill quite clearly covers. What guides the discretion of the minister in the first place? On what grounds will the minister be making a decision about what is a site and what is not, what is appropriate for a store or a dump of this kind and what is not? The fact that we know—as we will go through in great detail during the committee stage of this bill—is that there is nothing whatsoever to guide the discretion of this minister. That is what a number of our amendments go to: the legal integrity of the process that allows a minister essentially unfettered discretion to go ahead and put this dump where he wishes and set these processes into motion.

We will probably hear shortly—and probably from Minister Sherry at the table, who has been given the unfortunate task of defending this appalling proposal this afternoon—comments relating to procedural fairness being restored, to rights of appeal being restored, to rights of judicial review being restored. We will go through this in a great deal of detail and point out to the government and to the coalition—whom I presume at some future stage will file in here and vote for the bill; they chose not to do so in the House of Representatives but we can
only presume that they will vote for it here in the Senate—that there is no such guidance being placed on the minister's ability simply to point at a map. That is why we will be paying such clear attention to this bill.

It is not good enough, we believe, simply to stand up and wave this proposal through and give dignity to the fiction that the government is repealing the coalition's act, which has been in place from 2005, and replacing it with substantially different legislation. Large parts of the bill that we are debating this afternoon were cut-and-pasted from the Howard-era bill that was introduced at the end of 2005, when I was working for Senator Siewert, and was then amended again at the end of 2006.

Those cut-and-pastes from the earlier bill into the one that we are debating today relate most essentially to preserving the Muckaty nomination. This is even though Labor MPs in opposition during the election campaign, as Senator Minchin quite correctly pointed out yesterday, went on the campaign trail calling Prime Minister Howard's proposal to coercively and quite aggressively dump this material in the Territory an outrage. They called it sordid and shameful and they called quite unambiguously for its repeal.

Then, right after the election, for some mysterious reason that nobody has ever satisfactorily explained—and I asked Senator Sherry what the basis for this was a couple of weeks ago in question time and there was not a satisfactory answer, but perhaps one can be provided today—the decision was made to transfer responsibility for radioactive waste management from the science portfolio, where it has been for decades into the resources and energy portfolio. What sense does it make to take responsibility for the waste products of this industry, which has been regulated for years within the science ministry—and we heard Senator Carr during the election campaign being very clear on his views of the shameful way in which the Howard government engaged in this issue—and transfer it right after the election to Minister Martin Ferguson? As far as I am aware, he made no statements at all on the issue during the election campaign, because it would not have been part of his responsibilities from opposition to have a view on the matter. It is pretty evident to us all what the view is now.

The view now is simply to crash this project through or crash. As I explained at some length in my speech in the second reading debate, this is a proposal and a way of doing business that is prone to failure. It has failed a number of times, not just in Australia, whether it be the Pangea example of 1999 in Western Australia or the rather shameful episode in South Australia, which Senator Minchin addressed in his comments yesterday. The idea of aggressively rolling into a community and telling people that the material is going to go there is a recipe for failure, obviously. When you turn up, the people who live there or who have traditional responsibility for the area have nowhere else to go.

I acknowledge, as Senator Sherry does, that views are divided on the ground, in the area most close to the front line, that communities have been split and families have been pitched against each other. This would happen in any community if somebody in a suburban neighbourhood decided that they were going to give their backyard up for a radioactive waste dump, giving the neighbours no opportunity whatsoever to have a say. Even if you accept the tenure argument that will be run in the Federal Court by the Northern Land Council that the right people have been consulted, imagine being a neighbour and discovering that the decision has been made and that it is a done deal and you are told: 'Sure, we'll go
through environmental impact assessment processes and whatnot but you have no rights as a neighbour whatsoever.’

If that is the outcome—and I am not going to reflect on the arguments that will be heard in the Federal Court, hopefully later this year—there will be people from the Barkly region, from all of the families that played a role in the establishment of the Muckaty land trust, who will feel justifiably ripped off by what they heard from the opposition, now government MPs, in the run-up to the 2007 election. They were absolutely unambiguous in their opposition to the way that this debate was conducted.

Before I go into too much detail on the amendments that I propose to move, I will ask my first question. Minster, do you recall me asking a question in question time a month or so ago—I might have inadvertently put the question to Senator Carr but I have been told that it is actually your portfolio responsibility—around what the thinking was after the 2007 election for transferring responsibility for radioactive waste to the Minister for Resources and Energy?

**Senator Sherry** (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (13:22): I can provide some information. Senator, you have suggested that it is an unorthodox arrangement that it is not in the science portfolio. I have been advised that locating the radioactive waste management policy function as part of the resources policy function has been the prevalent arrangement over the last 30 years, so it is not unusual.

Radioactive waste policy has been the policy responsibility successively of the Department of National Development and Energy, the Department of Resources and Energy, the Department of Primary Industries and Energy, the Department of Industry, Science and Resources and now the resources division of the Department of Resources, Energy and Tourism. It was only in the period 2001 to 2007 that the radioactive waste function was located in the Department of Education, Science and Training. It was reunited with resources because of the commonality of the nuclear issues involved in uranium mining and radioactive waste policy deliberations.

Regardless of the location of this function, it continues to have access to the advice of relevant expert Commonwealth agencies, including the Australian Nuclear Science and Technology Organisation in the innovation portfolio and Geoscience Australia in the Resources and Energy portfolio.

**Senator Ludlam** (Western Australia) (13:24): I thank the minister for that quite comprehensive answer. It would have been great to have got that in question time. Nonetheless, I acknowledge that you have provided it to us.

**Senator Sherry:** If you'd given us some notice we could have provided it to you.

**Senator Ludlam:** It was nearly two months ago. I would like to ask a question that, again, the minister referred to obliquely in his second reading speech, about the case for remoteness, which we have heard a lot of here in Australia and around the world when it comes to final disposal of radioactive waste. Why exactly is it that the industry is so keen and that the government is following this lead on a remote site? I can certainly understand the arguments for why you would want to bring various categories of radioactive waste together into one place or two or three places—the so-called argument for centralisation—where properly qualified people can look after it, repackage it and so on when that is required. But the case dramatically has not been made for why that
particular site should be remote. The minister addressed that issue to some degree in his second reading speech, where he quoted some of the guidelines—I think you were quoting the IAEA—but simply repeating guidelines does not actually justify the argument as to why the industry is so keen for this material to be placed as far from centres of population as possible.

This is a question that I have dedicated quite a bit of time to. If I genuinely believed that the best thing to do was to put this material on rail cars and take it to a sheep station, I would not be wasting my time arguing the matter; I would have spent most of my time making sure that the government’s consultation processes were adequate so that we could get on with finding an appropriate location somewhere out in the bush. However, right from the time that I was working on the Pangea proposal to bring a substantial fraction of the whole world’s radioactive waste to Aboriginal country to the east of Laverton in the Savory Basin in my home state of Western Australia, I have been intrigued as to the interest of the international nuclear industry, led by a Swiss consortium, for a remote site in particular.

There are two broad categories of waste we are discussing here and I do not think the government has necessarily made a particularly good case for the remote storage of low-level waste. For example, the minister addressed the Mount Walton East intractable waste facility in Western Australia, which takes, among other chemically toxic materials and other intractables, low-level radioactive wastes—gloves, medical equipment and so on—from the WA health sector, spent sources, engineering uses in the mining industry and so on. That material is taken to a remote location out in the desert and dropped down a hole, and that is presumably its final resting place.

As I said in my speech in the second reading debate, that material can be lethal for 300 or 400 years, after which the half-lives of most of the isotopes in question have faded away to background levels and that material can, effectively, be safely walked away from. It will not be by any measure different to the material before it was activated and made radioactive in the first place. In the instance of sources or materials that were generated from radioactive waste that do have further uses in engineering in the mining sector, you could say that the radiation has basically faded away to levels that would not be detected above the background level.

But, of course, that is not the only material that the government propose to take to Muckaty. When you preserved that nomination and explicitly named it in the legislation that we are debating today, you were also proposing to take waste which would be classified as high-level in the first few weeks and months after it is removed from the Lucas Heights reactor, past and present. Then, after a certain period of time of cooling, it is classified as long-lived intermediate-level waste. According to the international guidelines, which you can quote to me again if you like, that material is suitable for deep geological disposal—for burial—and that, of course, is not what is proposed at Muckaty at all, unless the plan has changed radically since the last time I asked departmental officials about it. The spent fuel in the reactor cores will be disassembled from Sydney and taken to whatever remote site ends up being used for the interim—and I will address during this debate exactly how long that interim is proposed to be.

Returning to the issue of remoteness, if this material has been in Sydney for 50 years, as some of it has, in a shed being looked after by people who are qualified in
radiation waste management—that is what they do for a living—why exactly is the Western Australian government determined to place radioactive waste at a central remote site? I can understand centralising and bringing the material together, but why exactly to a remote site?

To give the chamber some idea of the thinking behind this, and let's make this explicit, in 2005 the former science minister Brendan Nelson asked:

... why on earth can't people in the middle of nowhere have low level and intermediate level waste?

His successor in the science portfolio, Julie Bishop—who I think I probably misquoted in my second reading speech the other day—noted that all sites on the government's shortlist were 'some distance from any form of civilisation'. What a remarkably enlightened comment! That did not go down all that well in the sites that we are under discussion, in places like Tennant Creek. The member for Canning, Don Randall, said in the House during the debate:

... no-one, to speak of, lives there. It has a very sparse population. Barely anyone lives in that arid and desolate part of the Northern Territory.

So clearly the argument here is to get it as far away from people as possible.

Of course, the question that comes from that is: why exactly do you want to remove this material as far as possible from the centres where the decisions are made—and how do you explain that to the people who live where you propose to take it? Beyond the remarks the minister already made in his second reading speech—and I have the guidelines in front of me; you can read them if you wish, Minister, but I am fairly familiar with what you were reading from before—I wonder whether he would care to address exactly what the case is for remote storage, which I acknowledge is not centralised storage.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (13:31): Senator, I draw your attention to a document which you are probably aware of from the National Health and Medical Research Council: 'Code of practice for the near-surface disposal of radioactive waste in Australia (1992)'. On page 11, under 'Site requirements and selection criteria', it says:

2.4.1 General site characteristics

A near-surface repository site ideally should be located in an area with favourable meteorological, geological and geographical characteristics so that the radioactive waste, once in place, will be adequately isolated from the biosphere for the time that the radionuclides originally present, or their progeny, constitute a radiation hazard. Ideally the natural characteristics of the site should provide the initial effective barrier to the dispersal of radionuclides from the waste or to human intrusion. The location of the disposal site and its characteristics will influence the design of the facility. These should also be considered when determining …

There are a range of other references. Under 'Site selection criteria', 2.4.2, on page 13, it says:

e. the site should be in an area of low population density and in which the projected population growth or the prospects for future development are also very low;

So these are some references to the selection criteria.

Senator LUDLAM (Western Australia) (13:33): I thank the minister for citing those guidelines; I suspected that that was where he would go. That refreshingly frank restatement of the guidelines is actually the nub of the problem. What the minister just told the chamber is that the industry wants to
take the material to a remote site so that, when the dump leaks, it is as far away from people as possible. He said that quite explicitly. I do not think that is even a controversial statement; it is more or less black and white. When the stuff leaks out of the container, you want it to be somewhere with low rainfall, somewhere where the groundwater table is half a mile below the surface, somewhere where there are no earthquakes, somewhere where the climate has not changed markedly in the last couple of million years and obviously somewhere a long way from people. If the thing is going to leak and the stuff is going to go all over the place, you would absolutely want that to be somewhere remote.

That gives us something of a hint as to why the government is having such difficulty selling this proposal to the Northern Territory: 'We want to take this stuff to the cattle station in Tennant Creek so that when it leaks it will be a long way from us.' I wonder whether the minister will choose to acknowledge that that is why the government is having difficulty. It is also why the Howard government had that difficulty. Senator Scullion, who has joined us, has spent a long time thinking about these very intractables as well, and we have also. It is extraordinarily difficult.

How on earth do you propose that a site is so indestructible that in two ice ages the material will not have dispersed all over the place? That is exactly the question that this government is facing now. You cannot explain to the traditional owners, to the Cattlemen's Association, to the council or to any of the residents of Tennant Creek that that is the reason you are having so much difficulty selling this proposal, getting decent headlines and getting it through this chamber. It is a really difficult sell when you have to go up there and acknowledge, 'We think it's very important that, when this stuff leaks out of its container, it be a long way from us.' That is really what this debate is about.

I am not blaming the minister for this, because this government inherited an issue that was inherited by the Howard government, by the Hawke-Keating government and by the government before that. The reason for this inheritance is that, as with the nuclear industry everywhere else around the world, we just went ahead with building these reactors and churning out various categories of intractable waste without coming up with any idea of how we were going to manage the waste products.

It is interesting and profoundly important to acknowledge that the reason for choosing a remote location is that the stuff is going to wind up out of the box that you put it in. This is less the case for the low-level waste and I freely acknowledge that. A large volume of the radioactive waste that we produce in Australia, and the stuff that the government tends to go on about in terms of cancer treatments and so on, is low-level material that will still be able to kill you in 200 or 300 years time, and after that you can take your eyes off it. This material is literally lethal. In North America they have built houses out of uranium tailings waste, for example, and the radon emissions inside those places are enormous. That has happened because people have forgotten where the tailings piles were. Thirty or 40 years after the mines have become defunct, they have quarried the stuff because the signposts have all blown over. That is the kind of issue that we face here. We need to find a strategy, find a way of passing this material onto the generation that follows us so that they can pass it on to the generation that comes after them, for tens of thousands of years. It is formidably difficult, and that is why successive governments have struggled so hard. I will tell you one thing that I am
reasonably sure of: in the midst of the ambiguity of a task that difficult, one thing we certainly should not be doing is putting the stuff on a flatbed and taking it to a cattle station and then walking away.

What we have at the moment, the situation that has prevailed at Lucas Heights for the past 50 years since that reactor started churning this material out, is that it is being looked after, and we have been told that it has been looked after quite safely. I have no reason to dispute that. It is surrounded by scientists, engineers, technicians—smart people who study this stuff, who do it for a living, who look after it. Guess how many of them will be accompanying that material up to Muckaty? None. Nobody. Unless the minister would like to correct the record that the department put to me during an estimates committee last year, and probably the year before that as well when I checked, there will be rotating shifts of six security guards—two on, two off, two on, two off. There will be security guards on eight hour shifts around the clock for the next 300 years. Those are the jobs, by the way, that were promised to the people in the Barkly region. Some of the loneliest security guards in the country will be looking after that material.

But it is not the intention of the government, as far as I am aware—please correct the record if the thinking has shifted—to send any of those technicians after the waste they have produced, send any of those engineers or scientists or people who trained in the storage and condition of this waste. Not at all. This is going to be a lonely shed in the middle of nowhere, as the former science minister put it, with two security guards looking after it. That is quite some employment boost for the Barkly region! They are really looking forward to that economic development arriving in their area! I tested these ideas a couple of times. The people who made it the most explicit, which was extremely valuable when I was working on the Pangea campaign in 1999, were the company itself. This was a consortium based in Switzerland, with money from British Nuclear Fuels and involvement from various other members of the international nuclear industry. They proposed to put up to 20 per cent of the world's high-level spent fuel—this is material that is more intractable than the slightly lower level waste that we produce in Australia from a small research reactor—on a guarded railway line and take it up to Laverton and dump it in a hole there. Their promotional video was somehow found by Friends of the Earth and leaked to the press through my colleague and good friend Robin Chapple MLC before he went into parliament in Western Australia. The video spelt out exactly why Pangea was seeking a remote site. It was really interesting and it is worth looking at; it is still online if senators care to track it down. With all of the preconditions that the minister read into the record before—low rainfall, low geological activity, not too many earthquakes, low water table and really simple stratified geology—when you put this stuff into a hole half a mile underground and it burns its way out of the container, you would want to be a long way from it. That is the case for remote dumping. It is a hideous concept when you consider it as starkly as that, but that is how Pangea put it in their video. There is a cute little graphic of this stuff burning its way out of one of the containers they put down there. You would want that to be a long way from a regional water table. You would not want mining operations anywhere near that for any time in the next quarter of a million years or thereabouts because presumably your fences and signposts will have blown down.
I recognise that this is not geological disposal, that what is proposed for Muckaty is not a hole in the ground half a mile below the surface. It is in fact an interim store for one of the categories of waste—the so-called long-lived intermediate level waste—to sit around for the next 200 or 300 years while people scratch their heads and work out what on earth to do with it. Maybe we will chase some of that suitable geology—which, ironically enough, as Senator Minchin acknowledged yesterday, was what Minister Crean was doing all those years ago. He was setting out to find the right kind of geology in Australia for a remote hole in the ground so that, when the stuff leaked out of its containment, it would be a long way from most people. It is a very difficult proposition to sell to people in the Barkly region that that is explicitly what is going on here. By world standards we have relatively small volumes of the really dangerous stuff that will last and be very dangerous and lethal for tens of thousands of years; but we do have some, and it is our responsibility to look after it. Looking after it does not mean sticking it behind barbed wire on a cattle station.

Australia has never really had a debate about the most appropriate management strategy. The debate we have had here in Australia has been about which remote Aboriginal community should host this stuff. In remote areas where we have starved people for resources in health care and education—the kinds of issues that Senator Scullion and Senator Crossin have been working on—who is interested in 12 million bucks, which is about $40,000 a year for 300 years? People representing the Territory know very well, as I do from a Western Australian perspective, the kinds of extraordinary disadvantage and deprivation suffered by Aboriginal communities in this country. And that again is something this government inherited. It is trying to do something about it. Some of that activity is dramatically misguided, contemplating the intervention, and some of it is helpful. But the fact is that this is the kind of economic development that these communities do not need—hosting, for a pittance and a tiny handful of jobs, material that industrial society here in Australia and everywhere else in the world has not the remotest idea what to do with. We need to get over the debate that we have had in Australia about which remote Aboriginal community should host this stuff until the end of time. That is absolutely an appalling way to continue.

We all thought, from the comments that Senator Carr was making in the run-up to the 2007 election, from the statements that he put out, from what Senator Crossin said, from things that Mr Snowdon put out at the time, that the ALP had got it, that they had spent a bit of time thinking about it. They acknowledged the difficulties that had been run into in South Australia and that there was the prospect that we would see this debate going differently. It was pretty explicit. I was really excited because it looked like we had a breakthrough. We had an opposition with some energy and some drive that, for the first time in a generation, got this issue. And look what happened right after the election. Portfolio responsibilities were taken away from Minister Carr. I strongly suspect that he would have made a much better job of this issue than Mr Martin Ferguson has, but I guess we will never get to find out. But away it went, and we are straight back on track. The Muckaty nomination will be preserved. 'We will eventually repeal the Howard government bill, and we know that that is nothing more than a cut and paste job, and away we will go.' It has become very strongly apparent since then, and it is written into every line of this bill, that nothing has been learnt at all. That is why we are in the middle of a fight. That is why this issue is
back in the *NT News* today and in the nation's media and the ABC. We have another confrontation, and it was a needless one. I will put on the record again, as I did during my speech in the second reading, that the Australian Greens will work with the government, will work with the opposition, will work with anybody with goodwill who wants to acknowledge that this is a complex and intractable issue. This is something that is not going to go away any time soon. But the strategy of aggression and coercion has got to stop. That is the message that I have heard loud and clear in the time that I have spent in Tennant Creek and on site in Alice Springs chasing this issue around the country in committees and taking evidence from people who dispute the tenure of the land in question—and now that is being tested in the Federal Court case—and also dispute the deeper idea. Even if the Federal Court finds that, according to the requirements of the Aboriginal Land Rights Act, the right people have been spoken to, they dispute the idea that it should automatically be a remote Aboriginal community that has to host this material. I think that fundamental underlying premise is what needs to be very, very strongly contested.

I approached ANSTO when they gave evidence on my original bill at the end of 2008—which I think is one of the reports that Senator Sherry read from—that we should simply repeal the Howard legislation and move ahead, as the government was telling us they proposed to do at the time, with a different strategy with a bit more scientific integrity. I asked ANSTO:

... is it the case that we are looking for the stable geology and distance from groundwater sources [because] there is no form of engineered containment that can hold this material for the time periods that are required?

Mr McIntosh quite rightly replied:

For low-level waste, it is not such an issue.

And I tend to agree. I asked him:

Yes, but for the long-lived, intermediate or high-level waste, it is?

Mr McIntosh said:

Yes.

Senator Pratt asked Mr Bradley Smith, the Executive Director of the Federation of Australian Scientific and Technological Societies: 'What is the urge to take this to out of town and dump it on a cattle station somewhere, and what do we have to do to get it right?' I think Mr Smith's answer was actually quite instructive. He said:

The history of discussion about a facility since 1979 shows that all communities have reacted strongly, or there has been activism from communities. South Australia, three or four years ago, was a recent example. At some point a decision has to be made. I understand your argument. I am just saying that there is an obstinate fact here. We have radioactive waste. It is not stored on an optimal basis. We need a national facility or a commonwealth facility to do that. That means hard decisions have to be made. That is code. Senator Pratt continued:

You are arguing that at some point, because there will inevitably be community opposition to such a site, the scientific factors in terms of the demand for a site are going to have to override a community mandate to locate the site.

Mr Smith, not representing the government but representing FASTS, said yes, that is what will happen. Sooner or later we are just going to have to crush somebody. We are just going to have to come through the front door and dump it. That appears to be approach that the government is committed to taking. So my question to the minister is: has the government ever assessed options for long-term storage, intermediate storage or interim storage of this material that do not involve remote dumping?

**Senator SCULLION** (Northern Territory—Deputy Leader of The Nationals) (13:48): I thought I might take the oppor-
tunity to put in context some of the comments of Senator Ludlam. He made a couple of observations that I would agree with: it is a difficult process; it is difficult for cattlemen and those traditional owners of country to understand what is happening. But, Senator Ludlam, with respect, it makes it a lot more difficult if we are not actually dealing with the facts.

This legislation does not prescribe Muckaty at all. What we are dealing with today has nothing to do with the location; it simply prescribes the circumstances around where it can be located and a whole suite of issues around that. The real reason that, first of all, it is currently in the Northern Territory is that there was a decision many, many years ago. There are very few in this place who can still remember when this started. I suspect there is no-one in the Senate who was around when that process started. That was an agreement by all states and territories, paid for by the Parliament of Australia, that they would investigate the best site—not the best available site but the most suitable site. That site was to be found in the Officer Basin in South Australia. Millions of dollars were invested by the Australian parliament to do that. Mike Rann decided that political expediency was far more important to him and his party than the health and welfare of Australians. The states and territories would not take that so, of course, they have chucked it to the dear old Northern Territory—and those in this place would know my views on that.

But as for why it is on Aboriginal land, we now need to look at the Northern Territory. It was open for the then Chief Minister in the Northern Territory, Clare Martin, to nominate anywhere in the Northern Territory because of all of the pastoral leases in the Northern Territory. She could have considered not the most available site but the most suitable site. But on the very same day that she had that capacity—so it can hardly be seen to be a considered process—she decided that she would tell everybody that we were not considering any places.

That left only one group of people, the Northern Land Council, who you would have to have a deal of respect for because they were an independent group who decided they would have a process that would go through a selection period. Firstly, they had a meeting of all Northern Land Council members simply to consider whether or not their body would be a body under which nominations could occur. It was a three-day meeting simply to see if they were going to have anything to do with it. We have a process which is subject to a High Court decision at the moment, which is a very robust process. As I said, what we are talking about today has nothing to do with that. But at least they dealt with it with some independence and not with the same political self-interest that the Labor Party in the Northern Territory did. That is the reason why the site is now both in the Northern Territory and only on Indigenous communities. It is simply because of the political self-interest of the Labor Party, both in South Australia and in the Northern Territory.

There were a number of remarks from the senator in regard to why we locate these in remote areas. Whilst it was fairly dry, I would recommend to you the references by the minister in that regard. It is not about keeping things away from people; it is about finding a site that is unlikely to be disturbed in the near future—in geological terms, the next 100 years. It is a site that would certainly need to meet those specifications. But remember that, in terms of saying, 'Let's take all this material and hide it away somewhere,' this is only intermediate level waste. Remember, the high-level material is at Lucas Heights—right in the middle of
Sydney. That is the only high-level waste we have in Australia—right in the middle of Sydney. So nobody is hiding it anywhere. This is simply the best place to keep it. And it meets those standards.

We have had remarks from the senator—and this is what makes me nervous—about things 'leaking out' and 'running out'. I can remember some of the local people from Muckaty being concerned because they had been told that, when the 44 gallon drums rubbed through, the material would simply run out into the sand and run out into the rivers and would hurt marlu and other things. I was pretty disturbed, and I asked them where they got that information. It was provided to them by a third party, apparently—no doubt, without mischief. But I went on to tell them that we are not allowed to keep, nor do we keep, either liquid matter or particulate matter at the facility. So the notion of 'leaking' can be misinterpreted—and I am not verbalising the senator—as a radioactive leak if there is a crack or something and it comes out. As for the notion of something 'running out' and getting into water sources no liquid, particulate matter or dust is stored there.

One of the most difficult things about this material is that in storage it is actually difficult to measure how much radiation is coming out of a drum, on the surface, or whether it is coming out of the material that is stored, because, in fact, the concrete, with the granite in it, has more radioactivity coming out of it than the container. So it is very difficult to measure all those things. But it is important in terms of safety to put that in the proper context. Firstly, there are no leaks and nothing is running anywhere or blowing around or running into rivers, or, in two ice ages' time, doing something. It is also important to note that this is all recoverable—in other words, the intermediate level waste will be in a warehouse on a large concrete floor, which somebody hoovers, and there will be these big lumps of things sitting on concrete blocks. As I have said, there is more radioactivity coming out of the concrete than out of the container for that material.

It is also important to note that, as the senator indicated, there is no deep burial, no 'leave it and forget it'. All this material—and some of the low-level material is actually soil, much of which, in fact, is not actually radioactive anymore, though we do not have time for that story—being stored there is entirely recoverable. When I say 'recoverable' I mean that, if we need to move it or do something with it, we simply pull the gravel out, blow the gravel away, lift the containers and move them. So to say that somehow the level of amenity provided for safety and security is not adequate is simply not true.

I recall that earlier you said that we do go on about the health system. I have to say that this is one of the most important elements of our health system. As I have said in this place before, there are numerous uses for these medicines, and the only reason we produce this material is that we cannot have those medicines in this country without this material. It is as simple as that.

One of the most important medicines we have in this country is a product called technetium. The fact that we have technetium available in this country ensures that the very bad old days, particularly for things like breast cancer, are gone. A full mastectomy, and the trauma and cosmetic loss that go with that, can now be completely avoided through forensic surgery, with a great deal of confidence that the technetium will identify not only the tumour in the breast but also the lymph nodes that it drains to.

There are those who would say, 'There are always options; we can always import it.'
Well, I would very much recommend to them the words of the former leader of the International Atomic Energy Agency, Dr ElBaradei. Dr ElBaradei was very clear about the future of access to radioactive pharmaceuticals. Radiopharmaceuticals will not necessarily be available unless every airport, wherever a plane lands, has stringent controls about fire safety mechanisms, because, if we have an aeroplane crash, then they need to have a level of amenity that will deal with radiation as well as a fire in those other materials. So the single message was: in the future, you will need to have some independence if you still want to keep a fantastic health system, which has to hinge on radiopharmaceuticals and radiology and oncology.

Cancer is still one of the greatest killers in this country and sadly we still do not have a magic wand or any unique solutions for treating or curing cancer. But, without doubt, anybody who is a commentator in this area knows that radiopharmacology and oncology pretty much depend on the production of these medicines and the capacity for us to have a research reactor which only provides medicines—only provides good things for all Australians. And, if the downside is this, this country accepted that it would take both the benefits of radiopharmaceuticals as well as the responsibilities. We have signed an agreement with the International Atomic Energy Agency that, because we can use nuclear fuel rods to produce medicine, we have the responsibility to accept that the rods, after they have been processed and had the plutonium taken from them, will be returned to Australia where they can be stored safely. And they can be stored safely. This is intermediate level waste. There is no particulate matter and there is no liquid matter. And, on any balance, this is something that Australia has to have. I am always saddened by the continual politicisation of an issue that is so central to the lives of Australians right across this country. And, as a Territorian, I am saddened that we have again been forced to do something, rather than having put our hands up and made our contribution to ensuring that this country has the same level of amenity, in terms of health, that other countries enjoy.

Progress reported.

QUESTIONS WITHOUT NOTICE

Live Animal Exports

Senator BACK (Western Australia) (14:00): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. Prior to the minister imposing a suspension on the export of live cattle to Indonesia, was he aware of a closed system operated by a prominent Australian company that owns its own Indonesian feedlot and A-class abattoir and can guarantee that Australian cattle exported to Indonesia are treated according to acceptable international standards?

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) (14:00): The challenge for those on the other side is to ensure that we do two things in relation to the live animal export industry: first of all, ensure animal welfare outcomes when the cattle go to export markets and, second, ensure we have a system in place that provides supply chain assurance. 'Supply chain assurance' means that we can trace, have independent verification and particularly have an auditing system in place. Those on the other side are stuck on two things: one is a closed loop system or something like a closed loop system and the second is an abattoir which might meet a particular standard. It is
important that they do have a supply chain assurance in place.

In terms of whether I was aware of particular systems being in place, the crux of the matter is: is there supply chain assurance in place with traceability, transparency and an accounting and verification process? If you adopted the policy of those on the other side, you would be sending cattle cruelly to markets without any assurance that they are—

Senator Brandis: Mr President, I rise on a point of order on relevance. The minister was asked whether before making his decision he was aware of a fact. He has not addressed that issue either directly or indirectly.

Senator Conroy: Mr President, on the point of order: Senator Ludwig was absolutely answering the question. He still has 29 seconds to complete his answer. There is tedious repetition. Senator Brandis's repeated points of order should be dismissed out of hand.

The PRESIDENT: Senator Ludwig, you have 29 seconds remaining. I draw your attention to the question.

Senator LUDWIG: The challenge is for those on the other side. There is no supply chain assurance in place for cattle leaving Australia, going into feedlots in Indonesia and going from feedlots into abattoirs that provides for traceability, accountability and independent auditing. (Time expired)

Senator BACK (Western Australia) (14:03): Mr President, I ask a supplementary question. Since this Australian company can give that assurance of supply chain continuity, will the minister now allow the export of cattle under this closed system to resume immediately and thus avoid the dire consequences facing the Australian beef cattle industry?

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) (14:04): What we do know is this. When you look at the comments by Premier Barnett, he gave the game away. In terms of providing assurances in this regard, he admitted he could not provide any assurance that Australian cattle would be managed through the supply chain in line with international welfare standards. Mr Barnett admitted he had no basis for calling for the immediate resumption of trade other than his personal presumption that appropriate standards were in place. Mr Barnett of course knows the presumption is totally incorrect.

In terms of being able to get trade up and running as early as possible, I have continually said to industry that there needs to be supply chain assurance in place that includes not only traceability, transparency and accountability but independent auditing at the conclusion of that. If there is one such body that can achieve that then they can talk to the department. (Time expired)

Senator BACK (Western Australia) (14:05): Mr President, I ask a further supplementary question. Can the minister assure the Senate that, prior to him imposing the suspension order, neither he nor his staff attempted in any way to influence decisions of departmental personnel in the lawful movement of cattle from Australia to Indonesia?

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) (14:05): The decision to suspend the export to Indonesia of livestock for
slaughter until new safeguards are established for the trade—this suspension will be in place until the government is certain that cattle from Australia are treated humanely at every step of the supply chain—

**Senator Back:** Mr President, I rise on a point of order. I asked a specific question, and that is: did the minister or members of his staff attempt to influence departmental decisions before any imposition of a suspension order?

**The PRESIDENT:** Senator Ludwig, I draw your attention to the question that has been asked.

**Senator LUDWIG:** I reject the supposition underlying the question. I have worked with the secretary, the department and my ministerial advisers throughout this period. Clearly, this suspension decision was made by me to ensure that we have a couple of things. First of all, we want to ensure animal welfare outcomes and that those who watched the *Four Corners* program have confidence that we will not send cattle to overseas markets like the ones that footage displayed. What is clear is that no cattle will go into those markets until such time as we have that supply chain assurance. (Time expired)

**Manufacturing**

**Senator PRATT** (Western Australia) (14:06): My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Is the minister aware of the Australian Bureau of Statistics figures released today showing a fall in manufacturing jobs over the past quarter? Can the minister outline to the Senate what the government is doing to support manufacturing jobs?

**Senator CARR** (Victoria—Minister for Innovation, Industry, Science and Research) (14:07): I thank Senator Pratt for her question. This is a government that has as its first priority jobs. Our record speaks for itself. Over 700,000 jobs have been created in this country under our watch and there would be 200,000 fewer jobs if we had followed the opposition's advice during the economic crisis. Our record speaks for itself—700,000 jobs.

*Honourable senators interjecting—*

**The PRESIDENT:** On both sides, when there is silence we will proceed.

**Senator CARR:** We kept the economy strong and jobs secure through the worst economic crisis in living memory. Manufacturing is a critical part of that story. It employs a million Australians today and has done so for the better part of 50 years. Manufacturing employment will always fluctuate, as we saw during the economic crisis, and we have lost over 5,000 jobs in the last year. But throughout the decades of change it has always emerged much more robust, much more resilient and more productive. Manufacturing survived the rise of China, it has survived the rise of India and I am absolutely optimistic it will survive the new pressures of the resources boom.

Our approach is to work with firms to build solutions and not just whinge about problems. We are about building an innovation agenda. We are about transforming every firm and every factory for the 21st century. We are about helping them build the capabilities to compete in a global market. We know that our programs work and we are ramping them up today. There is our Enterprise Connect, for instance; Commercialisation Australia; and the new supplier advocates.

I frankly welcome Mr Abbott's interest—perhaps it is a new-found interest—in manufacturing because it certainly was not evident when he was the minister for industrial relations. Back then his only
Senator PRATT (Western Australia) (14:10): Mr President, I ask a supplementary question. How does the Minister respond to Mr Abbott's alleged concerns that smaller manufacturing firms apparently lack the resources to innovate?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:10): Thank you. What I can say is that Mr Abbott's answer to manufacturing is to make it easier to sack workers—that is his approach: to sack workers. The best thing that Mr Abbott could do is to help those firms to support the government's new research and development tax credit.

Opposition senators interjecting—

The PRESIDENT: When there is silence, we will proceed.

Senator CARR: Our programs reach many, many firms. Our tax scheme is the most powerful lever we have to spread the transformation of our economy. The benefits that exist under the taxation concession are aimed at specifically assisting small and medium sized firms as well as helping larger firms. We think it is a better use of the $1.8 billion of taxpayers' funds than the current arrangements. We are particularly keen to see that smaller firms, who dominate our manufacturing sector, are able to claim renewed benefits. The new tax credit will redistribute support in favour of those firms. It is a simpler, it is a fairer and it is a more accessible incentive for genuine R&D. (Time expired)

Senator PRATT (Western Australia) (14:11): Mr President, I ask a further supplementary question. What is the minister doing to help manufacturers keep pace with their competitors in an online environment?

Senator CARR: a really strong competitive edge for this country. What the government is about is ensuring that we spread those benefits to every single enterprise in this country.

Live Animal Exports

Senator FISHER (South Australia) (14:13): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. When and how did the government become aware that some Australian cattle were being treated cruelly in some Indonesian abattoirs?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the
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Attorney-General on Queensland Floods Recovery) (14:13): Thank you. In terms of cattle for Indonesia, the office around March and April had some indication from animal welfare associations that there were concerns about animal welfare outcomes in Indonesia. But, to be clear about this, the evidence that was relied on in making a decision in relation to the suspension was supplied to my office and me on 30 May, the day that the Four Corners television program went to air. From that decision a range of events occurred. That evening I banned 12 facilities after preparing advice from the department. All of that is in this context: right back through from January I had been writing to industry and indicating to industry that they needed to improve their animal welfare outcomes. In doing so, I have been encouraging them to improve their animal welfare outcomes over time. They responded with a plan during that period, and with that plan I clearly indicated to them that (a) I did not endorse it; and (b) it certainly did not go far enough—its time lines were too short. What I continued to say to industry during this period was that they did need to improve their animal welfare outcomes—unlike, of course, those on the other side, where today we still see that the opposition and the Western Australian government would condemn cattle to cruelty, because they have no idea where the cattle would be sent if you were simply to tick off abattoirs as we speak and allow cattle to be sent into Indonesia. (Time expired)

Senator FISHER (South Australia) (14:15): Mr President, I ask a supplementary question. Some further and better particulars, please: when and how, precisely, did the beef industry respond to government? And what specific actions did the government take as a result of industry's response, and when?

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) (14:16): As I have been saying consistently, in terms of animal welfare there are outcomes for the live animal export industry. I wrote to industry in January and since that time, and right up to the Four Corners program—if we can use that as a bookend to that period—I have spoken to a range of industry representatives, including LiveCorp and MLA. There was also the opportunity in April to raise animal welfare outcomes with the Cattle Council of Australia in Katherine in the Northern Territory.

In addition to that, through my office, at meetings I have had with the RSPCA and Animals Australia I have raised the issues of how to improve live animal welfare outcomes in live animal export markets during that entire period. In addition to that, I have worked consistently with a range of stakeholders to improve animal welfare outcomes over that entire period. (Time expired)

Senator FISHER (South Australia) (14:17): Mr President, I ask a further supplementary question. Some further and better particulars, please: when and how, precisely, did the beef industry respond to government? And what specific actions did the government take as a result of industry's response, and when?
mentioned the *Four Corners* program on the 30th. The 31st was the time that the suspension was put in place.

Can I then indicate that, from that January correspondence, the MLA provided back to me an action plan dealing with animal welfare outcomes. As I indicated, what I have said consistently to them is that (1) I did not endorse it; and (2) it did not go far enough—its time lines were far too long. Consistently through that period we spoke to the MLA and other industry bodies—LiveCorp—about this particular issue and about how they needed to improve their opportunity to ensure that they could continue to have a live animal export industry while maintaining animal welfare outcomes for the industry.

In addition to that, when the *Four Corners* program went to air MLA did respond with another plan—a more detailed plan— *(Time expired)*

**Forestry**

*Senator BOB BROWN* (Tasmania—Leader of the Australian Greens) (14:18): My question is also to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig, in his capacity as minister for forests. Yesterday the minister told the parliament that the government has not received any requests from Gunns for funding support in relation to the mill or its business structure. Can the minister give an assurance to the Senate that no money will be given to Gunns in relation to its mill or its business structure, including for severance payments for the hundreds of workers already facing the loss of their jobs or facing the loss of jobs in the future related to the forest agreement or otherwise?

*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) (14:19): It is a question that is asking for something which has not been done, and therefore it is, in one sense, a hypothetical question because, of course, the facts are not on the table. The government indicated quite clearly yesterday that we had not provided any assistance to Gunns. That position has not changed.

The government can say that it is committed to assisting the Tasmanian community to respond to the challenges facing the forest industry. As the Prime Minister acknowledged in December 2010, the signing of the statement of principles is a credit to those involved—that after decades of disagreement they have been able to start the process of working together to work through the complex problems and to forge a new consensus around the forest industry in Tasmania.

That statement of principles, of course, started with community and industry groups coming together. The Australian government, as I indicated yesterday, has appointed Mr Bill Kelty as independent facilitator to work with the parties to the statement of principles to develop a final agreement. We are not at that final agreement stage and the implementation plan that may go around it at this time.

Many of the questions that I know Senator Brown may wish to ask are not on the table at this point. What I cannot rule in or out is what the government may or may not do into the future. That is the hypothetical part of the question that I cannot answer. I can certainly take it on notice to see what further and better particulars I can find that may go to the issue. But the government continues those discussions and I welcome the signatories to the forest Tasmania agreement to continue working towards finalising an agreement— *(Time expired)*

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**CHAMBER**
Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:21): Mr President, I ask a supplementary question. Is the government entertaining a nine-figure sum in relation to the forest agreement in Tasmania—

Opposition senators interjecting—

The PRESIDENT: Continue, Senator Brown.

Senator BOB BROWN: and can the minister tell the Senate what the outcome is in relation to the request by Ta Ann for a further 22,000 hectares of old growth forest, which is high-conservation forest, in Tasmania?

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) (14:22): I literally could not hear the question over the noise from those opposite.

The PRESIDENT: Senator Bob Brown, the minister has indicated that he could not hear your question. Could you come a bit closer to the microphone and repeat the question?

Senator BOB BROWN: I will, but since I am not going to shout, the—

The PRESIDENT: I am not asking you to shout, Senator Bob Brown. If there is silence, it will assist Senator Brown in asking his question. Everyone is entitled, as you know, to be heard in silence.

An honourable senator: I can't hear Senator Brown either.

Senator BOB BROWN: The question—

An opposition senator: He's mumbling!

An opposition senator: I'm having trouble hearing him!

The PRESIDENT: Reset the clock so that Senator Brown can ask his question. Give the courtesy that is required of all senators in this place. Senator Brown.

Senator BOB BROWN: My question to the minister was whether Ta Ann was requiring an extra 22,000 hectares of high-conservation-value forest be taken out of conservation and handed across to it at this stage of the agreement and, if not, what the situation is relating to Ta Ann at this stage of the forest process talks.

Senator LUDWIG: As I see it, Mr President, Senator Brown is asking me what part of the agreement the negotiations are up to in relation to Ta Ann and whether or not a particular—

Opposition senators interjecting—

The PRESIDENT: Senator Ludwig, Senator Bob Brown is on his feet. Senator Bob Brown.

Senator Bob Brown: Mr President, at this end of the chamber it is impossible to hear that answer due to the shouting out from the National Party and Liberal Party senators on my right.

Opposition senators interjecting—

The PRESIDENT: When there is silence, Senator Ludwig will continue.

Senator LUDWIG: As I understand the question, it is asking for me to comment on or provide an answer in relation to where the state of the parties' negotiations are in relation to Ta Ann. I am not able to provide that. I am not sitting around the table doing the negotiations. What I can do, if that is accurate, is take that part of the question on notice and find out whether or not my department can provide any information about where the particular parties are up to in relation to the negotiations over the particular coupes and particular areas. Outside of that, I would encourage all of the
parties to actually come to an agreement, because until such time as the parties do come to an agreement there is no agreement; there is no— (Time expired)

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:25): Mr President, I ask a further supplementary question. There are consultations in process and I am asking the minister about where those consultations are at. I ask the minister: is he aware of the highly-publicised sale by Gunns of its woodchip mill at Triabunna, the application by a consortium of loggers to buy that mill and an alternative application by Eco Resource Development to buy the mill? Will the minister ensure that no money from the forest agreement process flows to the logging entities—

Senator Abetz: Your biggest donor! Why don't you declare that—$1.6 million?

Opposition senators interjecting—

The PRESIDENT: Continue, Senator Bob Brown. People should cease interjecting. It is disorderly. I will allow you to continue, Senator Brown.

Senator BOB BROWN: Senator Abetz was venting his spleen about—

The PRESIDENT: I am asking you to continue your question—

Senator BOB BROWN: I am responding—

The PRESIDENT: I am not asking you to make a comment, Senator.

Senator BOB BROWN: I am getting his comment on the record—

Senator Abetz interjecting—

Senator BOB BROWN: And he continues—

The PRESIDENT: Senator Brown, just continue your question.

Senator BOB BROWN: When there is silence, I will.

Opposition senators interjecting—

The PRESIDENT: Senator Brown, I am asking you to continue the question. Those on my left! Senator Bob Brown, continue.

Senator BOB BROWN: I ask about that consortium: has the government had any discussions about that? Will the government ensure that no money goes, through the forest agreement or in any other way from the public purse, into facilitating the purchase of that Triabunna woodchip mill?

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) (14:27): Thank you, Mr President. I will do my best in this respect. In relation to Triabunna, which is an export chip mill, on 14 June 2011 Gunns announced on the Australian Stock Exchange the sale of the Triabunna export woodchip facility. Media is reporting that the sale will be to a family-owned logging and haulage company, Aprin Logging.

Opposition senators interjecting—

Senator Bob Brown: Mr President, I say again that you are not at the end of this chamber. It is impossible to hear that answer and I ask that the minister say it again.

The PRESIDENT: I will ask the minister to continue but I would ask senators to respect the fact that there needs to be silence in the chamber.

Senator LUDWIG: In relation to Aprin Logging, Gunns further announced that the sale was conditional on satisfactory—

Opposition senators interjecting—

Senator Bob Brown: Mr President, it continues. That answer cannot be heard at this end of the chamber, and I ask that you facilitate it being heard.
The PRESIDENT: Senator Ludwig, continue.

Senator LUDWIG: Gunns further announced that the sale was conditional on satisfactory progress in the implementation of the Tasmanian Forests Statement of Principles. Whilst the principles have not been resolved, Senator Brown could hold that thought. Any commercial enterprise, of course, should be profitable in its own right. The government has not been approached regarding the sale or operation of the Triabunna mill, and everyone in the industry, and the government, wants to see an operating mill which would provide the best result for jobs in Tasmania. (Time expired)

Carbon Pricing

Senator BOSWELL (Queensland) (14:29): I have a question for Senator Wong as the minister for climate change. Can the minister explain what purpose it will serve for Australia to enter into a carbon tax—

Honourable senators interjecting—

The PRESIDENT: Wait a minute. I am trying to hear Senator Boswell.

Senator BOSWELL: I have a question for Senator Wong in her capacity as minister for climate change. I now want to ask the question.

The PRESIDENT: Yes, you are right.

Senator BOSWELL: I was interrupted.

The PRESIDENT: You are quite all right.

Senator BOSWELL: My question is for the minister for climate change. Can the minister explain what purpose it will serve for Australia to enter into a carbon tax when our emissions are only 1.4 per cent but, in comparison, China's carbon emissions will rise by 496 per cent and India's emissions will rise by 350 per cent by 2020? Even if we reduce emissions by an effective 30 per cent on a business-as-usual basis by 2020, won't it be utterly meaningless in the context of projected massive growth in emissions, particularly from China, India and Indonesia?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:30): First—and I am sure it was just a slip of the tongue of Senator Boswell—I am no longer the minister for climate change; I am the Minister for Finance and Deregulation. But I do represent the Minister for Climate Change and Energy Efficiency and I am very happy to take your question. The answer to it is this: because Australians are not slackers. We do not simply sit back and say that the rest of the world should do something but we should just do nothing. It is not the Australian way for us to say: 'There's this global problem, but you know what? We're just going to wash our hands of it and make sure everybody else acts.'

Senator Boswell, you used to believe that that was wrong as well, because your party went to the 2007 election with John Howard, the then Prime Minister, promising the Australian people he would put a price on carbon as the most sensible, economically efficient way to deal with climate change. That was your policy, but you have abrogated any pretence of sensible public policy in this debate, instead preferencing a scaremongering and fearmongering campaign that essentially says that Australia should not play our part. It is true that—

Opposition senators interjecting—

The PRESIDENT: It would be helpful if those on my left desisted. Senator Wong, continue.

Senator WONG: I do often think—

Senator Abetz: Oh, do you? That's a surprise!

The PRESIDENT: Ignore the interjections. Just continue.
Senator WONG: Really, Senator Abetz; sometimes I think it is unfortunate that you occupy the position you hold, because you so rarely act in accordance with it. (Time expired)

Honourable senators interjecting—

The PRESIDENT: Wait a minute, Senator Boswell. You are entitled to be heard in silence.

Senator BOSWELL (Queensland) (14:33): Mr President, I ask a supplementary question. Does the minister believe it unfair and unreasonable to expect countries like India, China, Indonesia and the Philippines to place a carbon tax on their industries that will increase the price of electricity, shelter, food and transport for their citizens, many of whom already live well below the poverty line and have insufficient calorie intake, insufficient clean water and insufficient shelter?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:33): The senator should be aware of the action which is already being taken by some of the countries which he has referenced and many other countries that he has not referenced. China is leading the world in the production and installation of renewable—

Senator Bernardi interjecting—

Senator WONG: Senator Bernardi, I know you do not believe in this issue and so any time somebody says something different you just want to shout them down, but the reality is that China is acting, as are other countries. The position of the opposition is untenable because what they are saying is: 'We believe this is a problem, but someone else can fix it. We believe this is a problem, but we don't want to have to do anything about it. We believe this is a problem, but we're not going to put our shoulder to the wheel. We believe this is a problem, but all we will do is fearmonger and scaremonger.' This is the position of the alternative government, and it is, frankly, a shameful position, a position that people like Mr Turnbull are rightly critical of.

Honourable senators interjecting—

The PRESIDENT: Wait a minute, Senator Boswell. When there is silence, we will proceed.

Senator BOSWELL (Queensland) (14:35): Mr President, I ask a further supplementary question. Last week the Treasurer made a speech on carbon tax but did not provide any modelling. When will the modelling used to justify the carbon tax be made available, and will it differ from the old CPRS modelling that claimed a carbon tax will reduce growth and aggregate productivity, produce temporary unemployment of up to 10 years and see real wages fall by 4.2 per cent?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:35): The Treasurer did make some comments at the National Press Club about some preliminary findings, which included that the Australian economy will continue to grow. We will continue to have jobs growth and income growth with the imposition of a carbon price. That is consistent with the previous modelling, which was released by the government. I know that those opposite do not like to deal with the real facts; they would rather deal with the pretend facts on their side of the debate. The reality is the government previously released the modelling—

Opposition senators interjecting—

The PRESIDENT: Senator Wong, I might ask you to resume your seat. Senator Wong, continue.

Senator WONG: I am also asked if the government will release the modelling. The government certainly did previously. I would
anticipate that the government, when it makes its final decisions in relation to the design—

Opposition senators interjecting—

Senator WONG: Do you want the answer or not, Senator Boswell? I was part-way through. It is the interjections from your senators. (Time expired)

Economy

Senator STEPHENS (New South Wales) (14:36): My question is to the Minister for Small Business, Senator Sherry. Can the minister outline to the Senate how the government is helping ease the red tape burden on small businesses and, in particular, what system the government has in place to help small businesses deal with their superannuation obligations to employees? How is this system saving time and money for small businesses?

Honourable senators interjecting—

The PRESIDENT: When the conversation at the front has ceased I might be able to call the minister to answer the question. The Minister for Small Business, Senator Sherry.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:37): Thank you, Mr President. I thank Senator Stephens for her very important question. The Gillard government has—and I have outlined this on previous occasions—an extensive reform agenda in respect of deregulation. One deregulatory simplification that this government has introduced is called the Superannuation Clearing House. As senators, including Senator Stephens, would recall, last year we introduced this service to solve the red tape created for small business when the former Liberal-National government introduced choice of fund into the superannuation system. This imposed significant new regulatory and compliance requirements on business which were particularly onerous for small business.

The clearing house that the Labor government has introduced is administered by Medicare Australia. It is free and it is simple to use. The take-up for the clearing house service has been growing steadily since it was introduced on 1 July last year. It will continue to grow as more and more businesses—

Senator Cormann: Tell us the numbers!

Senator SHERRY: If you will be quiet, Senator, I will get to the numbers. At the beginning of this month, 4,300 employers were registered with the clearing house and they are clearing almost 30,000 employees with 84,000 employee pavements being made through the system. Some $45 million has been remitted by small business employers and disbursed to superannuation funds.

We know about the onerous obligations that were imposed on employers by the previous government in respect of superannuation choice. It discharges employer super guarantee obligations when the money reaches Medicare, so it removes the previous legal obligations imposed. It takes all types of super contributions: personal, salary sacrifice, not just SG. It accepts super payments—(Time expired)

Senator STEPHENS (New South Wales) (14:39): Mr President, I ask a supplementary question. Can the minister outline to the Senate what the response is from small business to the clearing house and the other measures that have been taken by the government?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business
and Minister Assisting the Minister for Tourism) (14:39): mentioned the onerous new regulatory obligations that were imposed by the previous Liberal-National government on employers. When we presented the solution to the Senate the opposition opposed it. They opposed this important simplification.

Senator Cormann: Yes, it's very unpopular.

Senator SHERRY: Let me get to popularity. I am glad to hear Senator Mathias Cormann interjecting. Let us get to popularity: we have done a satisfaction survey of the clearing house which the Labor government introduced. Ninety per cent of respondents said they would recommend the clearing house to other small businesses. Ninety-six per cent of respondents strongly agreed or agreed the clearing house has reduced the time it takes to make their superannuation payments. Three-quarters of these said it saved them up to three hours per quarter, 15 per cent said up to seven hours and nine per cent said they have saved up to eight hours per quarter in terms of the superannuation obligations imposed by the previous Liberal-National government. (Time expired)

Senator STEPHENS (New South Wales) (14:40): Mr President, I ask a further supplementary question. Is the minister aware of any alternative policies and the risks that any such policies might contain?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:41): Believe it or not the Liberal and National parties actually announced a new policy last week to introduce a superannuation clearing house, like the one I have just been talking about. The Labor Party, having introduced the Medicare Superannuation Clearing House, the Liberal Party decided to come up with a great new policy—very rare, I know!—and introduce a superannuation clearing house through the ATO. What we have is the Liberal and National parties, having created the problem for small business in the first place, having opposed the Labor Party's solution to introduce a superannuation clearing house, deciding on a great new policy to introduce a superannuation clearing house! You might wonder what the logic is of introducing two new clearing houses and the cost of theirs will be $257 million. (Time expired)

Carbon Pricing

Senator BIRMINGHAM (South Australia) (14:42): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency. I refer the minister to today's announcement by the Minister for Climate Change and Energy Efficiency of a new $12 million carbon tax advertising campaign, which is in addition to the existing $13.7 million public engagement campaign. How can the government have decided how much money—

Honourable senators interjecting—

The PRESIDENT: Order! As I have said, every senator is entitled to be heard in silence. If you disagree with anything that is being said you can debate it at the end of question time. Continue, Senator Birmingham.

Senator BIRMINGHAM: How can the government have decided how much to spend on advertising its carbon tax when the government claims to still not know how much its carbon tax is going to be?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:43): It is the case that Minister Combet has publicly announced today that the
government intends to undertake a public information campaign to explain to Australians how its policies tackling climate change will affect them. Mr Combet is—

Honourable senators interjecting—

Senator WONG: Senator, do you want me to answer the question?

Senator Birmingham: I doubt that you will.

The PRESIDENT: Senator Wong, ignore the interjections, address your comments to me and continue with your answer.

Senator WONG: Mr Combet went on to say in his press release, which no doubt Senator Birmingham, being an assiduous senator, has read, that:

… a final decision on proceeding with advertising would depend on the Multi-Party Climate Change Committee discussions and on an advertising campaign meeting the requirements of the Government’s Guidelines on Campaign Advertising.

Obviously Mr Combet has outlined the position in relation to a final decision which I think goes to your policy point, Senator. I would make the point, Senator Birmingham, in relation to the $12 million campaign, that it compares reasonably well with the $118.7 million spent by the Howard government advertising the GST, the $121 million spent advertising Work Choices and the $254 million spent on all campaign advertising during its last year in office, 2007. And, of course, how could we forget the mouse pads? So Senator—through you, Mr President—the government have been transparent and upfront about our intentions and the reasons for that, and we will go through a proper process to ensure that any such campaign meets the requirements of the government’s guidelines on campaign advertising. (Time expired)

Senator BIRMINGHAM (South Australia) (14:45): Mr President, I ask a supplementary question. Having read Minister Combet’s press release, I am aware that he also announced a $3 million program to provide grants of up to $250,000 for organisations to engage with the public on the carbon tax. Will the minister rule out any of those grants being provided to any of the organisations funding the current 'Say yes' campaign, which, the government has to date stressed, is not government funded in any way?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:46): My reading of the press release was that the minister had announced the intention to launch the grant program. I am not possessed of any information which could enable me to tell you who those grants would go to at this point. Obviously, the announcement today—

Senator Ian Macdonald: Will Labor Party branches get them as well?

Senator WONG: Senator Macdonald, you’re still here!

Senator Ian Macdonald: Well, tell us if the Labor Party can apply. It would be typical of their practices.

The PRESIDENT: Order! Senator Wong, please continue.

Senator WONG: As I said, the announcement today is for the launch of the grant program, as and from 30 June 2011. If I have any further details about the guidelines associated with that program, I will seek to provide them to you, Senator. But I read the press release as simply indicating that the program had opened. This is an extremely modest campaign compared with the $121 million spent on Work Choices—one-tenth, in fact. (Time expired)
Senator Birmingham (South Australia) (14:47): Mr President, I ask a further supplementary question. Why is it that Australians, who will have to pay more under Labor's carbon tax, are now being made to pay also for Labor's political advertising to sell its carbon tax; and why is it that the minister will not rule out using taxpayers' money to line the pockets of Labor's political mates and allies, like GetUp! and the ACTU, who are already doing your bidding?

Opposition senators interjecting—

The President: We will proceed when there is silence. Minister.

Senator Wong (South Australia—Minister for Finance and Deregulation) (14:48): This must be the day for feigned indignation in the chamber. We had Senator Ronaldson earlier today—

Opposition senators interjecting—

Senator Wong: and we have Senator Birmingham now waxing indignant as a member of a party that spent $254 million in its last year in government on public advertising and $121-plus million advertising laws which were about ensuring Australians were easier to sack. So do not come in here, Senator Birmingham, lecturing us about public moneys. This is an important public policy issue, an issue which will affect Australians, and people are entitled to understand what this policy is. They certainly are entitled to that in the face of the irresponsible scaremongering that moderates like you, who used to believe in climate change and a price on carbon, ought be ashamed of. The reality is that Australians are entitled to have the record set straight. (Time expired)

Air Safety

Senator Fielding (Victoria—Leader and Whip of the Family First Party) (14:49): My question is to Senator Carr, the Minister representing the Minister for Infrastructure and Transport. Given so many travellers were recently left stranded in airports and the failure of airlines to notify them beforehand of the cancellation of flights in and out of Melbourne, can the minister tell the chamber what time the relevant government agencies advised the airlines of the approaching ash cloud and the nature of this advice?

Senator Carr (Victoria—Minister for Innovation, Industry, Science and Research) (14:49): Senator Fielding, I am not able to assist you in this regard to the precise times at which the government advised the airlines. This is a question that is the responsibility of the Civil Aviation Safety Authority. They have advised airlines that they are able to operate in accordance with their safety management systems, and plans to avoid forecast and actual areas of volcanic ash were provided. But I do not have the precise time at which that was done. What we have seen is that CASA's actions in this event would be consistent with those of the civil aviation authorities in New Zealand. Airservices Australia and CASA have both been monitoring the large volcanic ash plume, with the assistance of the Bureau of Meteorology volcanic ash advisory centres. Australia does not generally close airspace for events of this type, and procedures adopted by Australia focused on ash avoidance, as most aviation bodies internationally have done. Our actions are quite consistent with international best practice. Procedures to accommodate the avoidance of ash have been established by the International Civil Aviation Organisation, which defines the responsibilities of member states, and Australia has met those responsibilities to the full.

Air Safety

Senator Fielding (Victoria—Leader and Whip of the Family First Party) (14:51): Mr President, I ask a supplementary
question. I am hoping that the minister can take the first question on notice as he was unable to answer at this time. Given the availability of technology such as mobile phones and the internet and given how easy it would have been for airlines to notify passengers that their flights were cancelled before they headed out to the airport, has the minister spoken to any of the airline chiefs about why this action was not taken?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:52): I do not have any advice as to what action the Minister for Infrastructure and Transport has taken in regard to direct discussions with the airlines. If there are matters I can enlighten him on I will provide that information to the Senate.

Senator FIELDING (Victoria—Leader and Whip of the Family First Party) (14:52): Mr President, I ask a further supplementary question—and I would also like the minister to take the first two questions on notice because he was unable to answer them. Given that another ash cloud is now over New Zealand and flights between Melbourne and New Zealand have today been cancelled, is the government aware of any expectation of more cancellations in coming days and, if so, when will the public be notified so they can make alternative arrangements?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:53): The approach the government has taken is to rely upon the advice of the Civil Aviation Safety Authority for Airservices Australia acting on the advice of the Bureau of Meteorology Volcanic Ash Advisory Centre. That practice will remain. The minister does not individually make choices of these types. He will have to rely upon expert advice of the relevant authorities. That is the approach that has been taken, consistent with international action. As to whether the minister has spoken to the CEOs of the airlines and whether or not he has contacted New Zealand air authorities is a matter I do not have any advice on.

**Broadband**

Senator BIRMINGHAM (South Australia) (14:54): My question is to the Minister for Broadband, Communications and the Digital Economy. I refer to revelations in the media and testimony to parliamentary committees over recent weeks that NBN Co. CEO, Michael Quigley, has not been completely frank or accurate in statements about his relationship to alleged bribery at Alcatel-Lucent, his former employer, up until 2006. Is the minister aware of any further as yet undisclosed inconsistencies in Mr Quigley statements? Does the minister have full and unqualified confidence in Mr Quigley?

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) (14:55): The short answer is yes. Senator Birmingham will have every opportunity to continue his smear campaign in about two hours at Senate estimates. If you have got the guts to actually ask Mr Quigley, if you actually have the guts to say it to his face—

**The PRESIDENT:** Senator Conroy, that is not becoming! You should address your comments to the chair.

Senator CONROY: Those opposite, who want to continue this smear campaign, are welcome to in about two hours. They will have the opportunity to get in there and ask all the questions they want. Mr Quigley has appeared before more parliamentary committees than any other officer in the last six months. He will be willingly answering any questions on any of the smears, on any
of the anonymous sheets that Mr Turnbull has circulated in the press gallery. If they want to continue to rely on a convicted criminal's testimony then they are welcome to—a man who took bribes, a man who solicited bribes. At least Godwin Grech was, at that stage, an unimpeachable public servant. They have been relying on a convicted criminal who took bribes, sought bribes and who took kickbacks. Those opposite will have every opportunity to question Mr Quigley at length at four o'clock or later on today when Senate estimates has Mr Quigley in front of it.

Senator BIRMINGHAM (South Australia) (14:57): Mr President, I ask a supplementary question. To be very clear, does Mr Quigley have your unqualified support, Minister?

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) (14:57): I said yes and I stand by that.

Housing

Senator MOORE (Queensland) (14:57): My question is to the Minister for Social Housing and Homelessness, Senator Arbib. Can the minister outline to the Senate how many dwellings have been constructed under the federal government's housing agenda and, specifically, can the minister provide an update as to how many social housing dwellings have been completed? What has been the benefit in creating jobs under these projects?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:58): I thank Senator Moore for the question and for her ongoing interest in the Social Housing Initiative and in our housing agenda. Access to safe, secure and affordable housing is crucial in ensuring that Australians have a foundation upon which to participate in their community.

I am proud, as a Labor minister, to inform the Senate that more than 20,000 dwellings have been delivered across the federal government's housing programs to date. I am also happy to inform the Senate that the government's $5.6 billion Social Housing Initiative is on track and delivering much-needed homes to vulnerable Australians. Under this program, 14,400 social housing dwellings have been completed, with a further 5,000 homes currently under construction. We expect to be able to deliver 19,600 new dwellings under the stimulus as a result of the cost effectiveness of the delivery of the program. This is because the average cost per dwelling under the Social Housing Initiative is around $270,000, about 10 per cent lower than the $300,000 expected average. Of course, that is just the new construction that is being undertaken in the stimulus. Already 84,000 existing social housing dwellings have undergone repairs and maintenance, of which 16,800 would have been uninhabitable without the work being undertaken. The Social Housing Initiative also helped to support around 15,000 jobs across Australia during the global financial crisis, something which this Labor government is extremely proud about, and the 700,000 that Senator Carr talked about earlier. But that is not all the government is doing. It is not just the Social Housing Initiative in terms of housing. Also, more than 1,800 social dwellings have been built through the national partnership agreement on social housing. 3,800 homes have been built under the National Rental Affordability Scheme, which provides a 20 per cent rental discount for people who are most in need, and A Place to Call Home has
delivered 289 homes to date and is on track to deliver 651 homes. (Time expired)

Senator MOORE (Queensland) (15:00): Mr President, I ask a supplementary question. Can the minister also outline to the Senate how these homes are assisting those who are homeless in our community? Because homelessness is not just about providing a home, as there is also need for support services, in what other measures to support homelessness is the federal government investing?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (15:00): Many of the homes that are being delivered under the government's social housing programs will provide accommodation for the elderly, people with disability and those who are unable to afford housing. At least half of the 21,000 homes constructed under the Social Housing Initiative will go to people who are homeless or at risk of homelessness. The government is proud of its record investment in the area of addressing homelessness. We have provided an additional $5 million since 2008 to better address homelessness. There are 184 new or expanded initiatives under the national partnership agreement. But it is more than just providing a roof; we also need to provide services to people most in need. That is why I was so pleased that in the budget the government put forward an extra $200 million under the watch of the Minister for Mental Health and Ageing, Mr Butler, in terms of mental health, for support for accommodation. This support will go to people most in need, providing them with the assistance they need to establish a home. (Time expired)

Senator MOORE (Queensland) (15:01): Mr President, I ask a further supplementary question. Can the minister please outline to the Senate how the government has partnered with the not-for-profit sector to deliver housing for people in need? Can he outline how these partnerships work and what the not-for-profit sector is doing at the moment to provide better services for those who are homeless?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (15:02): Government cannot do this alone—the whole of the community needs to work together to reduce homelessness. Although we have targets, we are working closely with our partners in the not-for-profit sector and in the corporate sector. This morning I sat down with ANGLICARE. Many of their CEOs are here in Canberra to discuss policy with members of all parties and across both chambers. Organisations like ANGLICARE have done such a fantastic job partnering with government to better deliver for those who are homeless.

I should mention that tonight I, along with many CEOs, business leaders, community leaders and other politicians will take part in the Vinnies CEO Sleepout, which is taking place across the country. Already, through this program, Vinnies has raised over $3 million. That money will go to their homelessness services. It will help people on the ground and provide them with attention for urgent needs. I thank all those who have donated to me and I thank all of those who have donated to all the CEOs taking part. It is much-needed funding and a very important cause. I wish good luck to everyone taking part tonight.

Senator CHRIS EVANS: Mr President, I pass on my good luck too to everyone
doing it in Canberra. I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE:

ADDITIONAL ANSWERS

Carbon Pricing

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (15:03): I have a short answer to the couple of questions took on notice from Senator McGauran yesterday. Given the circumstances, I will read it out briefly—it is only a paragraph:

The Minister for Resources and Energy has not said that certain mines will close. Rather, he has said that no-one can rule out a mine or two closing. This statement applies under all circumstances, whether a carbon price applies or not. Just as some mines were closed during the global financial crisis, the government cannot guarantee that mines will not close in future. Individual mines can close for a range of reasons; however, the government is confident that Australia's coal sector will expand in coming years. The minister's statement was not based on any modelling and he was not referring to any mine in particular.

QUESTIONS WITHOUT NOTICE:

TAKE NOTE OF ANSWERS

Carbon Pricing

Senator BERNARDI (South Australia) (15:04): I move:

That the Senate take note of answers given by the Minister representing the Minister for Climate Change and Energy Efficiency (Senator Wong) to questions without notice asked by Senators Fisher, Boswell and Birmingham relating to carbon pricing.

Specifically, these questions were about the carbon tax. While I was listening to Senator Wong's answers I was reminded of a particularly distasteful joke which mentions the three greatest lies ever perpetrated by humanity. I think we have to add a fourth one to that, and that is Ms Gillard's lie to the Australian people when she said, just six days out from an election: 'There will be no carbon tax under the government I lead.' That goes down as one of the greatest lies in the political history of this country. It is a travesty for the Australian people. We know it is going to put the cost of living up. That has been established. We know it is going to cost tens of thousands of jobs, and we know it is going to see industry exported overseas and emissions exported overseas as well. We also know, but because the government is unwilling or unable to supply an answer we can only deduce, that it is actually going to have zero beneficial impact on the environment.

Let me remind senators that we are talking about emissions of carbon dioxide, that odourless, colourless gas that is exhaled by all of us as we go about our daily business. According to the government this is rampant pollution and, despite the fact that Australia contributes only 1.4 per cent of carbon dioxide emissions globally, apparently we are going to save the planet by imposing a tax on the Australian people. But when called upon to justify this tax, Senator Wong, with all the arrogance that we have come to associate with her approach to policy, said it is because we are not slackers—Australians are not slackers, so let us whack them with a new tax. What sort of logical conclusion is that for any government to make, that because Australians are not slackers, which I presume to mean they work hard and pick up their end of the bargain, we should whack them with a new tax. There is an incentive to do a bit more! The logic that has flowed over the last three years on climate change policy saw it characterised as the great moral issue of our time and saw it characterised by the great success of Copenhagen, which led to the dumping of that 'necessary' thing called
the emissions trading scheme, then to the dumping of Kevin Rudd and then the dumping of the minister afterwards. Now we have seen the policy of no carbon tax dumped. We have also seen the citizens assembly, to convince the people of Australia about the merits of this great new tax, dumped. The only things we have not seen dumped are those two spruikers of government policy who are paid extortionate amounts of money to peddle lies and misleading statements. I am referring to the person Senator Wong once described as an 'input', Mr Garnaut, and Professor Tim Flannery. These people have been trotting out government policy and outlandish scaremongering and fear campaigns which have no justification in fact. They take a kernel of truth and then embellish it to say that the seas are going to rise by eight storeys, we are going to have to save the planet, and the Barrier Reef is going to die—all these things which have later been debunked. Of course, the government never admit that, because they will never admit they have got things wrong. Clearly the Australian people know they have got this dreadfully wrong, because the Australian people cannot afford a new tax, no matter how this government dresses it up. This is a problem. We have got a government that cannot manage its budget finances. The failed climate change minister is now in the finance portfolio where $50,000 million more than they have taken from taxpayers will be spent in the year ahead. That is an alarming thing for any Australian. We know there is disquiet and distrust about it, because we know that people are going to the Treasurer and saying all sorts of things to him, in a very pointed manner, and we would like to hear from one of those people shortly—'Slugger' Hutchins, sorry, Senator Hutchins. I would like to know how you got your new nickname. It comes back to this: the Australian people trust governments to do the right thing for them. It is not just about the economy, it is not just about their finances. They want to make sure there are practical solutions for the environment. What we do know is that no matter how the government wants to dress this up, there will be no benefit to the environment from this carbon tax. There will be none whatsoever. It will only be bad. It will be bad for everyone except for this government, but they will ultimately reap the rewards of what they have sown at the election.

Senator MARSHALL (Victoria) (15:09): We just see the scare campaign continuing, and it is disappointing that Senator Bernardi, with many of his colleagues, continues on this program just denying the settled science. I do not pretend to be a scientist, but I have been briefed, I have been lobbied by some of the smartest people I have ever met, who have taken us through study after study, the science, and have certainly convinced me. I have also been in international forums where, again, scientists—the best minds across the world—have said: 'We need to act on climate change. We need to act soon, and the sooner we act the cheaper it will be for everybody.'

I clearly believe in climate change. I have been overwhelmingly convinced. Unfortunately, the coalition is so out of step with the rest of the world. You only have to look in Britain, where the conservative government there also believes in climate change and taking firm action. The conservative
government in New Zealand also believes in climate change and taking firm action. If you look across the world—and I know the coalition does not want to hear this—we see governments taking firm, strong, short-, medium- and long-term action every day. Everybody, except for the coalition here in Australia, now understands that we need to take action to save our climate. Who do we need to do this for? Not for me, and not for most people here. We need to do it for our children. If we want to have a healthy, prosperous economy and country into the future, we need to take these actions now, and we need to get the results soon.

When I said that the coalition are the only ones across the world who do not believe in climate change, of course, they used to once. They went to the 2007 election with a policy that believed in climate change and, in fact, was going to do something about it. What were they going to do about it? They were going to put a price on carbon, the very thing that Senator Bernardi says is this harmless thing that we breathe out every day and we should not have to worry about it. Quite frankly, Senator Bernardi, I think you ought to get together with the old tobacco lobby and the old asbestos lobby. You could find some crackpots here and there who would come out and tell you anything to support your negative scare campaign. They are the people you want to keep mixing with, because, quite frankly, you obviously get on very well with those sorts of people. But the rest of us need to move on.

We know from all the modelling that has been done—and I am no economist but I know and I have been briefed by some of the best economists around—that the sooner we take action, and take action that is going to make a difference, the cheaper it will be for our economy. What is wrong with making the polluters pay for the cost of pollution? What is wrong with putting a price on the cost of pollution? Really, what we are arguing is that we want the market to drive innovation and drive solutions, and we think that the best way to do that is the market. I would have thought that those on the other side would have agreed that the market tools would be a good way to transform our economy to address climate change. I would have thought that is what you would be believing. But, no, you have got a policy of saying, 'Let people pollute for nothing, continue to increase unlimited pollution and we will just use taxpayers' money to clean up the mess.' That is your policy. Keep polluting; pollute as much as you like, the taxpayer will pick up the bill. We do not believe that. We believe that market mechanisms will drive innovation and will assist in transforming this economy so that it can actually address climate change and start reducing the pollution in this country. We think that is a smart way to go and we know that it is the cheapest way to go. We know it is the cheapest and most effective way to go, and that is why we are going to do it: because it is the right thing for this country. It is the right thing not necessarily for me but for my kids and your kids and our grandkids and the future generations. I am not going to be here in this parliament as someone who ignores the signs, ignores the science and abrogates my responsibility as a legislator to do the right thing by this country, the right thing by our economy and the right thing by our children. Those on that side will stand condemned in the future if they actually stop this happening. You may think that is very funny. I thought you actually cared about children. You are actually voting to abandon their futures and abandon a healthy, strong economy. Shame on you.

Senator BIRMINGHAM (South Australia) (15:14): Way back in the 2007 election campaign, a long time ago—certainly a Prime Minister ago and it could
Soon be two prime ministers ago—a press release was put out by Ms Gillard, the then Deputy Leader of the Labor Party, and Senator Wong, the Labor Party's campaign spokeswoman at the time, if I recall correctly. In their joint press release, they stated quite clearly, simply and succinctly: 'Labor will end the abuse of taxpayer funded government advertising.' It was almost as succinct and clear a message as: 'There will be no carbon tax under a government I lead.'

Yet today we have had Minister Combet announce that yet more millions of dollars of taxpayers' money will be ploughed into government advertising, will be ploughed into an abuse of taxpayer funds, because it will be government advertising designed to simply sell the government's deeply unpopular carbon tax policy.

The best that Senator Wong in her answers to questions today could offer was, 'Our spending is not as bad as you guys' were.' That is the best that she could offer. It is also basically the best that Mr Combet can offer in his media release today. I thought those words 'Labor will end the abuse of taxpayer funded government advertising' meant that you would actually end the abuse; not be 'not quite as bad as some things that happened in the past' but actually end the abuse, actually stop it from happening, actually stop the waste of taxpayer funds—but apparently not. Apparently that promise is as meaningless as so many other promises, and in particular as meaningless as this core promise about there not being a carbon tax under a government that Ms Gillard leads.

So we have this remarkable situation today where the government has ditched its promise to get advertising through—but it is going to have its advertising approved by their coalition partners, the Greens. Senator Wong again highlighted in Mr Combet's media release where the Multi-Party Climate Change Committee would approve the final shape of what is to be advertised. So the Greens will be involved in this, despite the fact that Senator Bob Brown has railed against government funded advertising even more passionately and vehemently than anybody on that side of the chamber has managed to do. We have hypocrisy writ large here from the government and from their colleagues in the Greens that they are all getting together to work out how they are going to spend millions of taxpayers' dollars on this government funded advertising campaign.

As if that is not bad enough, buried in this $12 million for advertising, nearly $14 million for public education and awareness, they are going to go along and fund a bunch of their mates who have been helping the government out nicely on the sideline. They are setting up a range of grants programs within that. They are going to offer $250,000 grants to a range of organisations. Today the minister said, 'We have announced the grants program, but we do not have any guidelines and we do not have any rules so of course I cannot rule out whether organisations like GetUp! or the ACTU will be eligible for these grants.' These are the organisations out there spending money on the government's behalf today but who no doubt have every hope they will be able to recoup their money through government grants tomorrow. That is the outrage of the situation we are confronted with here.

We know the government is going to do this. We know it not just through our television sets, not just through those sorts of organisations, but also from evidence in Senate estimates, where we heard how they are going to run a range of deliberative forums. These deliberative forums, we were told, would be rather small-scale groups of people. Another phrase for it might be 'kitchen table discussions'. So we have waste right around the country. The government is
going to fund the nation's kitchen table discussions on climate change and its carbon tax as well.

**Senator Boyce:** No roundtable?

**Senator BIRMINGHAM:** Senator Boyce might like to host a kitchen table discussion. I am sure she would welcome it.

**Senator Boyce:** I can't; I don't have a round table.

**Senator BIRMINGHAM:** But I reckon Senator Boyce would be happy to pay for the tea and coffee and bickies herself; she would not need a government grant to do it. Not so with this government. The money will flow and it will flow to all of their mates, and they will break every promise they have made in this regard.

**Senator HUTCHINS** (New South Wales) (15:19): The issue we are discussing this afternoon is one that many on our side have had to think about very seriously. The issue of carbon tax, how to deal with carbon emissions, has been on the political agenda for some time. Indeed, Mr Deputy President, you probably discussed it in your party room, when your party was in power. It was an issue, as has been outlined, that was discussed at the 2007 election and it was dealt with as a policy issue in one form or another by the previous Howard government. I say that because, as we know, this issue has taken out three political leaders in the last three years, because we are still grappling with how to deal with it.

It is all right, I suppose, for us here to consider this issue, but out in industry you and I know that they want some certainty. Industry also accepts that there is going to be some control in one form or another over emissions and that there is going to be a price put on it. What the government is proposing, whether it is liked or not by the opposition, is that there will be a figure put on carbon dioxide emissions.

I do not see that necessarily industry particularly likes that—probably the big polluters are very much opposed to it—but in the end you and I know that they have already worked out a price that they are going to pay for carbon dioxide emissions. They are already budgeted for it—they have already planned for it and they already have an idea about when it will come in. If we are defeated at the next election without introducing these measures and your side becomes the government, you will introduce measures of your own of some sort—an emissions trading scheme or a carbon tax. Do not get up and say that that is not the case. You have to think about this, because industry will say to you, 'We cannot continue to have this division and this debate in Australia, because we want certainty.'

As Senator Marshall said, even conservative controlled governments have introduced a form of tax on carbon emissions. The actions of the Cameron Conservative government in introducing a carbon tax in the United Kingdom must cause particular displeasure to the coalition. In New Zealand, the measures were not introduced by a conservative government but by the previous Labor government; yet they are not being overturned, because industry has sought certainty. I continue to emphasise the word 'certainty', because that is what people tell me.

I have my own views on where this is going, and in the end my view is that we have to give the community and industry
some undertaking about what is going to happen. If you get into power, you will introduce measures along the same lines as the ones that we are proposing, because you will be told by the likes of Shell, and Coal and Allied, that they want something done. Please do not come in and say that this will not happen, because you and I know that it will. I think it is dishonest to suggest otherwise, because we know that measures have to be introduced, and, whether reluctantly or not, this government is proceeding to do it so that people will know in the end what they are going to pay.

Senator BOYCE (Queensland) (15:24): It is not often that I disagree with my very good colleague Senator Bernardi, but I must admit that today I need to do so. He said that Senator Wong was intending to attack Australians because they were not slackers—that she was going to slug them with a carbon tax because they were not slackers—and he asked how this was repaying them. I disagree with Senator Bernardi, because I think that the intention of Senator Wong, the Prime Minister and the Labor government is to turn Australians into slackers before they slug them with a carbon tax.

If you look at the figures that came out yesterday from ACIL Tasman, you will see that 3,000 jobs will be lost in the coal industry in New South Wales and 1,100 jobs will be lost in the coal industry in Queensland in just the next three years if a carbon tax is implemented. What is more, 23,000 jobs are forecast to be lost in the steel industry, and, over 20 years or so, the steel industry in Australia could be forced to close down. Let us look at those lost jobs and think about where the people made unemployed might go. There is nowhere for them to go, because the only thing that is holding the Australian economy together right now is the mining industry. If you look at every other sector, there is no growth; there is only dismay and lack of confidence.

A National Australia Bank survey which came out yesterday said that in May confidence levels for business outside the mining sector fell back to confidence levels before the dismal dead-cat jump of last year's Christmas sales, followed by the appalling floods and other problems. Without the mining industry there is no Australian economy, and Senator Wong will do a very good job, if she implements her carbon tax, of creating a nation of slackers, because there will not be any jobs to be had. She can happily impose a tax on those people and on those industries.

I was very amused by the comments of Senator Marshall and Senator Hutchins. They seem to think that only the so-called big polluters will pay the carbon tax. These so-called big polluters use coal to manufacture steel. Steel is used to erect buildings—commercial, residential, the bridges that we drive on, the whole gamut. The so-called big polluters produce cement, which is used to make concrete and which goes into every building in this country. The so-called big polluters use coal to generate electricity, which is used by every person in this country. So we are all polluters, and we will all pay. No wonder the Australian people are concerned about the idea of this tax and about the levels of compensation. The responsibility for creating pollution cannot be quarantined off to a couple of hundred big polluters, whatever the Labor Party thinks that phrase means. Everyone in this country who uses energy and the materials produced by energy contributes to the pollution and the emissions that cause climate change.

This is something that we are in nationally and needs to be considered nationally, yet we had the announcement from the Minister for
Climate Change and Energy Efficiency, Mr Combet, today, which has been confirmed by Senator Wong. Senator Wong tells us that it is not a $12 million advertising campaign but a $12 million public information campaign. Could she tell us if the public information will include what the cost per tonne of carbon tax will be? No-one knows what that will be. Could she tell us if the public information will tell us which industries will be affected by this tax? No-one knows which ones they will be. I guess that we would all think that $12 million was cheap to get an answer to some of these questions, which have been asked for months and months with no response for this government because they simply cannot get a plan implemented. (Time expired)

Question agreed to.

AUDITOR-GENERAL’S REPORTS

Report No. 48 2010-11

The DEPUTY PRESIDENT: In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General:


COMMITTEES

Privileges Committee

Documents

Senator PARRY (Tasmania—Chief Opposition Whip in the Senate and Deputy Manager of Opposition Business in the Senate) (15:31): It is my privilege to present on behalf of the Chair of the Senate Standing Committee of Privileges, Senator Johnston, correspondence relating to the application of parliamentary privilege to working papers and reports from the Australian National Audit Office.

DOCUMENTS

Tabling

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

Membership

The DEPUTY PRESIDENT: Order! The President has received letters from party leaders nominating senators to be members of committees.

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:31): by leave—I move:

That senators be discharged from and appointed to committees as follows:

Australia’s Food Processing Sector—Select Committee

Appointed—

Senators Colbeck, Fisher and Ryan


Australia’s Immigration Detention Network—Joint Select Committee—

Appointed—Senator Hanson-Young

Rural Affairs and Transport References Committee—

Appointed—

Substitute member: Senator Siewert to replace Senator Milne for the committee’s inquiry into live export markets

Participating member: Senator Milne.

Question agreed to.
BUSINESS
Rearrangement
Senator WONG (South Australia—
Minister for Finance and Deregulation) (15:32): I move:

That the order of consideration of government business orders of the day for the remainder of today be as follows:

No. 2—Combating the Financing of People Smuggling and Other Measures Bill 2011
No. 5—Social Security Amendment (Parenting Payment Transitional Arrangement) Bill 2011
No. 6—Tertiary Education Quality and Standards Agency Bill 2011
Tertiary Education Quality and Standards Agency (Consequential Amendments and Transitional Provisions) Bill 2011
No. 7—Social Security Legislation Amendment (Job Seeker Compliance) Bill 2011
No. 8—Midwife Professional Indemnity Legislation Amendment Bill 2011

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE
Asylum Seekers

The DEPUTY PRESIDENT (15:33): The President has received a letter from Senator Fifield proposing that a definite matter of public importance be submitted to the Senate for discussion, namely:

The Gillard government's failure to secure Australia's borders and refusal to implement effective and humane policies to deny people smugglers the product they sell.

I call upon those senators who approve of the proposed discussion to rise in their places.

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

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

Senator CASH (Western Australia) (15:33): On 24 June last year—a date that is burned in the hearts and the minds of so many Australians, not least of all the now Minister for Foreign Affairs, who was politically executed on that day and who clearly, based on his performance of late, has not forgotten this, and possibly also Bill Shorten, who—

The DEPUTY PRESIDENT: Order! You must refer to the member by his proper name.

Senator CASH: When Minister Bill Shorten picked up the Australian newspaper this morning he must have started wondering whether the little stunt he pulled this time last year had actually failed miserably, because the current Prime Minister's ratings are now lower than Mr Rudd's were and are at an all-time low. On 24 June last year the now Prime Minister—and I use the word 'now' rather loosely; I am using a little bit of poetic licence when I use the word 'now'—said:

I accept that the Government has lost track. We will get back on track. I have taken control for precisely that purpose.

When the current Prime Minister—and it will be interesting to see what happens next week; I am looking forward to being here on the 24th—said that, there was one policy area that she clearly did not have front of mind: Australia's border protection. This government has been a complete, total and utter failure when it comes to protecting Australia's borders.

To understand the gravity of this government's failures you need to contrast
the situation under the former Howard government when we left office in 2007 with the situation we have today under the current Gillard Labor government. In 2001, 43 boats arrived. Back then the Howard government said that that was a lot of boats. Those on the other side must be praying every night for us to get back to 43. The Howard government said that that was a lot of boats. Do you know what they did? They took some very tough decisions: they implemented the Pacific solution and on top of that they introduced temporary protection visas. And do you know what happened? The number of boats that came to Australia in 2002 was reduced to zero. There were 43 boats in 2001. The Howard government took some very tough decisions—they introduced the Pacific solution and introduced temporary protection visas—and guess what: the Howard government policies did exactly what those on the other side are now telling the Australian people they want to do, which is to stop the boats. There you have it. They are proven policies. Those policies actually worked. In the last six years under the Howard government fewer boats arrived than in the last six weeks under the current Gillard Labor government, and ironically those boats have arrived since the Prime Minister and the minister announced the be-all and end-all policy solution to the border protection fiasco, which is their so-called 'Malaysian deal'. The Malaysian deal is going to solve all of the government's border protection problems! But the only problem to date is that they have not actually finalised the deal. We do not seem to have any real details surrounding it. There is certainly no signature on any piece of paper and the government must be hoping that the Malaysian deal does not go the same way as the East Timor deal was never, ever going to happen—but it sounded really, really good at the time.

This is a policy area that has been in complete disarray since the government in August 2008 took steps to wind back the strong and proven border protection measures of the former Howard government. This is the extent of the disarray in the border protection area. In November 2009 there was reported a bloody fight breaking out on Christmas Island involving 150 Afghans and Sri Lankans. Since that time we have had a series of incidents: further rooftop protests from 20 to 22 September 2010; 90 detainees breaking out of the Northam immigration detention facility in September of last year; and on 15 November a violent brawl at Broadmeadows. And it continues on. On 17 November last year we had a rooftop protest at Villawood. At the airport lodge between 7 and 10 February, 11 people were hospitalised and a further 11 were actually taken to the watch-house after further disturbances. In February of this year on Christmas Island, in the family compound, nonetheless there were 13 people injured, windows were smashed, three asylum seekers were arrested and 15 young males were moved off the island. We then had a breakout at the Asti Motel and on 17 March there was a protest at Curtin. And it keeps on going. On 17 March a young Afghan man actually died at Scherger. On 28 March an Afghan asylum seeker died at the Curtin detention centre and on 12 and 13 March there were mass breakouts at Christmas Island followed by the horrendous riots that were watched by so many Australians. Then, of course, we had the Villawood riots. Who could forget the Villawood riots? They were actually preceded by the finding of a bomb, no less, in the detention centre, a bomb that the minister was not aware of until he was asked
on talkback radio what his response was. He did not have one because the department had not made him aware of such a serious incident.

So what is the Labor government's response to date to this rolling crisis? Now we have what has been called the 'Malaysian solution'—the deal by which we send one asylum seeker to what is looking like almost certain hell in Malaysia and in return we get back five in Australia. Why are we entering the Malaysian deal? It is because the minister is now telling the people of Australia that we need to break the people-smuggling model. What the government refuses to understand, despite the opposition telling them for the last three years, is that it is the government's policies that are encouraging the people smugglers. It is the government's policies that are providing a framework for the people smugglers. In relation to the Malaysian deal those on that side of the chamber, those on the Labor side of politics, like to pontificate that they have the monopoly on human rights in Australia. If that is true, they really need to rethink the Malaysian deal, because to date neither the minister nor the Prime Minister has been able to guarantee to this parliament that they will be able to ensure that the human rights of those that we send over to Malaysia are actually going to be in any way upheld. There is an article in the Daily Telegraph today which says:

Immigration Minister Chris Bowen will rely on the Malaysian government to keep the country's paramilitary—volunteer officers who carry weapons—away from the 800 asylum seekers sent from Australia.

The most recent refugee tribunal report has actually found that members of this paramilitary group have been involved in extortion, rape, and other crimes for which they have received little or no punishment. But does that worry those on the other side? The answer is no. But does it worry the federal parliament? The answer to that is actually yes, because yesterday in the federal parliament, in the other place, a motion passed through the House of Representatives 70 to 68 with the support of the opposition; the Greens MP, Adam Bandt, who moved the motion; and the Independents Andrew Wilkie and Bob Katter. Interestingly, some of those people are actually members that the government currently relies on to ensure that it stays in power. Even those members are absolutely disgusted with the government's antics in relation to the Malaysian deal.

People smugglers must be denied a product to sell. The coalition has been saying that since August 2008, but as long as the Labor Party have their way on border protection the people smugglers will continue to find ways to bring people to Australia, risking their lives in the process. The Labor Party need to wake up, listen to the coalition and implement our strong, proven policies. (Time expired)

Senator McEWEN (South Australia—Government Whip in the Senate) (15:44): While we are waiting for Senator Sterle to come and contribute to this debate this afternoon, in addressing the motion moved by the opposition I would like to again point out that here we are once again hearing tirades from the opposition about a very complex, difficult issue. They always present a simplistic view of the world and do not take into account that this is in fact a multifaceted problem and one that the government is addressing in a number of ways. That includes addressing it from a regional perspective, working with our near neighbours to ensure that the issue of people smuggling and the transport of people is addressed from a regional perspective in cooperation with our near neighbours. They know full well that we will not have a resolution to the issue until we get that

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cooperation from our neighbours, and that is what we are striving to do.

Senator Cash: Not with much luck!

Senator McEwen: Senator Cash, I actually think that you do not want there to be success, because it suits you to be able to get up here and bang on about this issue time after time—

Senator Cash: Because of your constant failures in this area!

Senator McEwen: day after day, MPI after MPI. It suits you to carry on that way. I am proud of the government's record in this area. It is a difficult issue, and we are working very hard to solve it. And I know that now Senator Sterle is going to add to this debate with some considered opinions, unlike those rantings that we continue to hear from your side of the chamber.

Senator Cash interjecting—

The DEPUTY PRESIDENT: Order! Senator Sterle, it would be normal for me to call somebody from the other side but I understand that the whip has agreed that you should fill the rest of the time allocated at this time.

Senator Sterle (Western Australia) (15:46): Thank you, Mr Acting Deputy President. I do not realise how lucky I am sometimes. And I do appreciate your assistance, and that of the opposition too.

I do wish to make comment today on this matter of public importance—

Senator Parry: So important that you didn't turn up!

Senator Sterle: I was actually in a committee and trying to discuss aviation safety in this country, which I do put great importance on. So I will not apologise—through you, Mr Acting Deputy President—for having the nation's travelling safety at heart before this frivolous MPI.

I just want to quote those words from Senator Fifield:

The Gillard government's failure to secure Australia's borders and refusal—this is the key, if we are going to get some truth out here—to implement effective and humane policies to deny people smugglers the product they sell.

Most times I am proud to be a Western Australian; in fact, nearly all the time I am proud to be a Western Australian. I am a first-generation Australian—my parents were both from overseas, my father from war-torn Europe and my mother from war-torn England. My father came out under similar circumstances to those in which we see people coming to Australia now: fleeing conflict. But I just want to say this: he was invited to this country. He came to this country in the late forties, after the war, with his five sisters and his mother and father—a brother was lost in the war—and he was so proud to make this country his home. He was so proud that he was afforded the opportunity to be given a brand-new life in a wonderful country such as Australia. But I am so darned—I was going to say 'damned', but I will not—embarrassed when I hear people absolutely attack at every opportunity people—

Senator Cash: Tut, tut, tut!

Senator Sterle: I see Senator Cash shaking her head over there. This makes me even wilder. I saw Senator Cash in action up in Northam, absolutely thriving with racist comments that were thrown out of the public meeting!

Senator Cash: And we saw you in Northam—you kept silent! You were ashamed!

The DEPUTY PRESIDENT: Order!

Senator Sterle: There were 800 good people there. No—there were not 800 good
people. There were 800 people, and the majority in Northam went to give questions and to hear answers from their elected representatives.

Senator Cash: And they didn't get any! There were no government members there.

Senator STERLE: When I turned up I was not allowed to speak! So don't you start that rubbish on me, you hypocrite! You absolute hypocrite!

Senator Cash interjecting—

The DEPUTY PRESIDENT: Order! It is out of order to shout across the chamber and to address a senator on the other side. You will make your address through the chair.

Senator Cormann: Mr Deputy President, I rise on a point of order. The senator referred to Senator Cash in an unparliamentary fashion, and I think you should ask him to withdraw. He called her a hypocrite.

The DEPUTY PRESIDENT: I am sorry—I did not hear that word used. But if you used the word 'hypocrite' then it is unparliamentary, Senator Sterle, and I ask you to withdraw.

Senator STERLE: I will withdraw. But I will not withdraw from my refrain to say how embarrassed I am when I go and hear the minority, the rabble—the horrible, ugly minority—that just want to throw every disgusting barb at people who seek asylum in this fantastic country. To hear comments like, 'They'll slit your throats,' and, 'We should use them as target practice for our Navy while they are floating around on the boats,' hurts me—and I do not think that I am alone here—and I am absolutely disgusted to think that fellow Australians have this view. And it is probably not that much of a minority—I hope it is a minority; but we hear this nonsense coming from the other side of the chamber about what a threat and fear asylum seekers are to our borders. I read this rubbish here about our having failed in 'humane policies to deny people smugglers the product they sell', so we had better get a few facts out here quite clearly.

I did not have to, but I opened the Australian newspaper on the weekend, and there is the Leader of the Opposition, Mr Abbott, on a wonderful opportunity for the Liberal Party to get some media on the weekend and visit Nauru, to get a photo of him sticking his head through a window and saying that the Nauru detention centre is ready to open up—let's get going. I have been told—and I will be very happy to come into this chamber and apologise profusely if I give the chamber the wrong information or mislead the chamber—that what he stuck his head into was the Nauru primary school. Yes, it used to be the detention centre—and it is now the primary school. So it would be very interesting to know from those opposite who like to condemn everyone who was not born here in Australia—who should not be allowed into our country—why Mr Abbott was sticking his head through a school window. Was he saying that the Nauru school should be shut and those children should be sent elsewhere? What was he actually saying? I think the fourth estate have got a role to play here by reporting and telling the truth. I think they have been very poor in certain circumstances with that.

Nauru was not a humane way of taking the product that the people smugglers sell. What actually happened was that 70 per cent—and I will be challenged on that; I am happy to take that argument up—of those who went to Nauru, including children, who were locked behind barbed wire for three, four or five years, came to Australia. It is a well-known fact that that lot over that side of the chamber and on the other side of this great building failed to tell the complete truth
that we all know darn well: that Nauru is not a signatory to the UNHCR. We all know that. So Mr Abbott can run around, and he can take every photo opportunity and stick his head into every school window on Nauru that he wants to—but tell the truth.

Senator Cormann: Neither is Malaysia!

Senator STERLE: You want to talk about Malaysia? I will talk about Malaysia. I am happy to have this conversation—through you, Mr Acting Deputy President—with any senator on that side of the chamber at any time, because I do not have a problem with genuine refugees seeking refuge in Australia. I have no problem, and I have full support from Minister Bowen and Prime Minister Gillard, with the Malaysian solution.

Just so we get this very clear, currently in Australia 13,750 refugees are accepted in our country every year. It was no different when Mr Howard was the Prime Minister and it is no different now. What we have proposed with the Malaysian solution is that the next 800 who come across on boats seeking asylum illegally will be sent to Malaysia. In exchange for those 800 we will receive, in the four years after, an extra 1,000 people per year—1,000 genuine asylum seekers who seek refuge in Australia. What that will take us to is that, instead of taking 13,750 refugees, we will be taking 14,750 refugees. There is no disguise; there are no lies or mistruths. That is clearly what the deal is. If that deters those scum of the earth, the people smugglers, takes away their trade and does not use the asylum seekers as the pawns then we should be getting full support from the other side of the chamber.

We should have full, unequivocal support from that side of the chamber. They should give us a hand and support us in our efforts—not leave people languishing in Nauru for three, four and five years, including having children behind barbed wire, but support us in our efforts.

Opposition senators interjecting—

Senator STERLE: It is very mischievous, and, you know what, Mr Acting Deputy President Ferguson? I have the greatest respect for you as the Acting Deputy President. I am ignoring the remarks from the other side of the chamber because they really are stupid. They are absolutely incoherent, and it is just opportunism. As I said to you, Mr Acting Deputy President, as a first-generation Australian—

Opposition senators interjecting—

Senator STERLE: I am so sorry, Mr Deputy President, because I forgot that you do have another week to go and it is fantastic that you are still here. I am sorry, Mr Deputy President.

As a first generation Australian, it does hurt me to think that Australians have this belief that no-one should be allowed in this country unless they are born here. (Time expired)

Senator BACK (Western Australia) (15:55): Mr Deputy President, thank you for the opportunity to comment on this discussion. Before Senator Sterle left, I was about to compliment his family, but unfortunately I will have to do it to his back. I quote the famous words of the then shadow minister for immigration:

Another boat … Another policy failure.

Who was that shadow minister? It was none other than now Prime Minister Gillard. Since then she has not had occasion to say it very often; she has not had occasion to get it out of the back drawer very often and say, 'Another boat, another policy failure.' Since the Rudd-Gillard government there have been no fewer than 229 occasions when the coalition might have got that equivalent document out from under the counter,
because that is the number of boats, representing 11,472 people, since Labor came into government—people who have come to these shores through the process of asylum seekers on vessels. Why would I compliment Senator Sterle and his family? It is because he made the very comment which has been the underpinning of the Howard government and this coalition and which will be the underpinning of the Abbott government, when it is in government: that is, as Senator Sterle said, his father was invited to this country—and that is exactly what Australia wants, it is exactly what Australia will do and it is exactly what the Howard government said when the then Prime Minister said:

We will decide who comes to this country …

Mr Sterle Senior was invited to this country. This country, Australia, has a very proud record of accepting refugees. We have had thousands, tens of thousands, of humanitarian refugees of the type Mr and Mrs Sterle Senior would have been.

What is also interesting is: when the Howard government stopped the boats, what was the decline in the number of refugees who came to this country on a humanitarian basis? The answer is nil. The numbers stayed the same. And what is of absolute shock and disgust to me, as I stand in this chamber, is the fact that people who have been through the UNHCR process, the very people who have been accepted as humanitarian refugees to come to Australia, are languishing in refugee camps in Africa, Asia and elsewhere, whilst others jump the queue. In the event that these people are genuine, let them be processed in the genuine way and let them join the queue—but at the end of the queue. What has been put to me recently—and, I think, very disturbingly—is that there is corruption in these humanitarian refugee camps, where people who would otherwise be getting to the top of that queue find, without their even knowing it, that their names are being replaced by others because of corruption being offered to those who are managing it. That is reprehensible, and that is what we must not allow to happen.

When he was the minister for immigration, Philip Ruddock invited the then shadow minister, Ms Gillard, to Nauru. She went to Nauru with him to have a look and, contrary to what Senator Sterle just said, people had the freedom to wander around that island. Did they go into their accommodation at night? Yes, they did. Were they locked up? Why would you lock people up on an island? Where would they go on that island? Philip Ruddock had the courtesy and the decency to actually take the shadow minister to Nauru on that occasion to have a look at what was going on. Nauru is not a signatory to the UNHCR. It is very willing to become so. Is Malaysia a signatory to the UNHCR? The answer, of course, is no, they are not. As one who was involved in business throughout the last decade in Malaysia, one who in fact had some association with prisons and detention centres—but I hasten to tell you, Mr Deputy President, not from the inside but consulting to the Malaysian government—I can say that it is not a place you would want to be. I remember that under then Prime Minister Mahathir Mohamad, when he decided that they would remove illegals from Malaysia, they gave them 72 hours to get out of that country, and we saw footage, regrettably, of people being beaten as they were trying to get on boats at the ports in Malaysia to go back to countries like the Philippines, Indonesia and others. It would be an interesting question for people who are facing the prospect of leaving these shores under this new, ill-conceived scheme of Minister Bowen, to be asked if they would want to go to Malaysia or go to Nauru and be managed by Australians. It would be a very
interesting poll, because I have absolutely no
doubt where they would want to go. The
Howard government had a problem and
found a solution. The Rudd-Gillard
government inherited a solution and have
turned it back into a problem.

Senator CAROL BROWN (Tasmania—
Deputy Government Whip in the Senate)
(16:00): Today we have before us a matter
that has been put forward as a mean-spirited
political stunt. Those opposite are deter-
mined to contribute nothing more than
criticism, scaremongering and misinforma-
tion to the asylum seeker debate. This debate
that we are having here today is just another
e.example of these tactics. When have those
opposite ever offered a humane, truly
collaborative and achievable approach for
how Australia should deal with people
seeking asylum? What did they ever offer in
the way of a substantive policy aimed at
breaking the business model of people
smugglers? They can hardly argue that
turning away the boats and dumping people
on Nauru only to settle them in Australia
after protracted periods of time was a
credible, humane and effective policy. How
does the Nauru solution secure Australia's
border or deny people smugglers the
'product'—as these asylum seekers are
described in the matter before us—they sell?

Those opposite refuse to acknowledge that
Australia cannot go it alone on the problems
of people smuggling and irregular migration.
While this government works hard in
collaboration with our neighbours to develop
and implement an approach to asylum
seekers which balances our humanitarian
obligations, the protection of our borders and
a plan to end the profitability of people
smuggling, those opposite seek to demonise
asylum seekers for their own political self-
interest. Mr Abbott's latest trip to Nauru is
just another example—another political
stunt. The fact that Mr Abbott continues to
mislead the Australian people on this issue is
evident in the fact that he refuses to answer
how much his new Nauru solution would
cost. Nauru did not work to stop the people
smugglers' business model, and it was not a
truly regional and cooperative solution to
tackling people smuggling. What is more,
the coalition left people on Nauru for
extended periods of time only to settle the
great majority in Australia anyway.

The UNHCR have also made it clear that
Nauru is not a good option. Let us consider
what the UNHCR spokesperson, Jennifer
Pagonis said in 2008, when Nauru closed:
… in our view, today's closure of the centre on
Nauru signals the end of a difficult chapter in
Australia's treatment of refugees and asylum
seekers. Many bona fide refugees caught by the
policy spent long periods of isolation, mental
hardship and uncertainty—and prolonged
separation from their families.

That is the former Howard government's
record.

Further, just last week a UNHCR
spokesperson rejected the Liberals' claims
that Nauru had been overseen and approved
by the UNHCR. They have said:

UNHCR was not involved and, indeed,
distanced itself from any role in overseeing or
managing the processing facilities on Nauru
under the Pacific Solution. Recent media reports
that the centre on Nauru was approved by and run
under the auspices of the UN are factually
incorrect.

Just this morning on AM Agenda on Sky
News, Minister Bowen talked about reports
of the long-term psychological damage that
Nauru caused those asylum seekers who
were left there. There are still people in
Australia today who are suffering that
psychological damage, yet all we have seen
in the House of Representatives this morning
is another cheap attempt by Mr Abbott and
his coalition. Their support for the motion on
Malaysia does not represent a substantive
policy shift for the opposition; it is just a deliberate and deceitful move to masquerade the Nauru solution as a more humane and credible alternative.

Let's set the record straight. The Gillard government has always had a plan for the strong management of our borders, and we have made significant progress towards a comprehensive and people focused care plan for asylum seekers in Australia. Let me first outline the significant progress towards the development of a regional cooperation framework for dealing with asylum seekers entering our region by boat. At the Bali process in March this year, we reached an agreement with our neighbours for a regional protection framework. That regional framework fits within Australia's responsibilities as a signatory to the refugee convention and was a response endorsed by the UNHCR. Since Bali, there have been ongoing discussions with our neighbours about how as a region we deal with those who are seeking asylum. As a result, the government is negotiating with Malaysia to prevent people smugglers profiteering out of asylum seekers trying to reach our country. The agreement will finally be agreed and signed in the coming weeks, and that will happen with the close involvement of the UNHCR. As the minister has outlined at length, appropriate protections will be in place for those being transferred, and they will not be caned or subject to other penalties imposed on illegal immigrants. The Malaysian Prime Minister has agreed to treat any asylum seekers transferred from Australia with dignity and respect and in line with human rights standards. Whilst negotiations continue, we can be assured that this is a firm commitment. Just as the UNHCR is involved in the development of the agreement, the UNHCR will also be assisting and processing asylum seekers who are transferred. The UNHCR has publicly supported the arrangements as an opportunity to better protect refugees in our region.

The reality is that this agreement with Malaysia breaks the business model of people smugglers by removing their ability to sell a guaranteed ticket to Australia. Through this approach we hope that people seeking asylum do not continue to be treated as a commodity by people smugglers who have effectively traded their freedom. Our framework represents a more orderly and humanitarian approach to the way in which our region deals with those seeking asylum. The Prime Minister has stated that we will be working with Malaysia to conclude an agreement where the human rights of the asylum seekers we return to Malaysia will be respected. Time and time again you have heard the government give a commitment to breaking the people smugglers' business case.

The policies being negotiated are squarely aimed at removing the product that people smugglers sell and therefore stopping people from getting on boats and risking perilous sea journeys to reach Australia. The Minister for Immigration and Citizenship, Mr Chris Bowen, is on the record as saying that this is an agreement which will break the people smugglers' business model and at the same time mean that Australia increases its humanitarian intake. Our humanitarian intake will now be the highest it has been since 1996, when the Labor Party was last in office. This agreement means that our humanitarian intake will be increased by 1,000, from 13,750 to 14,750 each year. That is an additional 4,000 refugees that we will take in over the next four years, a commitment which those opposite do not support.

It is not good enough to peddle a policy on asylum seekers that involves sending
away people who are seeking refuge and being done with it. We have the capacity to increase our humanitarian intake and that is what this agreement enables. The agreement with Malaysia is in line with Australia’s international obligations, and we will remain committed signatories to the refugee convention. Genuine refugees will not be returned to dangerous circumstances under the new arrangements. The government’s discussions with Papua New Guinea also remain ongoing.

The Prime Minister has made it clear that there are no quick fixes in how we respond to asylum seekers. The government has said time and time again that we are determined to end the profitability of people smuggling and develop a regional solution to a truly regional problem. To do that we are working with the UNHCR and Malaysia to (a) ensure that we break the people smugglers’ business model, and (b) ensure more consistent protection outcomes across the region. It is a much more holistic approach and a truly regional and cooperative approach, unlike the bilateral agreement with Nauru those opposite cannot seem to move past. The Nauru approach involved simply sending away asylum seekers in the hope that they would go away. This was done in the knowledge that those asylum seekers would in fact be resettled in Australia after some time and, what is worse, that they would suffer significant psychological damage along the way.

In Australia we have also taken steps to ensure we have the infrastructure in place to house and support asylum seekers who are here whilst their claims are being processed. The government has planned expansions to some immigration detention facilities. (Time expired)

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (16:10): Madam Acting Deputy President, I take you back to the election on 10 November 2001. I was working for the National Party of course, in the seat of New England. We had a sitting National Party member in Stuart St Clair, who was being challenged by what the people of New England thought to be a conservative Independent, Tony Windsor. It was a very interesting election campaign.

During that campaign we had a visit from the then minister supposedly responsible for all the problems we are talking about in this debate, Philip Ruddock. Minister Ruddock addressed a gathering in Tamworth and I was present at that gathering. He told us how in July and August 2001—this was in about October 2001—we had been getting 1,000 asylum seekers a month coming here by boat. He told us of the danger, the cost and the threat to life on those leaky and dangerous boats. He told us they had a problem and how they brought the problem to a stop.

They brought it to a stop by introducing such things as temporary protection visas. People ask: what is a temporary protection visa? It is exactly what it says: you come to Australia and you are given a visa for temporary protection until the place you come from settles down or there is some other region you can go to. There was a serious problem and it was a costly problem. Mr Ruddock said that if the Department of Immigration rejected a person’s application then they could go to the Federal Court. If they failed there in their application for refugee status in Australia, they could go to the High Court. It was costing us up to $300,000 in legal fees to provide for these people to take Australia to court. We also had to pay for the government’s legal team, so you can double that figure. It was hugely expensive.
The government said it would set up Nauru and process the people there. Then they would not come to our courtrooms and we would not have the costs. It would send a clear message that you do not simply jump on a boat, pay your way and come to Australia, when we allow 13,750 refugees into this country each year—genuine ones, from refugee camps. We have many such refugees in my home town of Inverell. We have had Sudanese people settle in my town over the last few years. They are good citizens, working, with opportunities and a roof over their head. One of those citizens recently was a finalist for the employees award in the Inverell Business Awards.

They are good people who have had an opportunity here since they were brought from the camps. Many Australians view those who pay their way to come here in a boat as queue jumpers, and that is the thing that frustrates them. You speak to the people who are brought to Australia from those refugee camps and from horrible situations and they will tell you that they waited a long time. They went through the process. That is what angers many Australians.

We finally solved the problem and the boat arrivals were brought virtually to a trickle. We know that it was Prime Minister Kevin Rudd who lowered the bar and did away with temporary protection visas. That sent a message that we were open for business again to those who could pay their way to come here. This is the unfortunate thing we have to stop. We have to stop this industry because of the deaths of people. We watched that footage on TV of the boat being wrecked off Christmas Island, with some 50 lives lost. Incidents like that are what we have to stop. In November last year there were reports of another boat apparently heading to Australia with around 100 asylum seekers. They have never been seen again. What we are doing is losing lives. People are being conned into paying money to the traffickers of human beings who are bringing them here and who are getting a fortune in the context of their currency and their standard of living in Indonesia or wherever. It is an industry that has taken off, and the ensuing loss of life is a problem.

We had the problem; we fixed it. This government now has a problem—and look where you are going with it. Prior to the election, the solution was going to be East Timor. But there were no negotiations or agreements with East Timor. Then it was Manus Island. Now it is Malaysia. I find it appalling that you are going to ear-tag people like cattle to send them to Malaysia, where they can walk free because they are tagged so they will not be beaten. What are we doing? Since August 2008, 11,533 asylum seekers have arrived in no fewer than 230 boats.

Look at Malaysia's record. I have been informed that, from 2002 to 2008, 1,300 people died in Malaysian detention centres or depots due to poor detention conditions. They are held in crowded conditions and receive limited water and food. Now, I do not know if that is a fact, if it is true. But, if it is true, that is deplorable. Yet this government's solution is to say, 'We'll send 800 of these people to Malaysia—no, we won't lock them up, they won't be caned; we'll have them ear-tagged,' like in the National Livestock Identification System, the NLIS. 'We'll do this and everything'll be right. It'll stop the boats.' We have had some 300 asylum seekers come to our shores in Australia and to Christmas Island since this policy was announced. It is not stopping the boats. We have in Nauru, an island of about 10,000 people, a facility built by the previous Australian government that is ready and willing to be opened, and where we can actually solve the problem. I think this comes down to arrogance.
Surely, the Minister for Foreign Affairs, Mr Rudd, should be going in and looking at this as well. Where is he? We do not see him on this issue, probably the biggest issue and one that means so much to the Australian people. Billions of dollars that we could be putting into our aged-care facilities, our hospitals or other infrastructure are now going on this scheme so that people can traffic in human beings to make money. It is a disgraceful industry, it is costing lives, it is costing our taxpayers money and we seem to be getting further and further behind instead of getting ahead by solving the problems we face with this. I urge the foreign minister to work closely with the Prime Minister and others—if that is possible as we approach the one-year anniversary of Mr Rudd's political decapitation—to solve this problem. The longer this industry goes on, the more lives are threatened. We have seen men, women and children lose their lives because of this industry. The industry must be shut down, and the government must swallow its arrogant pride and get onto a solution to the problem, not continue it, seemingly forever.

Senator FURNER (Queensland) (16:17): I rise also to make a contribution to today's matter of public importance. Firstly, it is all about solutions. We need to find solutions, and that is one thing this government is doing on this particular issue. We are fixing this issue by working with people in our region. The government have been working hard to implement an effective policy. It is a complex issue, this; it is not a simplistic matter that can be resolved by shifting people off to various parts of the Pacific region. This complex issue of irregular migration cannot be solved by acting alone; instead, it must be tackled by countries forming cooperative arrangements under the auspices of regional and international frameworks.

On 30 March this year, Australia secured an agreement to implement a regional cooperative framework at the Bali Process ministerial conference. At this conference, representatives of the 43 member countries, along with the United Nations High Commissioner for Refugees, agreed to establish a regional cooperative framework to address irregular migration, improve consistency in the treatment of refugees and undermine the people-smuggling trade. Unlike the Howard government and their failed model, we have come up with a solution to deal with this particular problem.

Unless you have been living under a rock, you would know that a key aspect of the regional cooperative framework is the Malaysian transfer agreement. Asylum seekers transferred to Malaysia will have their asylum claims considered, and those in need of international protection will not be refouled. Those already waiting for an outcome will not be disadvantaged by this arrangement. Asylum seekers transferred to Malaysia will not receive any advantage in the consideration of their claims over the other 93,000 UNHCR registered refugees and asylum seekers already waiting. In exchange, Australia will resettle 4,000 UNHCR mandated refugees, demonstrating the importance we place on assisting those who face the violation of their human rights. The Gillard government have received public support from the UNHCR for this transfer agreement as an opportunity to better protect refugees, and we will assist in processing asylum seekers that are transferred under this arrangement. We believe this transfer agreement will deter people from choosing to arrive by boat. As immigration minister Chris Bowen said on 9 June:

Why would you pay a people smuggler $15,000 or so to come to Australia by boat, only to be taken back to the place where you started the boat.
journey, which in most cases is Malaysia? So you achieve absolutely nothing.

While the opposition would have the public believe we are being invaded by boat people, they need to be reminded that while they were in government they did not stop the boats. During John Howard’s reign as Prime Minister, 240 boats arrived in Australia, carrying 13,600 asylum seekers. Global circumstances determine the number of asylum seekers coming to Australia. When the Taliban regime was brought down in 2001, many Afghans returned home.

While our Malaysian transfer policy has been well received, Mr Tony Abbott’s suggestion to reopen Nauru has not been supported by the UNHCR. UNHCR spokesperson Jennifer Pagonis had said they had 'strong concerns' about Nauru and described the closure of Nauru as 'the end of a difficult chapter in Australia’s treatment of refugees and asylum seekers'. Another UNHCR spokesperson said recently:

"UNHCR was not involved and, indeed, distanced itself from any role in overseeing or managing the processing facilities on Nauru under the Pacific Solution. Recent media reports that the centre on Nauru was approved by and run under the auspices of the UN are factually incorrect."

Minister Bowen has stated that Mr Abbott’s solution would not stop boats. He said:

Nauru doesn't break the people smugglers' business model. Nauru, in the absence of other regional engagement, would simply mean that it's an offshore processing centre on the way to being resettled in Australia. The majority of refugees that were processed in Nauru ended up being resettled in Australia under the previous government, so you don't remove that incentive to come to Australia by boat.

Last week, the Leader of the Opposition visited Nauru, but he continues to mislead Australians. He went over there on some false notion of claiming to seek agreement with the Nauru government and to come up with some solution—albeit that he is in opposition—and we know he is misleading Australia on the costs involved and on the suitability of Nauru. Conversely, we have been upfront. We have been upfront about how much the transfer agreements with Malaysia will cost. But Mr Abbott refuses to detail the operational and capital costs required for his Nauru solution. He has spent recent months talking about how Nauru is ready to go and how it could be operational within weeks. But, if the Nauru solution was unsuccessful in the first place, why should we revert to something that did not work? That is the question that needs to be asked here.

Senator Ian Macdonald: It did work, though.

Senator FURNER: It did not work. We are the progressive party in this case. This once again shows how backward the opposition is. It is backward in its failed solution with Nauru. Are we going to let asylum seekers wait for unknown periods of time to eventually be resettled in Australia? No. We are going to treat them humanely. This still provides an incentive for people smugglers to puts the lives of genuine refugees at risk. By sending asylum seekers to Malaysia, it removes the incentive to get into a boat. It therefore breaks the people smugglers' business model completely and ensures the safety of many refugees who fall prey to human trafficking.

The Malaysian agreement will be cost effective in a way which the Nauru solution cannot. It is obvious the opposition leader has not thought through the Nauru solution. Does he know what will happen to the 400 schoolchildren who would have to be removed from the site if the Nauru solution is adopted? You saw the footage on TV where he was touring an existing school in
Nauru. What do you do with those 400 children to replace them with refugee housing?

Mr Abbott left the task of serious consideration to the shadow Treasurer, who has stated that the capital costs of the Nauru solution would be $10 million. The opposition claims the Nauru solution is more humane; however, the Pacific solution did not stop boats coming to Australia and it did not break the people-smuggling business model. Do not forget Tony Abbott's shallow slogan 'Stop the boats'. We heard about that in the last election. We know it was a shallow political slogan as a cheap example of political gain.

You need only to speak to our brave men and women of the ADF who serve on the Armidale class patrol boats of the Border Protection Command in Darwin to establish what would happen if you stopped the boats. In June-July last year I was fortunate enough to attend a parliamentary defence program along with two opposition members of parliament. They posed the question to our brave men and women on those Armidale class boats during that program about what would happen if we stopped the boats. Obviously the question was clear. It did not take a rocket scientist to work this out. The ADF personnel said, 'If you stop the boats, you will have sabotage—you will have people drilling holes in the hull; you will have people taking to the motors with sledgehammers or whatever mechanism possible to disable that boat and make it unseaworthy.' We all know what would happen in that situation. You would not only have refugees at risk but also have our brave men and women of the ADF at risk trying to rescue those people from a boat that is no longer seaworthy.

We will not forget the 'bat phone', or the 'boat phone' as Mr Tony Abbott called it—'Pick up the phone and ring us if you are in strife.' It brings images to my head that frighten me. I can imagine what it would do to the public to have some guy standing there on the other end of the boat phone in his budgie smugglers talking to some captain out in the middle of the Indian Ocean about some refugees. It would be terrifying to think what sort of response people would be giving in that situation. That is the nonsense that Tony Abbott is coming up with, having boat phones and stopping the boats. It is not a viable situation.

As you can see, Senator Fifield's matter of public importance is simply untrue. The Gillard government is working hard to ensure that effective humane policies are implemented to improve protection for those who genuinely seek asylum. Our Malaysian transfer agreement will see 4,000 genuine refugees settled into Australia over four years and those who are transferred to Malaysia will await the outcomes of their applications. The Malaysian government has guaranteed that those transfers will be taken care of.

Senator IAN MACDONALD (Queensland) (16:27): Before Senator Furner and Senator Carol Brown go, I want them to answer me a question. Since the beginning of this year, a few months ago, there have been 26 boats and 1,548 people come into Australia illegally. Unfortunately, Senator Furner, as is his want, leaves and will not answer the question, so perhaps Senator Carol Brown will. What happens once the Gillard government gets up to that magic number of 800 refugees it is going to send to Malaysia? What happens, if it were this year, to the other 748 people who are not going to be processed in Australia and who are not going to be taken by Malaysia? Can someone please explain to me the Gillard
government's solution for the boat people who come here after the 800 people mark is reached?

This is a very serious and very tragic situation, but it is almost humorous to see the head-in-the-sand approach of all of not only the Labor speakers but the Labor ministers and, indeed, the Labor Party. All we have heard this afternoon—and we hear them every day on the TV and on the radio—is, 'We are going to break the people-smuggling business model.' I think Senator Carol Brown mentioned that. I counted it about 11 times in her short address. Senator Furner mentioned those words again four or five times in his contribution. The words are there but they do not mean anything. Can I tell those speakers and the Labor Party generally that the business model was broken by the Howard government. The boats had stopped from a stream to zero. The people-smuggling problem had stopped. There were no more boats coming. There were no more people paying the $15,000.

But suddenly there was a change of government and, with typical Labor inexperience and insensitivity and factional deals, we threw away the Howard government's rules that had stopped the boats and we allowed in a new regime that just sent the boats flowing one after the other. So for all the things that the Labor Party are now struggling to resolve—running around chasing their tails and trying to find solutions for—there was a solution for them; it had been found. Sure, we went through some difficulties and we had some problems. But we fixed the problem; we stopped the boats. Now you are running around chasing your tails, trying to do exactly the same thing.

I suspect you probably have some people in your government who have some experience with Malaysia and, if you do have any ministers or parliamentarians from Malaysia, perhaps you should ask them what happens to refugees in Malaysia. Indeed, do not take my word on this, Madam Acting Deputy President Moore, I refer you to the Refugee Council of Australia. In a report which they gave me, the Refugee and humanitarian program 2011-12, part of the 10-page executive summary said:

A Malaysian NGO representative observed that many refugees who came to Malaysia from elsewhere expected to be treated fairly—
as the Labor government is expecting to happen—
but were shocked by the treatment they received from Malaysian authorities and the limited support given by UNHCR. While most would prefer to remain in Malaysia, after a while they began to consider ways of leaving for countries with higher human rights standards, including Australia.

This report goes on to be critical of the Malaysian situation—and it is from the Refugee Council of Australia. Those comments have been repeated by the UNHCR, and yet this is the country to which the Gillard government is 'humanitarianly' turning in dealing with this particular problem, sending them to a country with a record that has been criticised above the board. I am conscious of deep divisions within the Labor Party. I know that the Left of the Labor Party want to stop this proposal. The Right want to be bolshie because they know the votes they are losing through the incompetence of the Gillard government and its mismanagement.

I take great offence at Senator Carol Brown's comment that the coalition wants to demonise asylum seekers. We have a very humanitarian program for refugees—we always have had—and I take offence at people who say that we do not. But I cannot understand why the Labor Party cannot comprehend that when you accept people—very often wealthy people, people who have
not been in these refugee camps for very long, people who have relatives in Australia to provide lots of money—into Australia and class them as refugees, some of the hundreds of thousands of genuine refugees living in squalid camps around the world, waiting for their turn to get into Australia and other places, step back in line because we bring in these other people, these wealthy people very often, who have jumped the queue. Again, quoting the Refugee Council of Australia:

The 13,770 refugee and humanitarian visas issued in 2009-10 were divided between 9,236 offshore refugee and humanitarian visas ... and 4,534 onshore visas ... The offshore was the lowest number in eight years; the onshore the second-highest. The report continued:

These included 2,156 onshore visas granted to asylum seekers who entered Australia by boat. Do not take my word that it; listen to the Refugee Council of Australia. When you allow these people in jumping the queue, illegally in this line, you put back the chances of those who are living in squalid camps right around the world, and the Labor Party say that that is a humanitarian resolution for this problem.

The only way to address the problem is to do what we did: learn from our experience and put people in the situation where they will not come. They will not spend the $15,000 because they know they will not be processed in Australia; they will go to a third country like Nauru which is already set up and waiting to deal with those people. That will stop the boats. Nothing the Gillard government does ever will. (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Moore): Order! The discussion on the matter of public importance has concluded.

BILLS

Combating the Financing of People Smuggling and Other Measures Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator HUMPHRIES (Australian Capital Territory) (16:35): I rise to speak on behalf of Senator Brandis on the Combating the Financing of People Smuggling and Other Measures Bill 2011. The purpose of the bill is to reduce the risk of money transfers by remittance dealers being used to fund people-smuggling ventures and other serious crimes by introducing a more comprehensive regulatory regime for the remittance sector. The bill also introduces measures to permit the sharing within the Australian intelligence community of financial intelligence prepared by the Australian Transaction Reports and Analysis Centre, AUSTRAC, and makes a number of amendments to that effect.

In schedule 1, the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 is amended to strengthen the Commonwealth legislative framework on the regulation of remittance dealers and the providers of remittance networks. Schedule 2 amends the same act to expand the list of agencies with which AUSTRAC can share financial intelligence. It enables AUSTRAC to share intelligence with the Department of Foreign Affairs and Trade, the Defence Imagery and Geospatial Organisation, the Defence Intelligence Organisation, the Defence Signals Directorate and the Office of National Assessments. Schedule 3 amends the same act and the Privacy Act 1988 to enable reporting entities to use credit reporting data to verify the identity of their customers. Schedule 4 amends the Financial Transaction...
Reports Act 1988 to enable the CEO of AUSTRAC to exempt a person from one or more provisions of that act. This will allow the CEO to provide regulatory relief in circumstances which otherwise would result in unnecessary or unduly onerous obligations being imposed.

The bill seeks to reduce the risk that remittance dealers will be involved in financing people smuggling, money laundering or the financing of terrorist activities. One of the newer and more sophisticated methods of money laundering is the use of bank accounts of unsuspecting third parties. The term used for this practice is an exotic and curious one. It is known as 'cuckoo smurfing'. It was coined by international authorities after the nesting behaviour of the cuckoo bird and the tiny blue figures of a popular Belgian cartoon—of which I have never heard but is apparently well known in Belgium. Birdwatchers have long noted the cuckoo's practice of laying its eggs in the nests of other birds, who then hatch the chicks as their own. Smurfing refers to the division of large sums of criminal money into smaller amounts. 'Cuckoo smurfing' is described in the AUSTRAC Money laundering methodologies report in the following way:

Cuckoo smurfing begins when a legitimate customer deposits funds with an alternative remitter in a foreign country for transfer into another customer's Australian bank account. This is a legitimate activity and is often a cheaper and faster alternative to using a mainstream bank.

Unbeknown to the customer, the alternative remitter is part of a wider criminal syndicate involved in laundering illicit funds. This criminal remitter, while remaining in the foreign country, provides details of the transfers, including the amount of funds, to a criminal based in Australia. This includes the account details of the intended recipient in Australia.

The Australian criminal deposits illicit cash profits from Australian crime syndicates into the bank account of the customer awaiting the overseas transfer.

The cash is usually deposited in small amounts to avoid detection under transaction threshold reporting requirements. After an account balance check, the customer believes that the overseas transfer has been completed as legitimately arranged.

The Australian criminal travels overseas and accesses the legitimate money that was initially deposited with the alternative remitter.

The illicit funds have now been successfully laundered—the criminal owes nothing but a commission to the money launderer for its work.

One other issue worth noting was brought up by the Australian Crime Commission in its submission to the Senate Legal and Constitutional Affairs Legislation Committee inquiry into this bill. The ACC stated:

A potential consequence of increased regulation may be where illegitimate remittance providers might become more covert and move into a more unregulated and non-reporting environment than currently exists. This 'black market' would need to be carefully monitored over an extended period of time to identify what, if any, emerging methodologies might be used to facilitate financial crimes including money laundering activities or the financing of people smuggling activities.

That is the effect of this legislation and it is, with respect to that effect, quite supportable. It does need to be recorded, though, that the very title of this bill was a matter of some contention within the Legal and Constitutional Affairs Legislation Committee. Liberal senators on that committee wrote a minority report and they put the view:

… the title of the Bill does not relate to either its content or intended purpose. While the key measure in the Bill deals with the enhanced regulation of the remittance sector … the title of the Bill focuses only on one aspect of the possible misuse of the remittance sector, namely the financing of people smuggling … The title of the Bill is clearly uninformative and misleading …
Certainly a hard-hitting title like Combating the Financing of People Smuggling and Other Measures Bill 2011 may well carry that sort of connotation. We are by now, of course, quite accustomed to this government's commitment to spin and its desperation to be seen to be doing anything on border protection, as we recall from the debate just finished. But apparently, in this case, it cannot even introduce a rather routine update of money-laundering legislation without spinning it into a people-smuggling initiative.

The methods of organised crime are in a state of constant evolution. It is therefore imperative that our front-line agencies are adequately equipped to deal with their increasing sophistication. This is what the bill seeks to achieve and therefore, notwithstanding the rather Orwellian deceit in the bill's short title, it has the support of the coalition.

Senator IAN MACDONALD (Queensland) (16:43): I want to take a few moments of the Senate's time to highlight the difficulties of the refugee problem around the world and, in passing, repeat how the Gillard government has exacerbated a difficult situation with its mismanagement of the illegal boat arrival situation in recent years. I will not repeat what was said in the previous debate. I think it was clearly demonstrated by the coalition speakers in that debate that the Gillard government has exacerbated a difficult situation with its mismanagement of the illegal boat arrival situation in recent years. I will not repeat what was said in the previous debate. I think it was clearly demonstrated by the coalition speakers in that debate that the Gillard government is floundering in inconsistency. There is a solution, but unfortunately our Prime Minister is too proud to acknowledge her mistake and to accept the solution that is sitting there staring her in the face. Instead, she struggles around with all of these other crazy schemes, most of which have been determined to be non-goers, as many of us believe the Malaysian situation will be as well, and yet there is a solution there. I do not want to dwell too much on that. This bill does help in some way address the illegal people-smuggling business. For that reason, as my colleague Senator Humphries has said, the coalition will be supporting it.

I do want to point out that, since our nation was first created, Australia has accepted some 750,000 people on refugee and humanitarian bases. The 13,770 refugees and humanitarian visas issued during 2009-10 were divided between 9,236 offshore refugee and humanitarian visas and 4,534 onshore visas, of which the majority were asylum seekers who had entered Australia by boat. Australia received 9.85 per cent of refugees resettled in 2009, but resettlement continues to be a difficult problem. More than half the world's refugees—that is, 5.47 million people—are what the UNHCR classifies as 'protected refugee situations'. Only 24 per cent of the world's refugees are living in camps, with the rest dispersed in often very difficult conditions in urban and rural areas. The 2009 UNHCR statistics record that another 7.95 million people of concern are not in countries of citizenship; they are asylum seekers, stateless people and others in need of protection. Around two-thirds of these people are in Asia; the largest group being stateless people in Thailand, Nepal and Burma.

I only mention these statistics again to say what the underlying principle is. I have to relate that I was at a gathering, a discussion—as were you, Madam Acting Deputy President Moore—put on by the Left Right Think-Tank. They are a group of young, active, forward-thinking, energetic and enthusiastic people—strange name, good people. They had a session in Toowoomba about youth problems. There I met a lady who appeared to me to be of Middle Eastern descent, who said to me, 'Why do you Liberals hate refugees?' I was rather taken aback by that. I explained to her, as I want to explain to the Senate, that we do not hate...
refugees. We as Liberals have one of the most sensitive, most welcoming refugee and humanitarian policies going. What we do not like is people who are jumping the queue, people who, more often than not, are wealthy. They have to be wealthy or they have to have wealthy contacts to be able to pay the people smugglers the $15,000, or whatever it is, to get them into Australia. When they come in, they take the place of others in the Australian quota that has been set by governments in Australia since time immemorial. So we have these relatively recent, relatively wealthy people—and some may say 'economic refugees'—taking the place of some of the 7.95 million people who are living in absolutely squalid conditions in camps and in other places around the world.

As I said to the Refugee Council: if the argument is whether Australia should take more refugees, let's have that argument. Quite frankly, I for one—I do not talk about anyone else's policy here—would not mind taking more refugees. But they should come through the UNHCR process, not through people who get on a boat, come here and effectively end up staying—and thanks to the Labor Party you can be assured of it. I know a lot of people—relatives of third-generation Italians, people in my home town—who say to me: 'We have a cousin who is skilled and wants to get into Australia but they cannot get in through the migration system. What can you do?' I say to them: 'Give them your tinny, take them offshore, let them come in and they will be accepted under the current government.' I say that partly in jest, but it is partly truthful. It just shows the absolute dysfunctional nature of the current government's situation.

We have a set number of refugees. I do not disagree with the element of the recent arrangements that have increased that by 1,000. That is the Gillard government's assessment; 14,770 is apparently the right number. Perhaps there is a debate to be held about what is the right number. But, whatever it is, it should be filled by people who come through the UNHCR process, people who are genuine refugees and have been so determined by the UNHCR before they set foot in Australia. That is why I am so distressed with the mismanagement and dysfunctional nature of Australia's dealing with the so-called or illegal boat people, people who come to our country illegally at the present time. We have really got to address these issues. We on the coalition side understand that. We are as sympathetic, we are sensitive, we are as humanitarian as any other group of people in Australia, but we do not want those who can jump the queue to push out those who have been waiting in squalor for many years. As I mentioned, I support—as our spokesman Senator Humphries has said—this attempt to further make it more difficult for people smugglers to ply their ugly trade.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (16:52): I table an addendum to the explanatory memorandum to the Combating the Financing of People Smuggling and Other Measures Bill 2011. I thank Senator Humphries and Senator Macdonald for their contributions to this debate and more particularly for their support for this important government legislation. The Australian law enforcement agencies are aware that the international cash transfer services provided by alternative remittance dealers are used by individuals in Australia to pay the organisers of people-smuggling ventures. The bill introduces measures to strengthen existing anti-money-laundering and counterterrorism financing regulation of the alternative remittance sector. These measures are threefold: introducing controls over the registration
process, expanding the enforcement options available to AUSTRAC for dealing with noncompliance in the alternative remittance sector and introducing the AML/CTF regulation of providers of remittance networks.

Through two further measures, the bill also introduces reforms that will reduce the compliance burden on businesses regulated by the AML/CTF regime. Firstly, it enables businesses to use credit reporting data to fulfill customer verification obligations and enables the Austrac CEO to grant exemptions from the Financial Transaction Reports Act. The bill also includes measures that will enable Austrac to share financial intelligence more broadly within the Australian intelligence community. This will ensure a more holistic approach to Australia's national intelligence efforts on national security and organised crime issues.

This bill demonstrates the government's commitment to breaking the people-smuggling model and targeting criminal groups which organise, participate in and benefit from people-smuggling activities. The government amendments introduce controls over the information-gathering power set out in the bill to ensure that a person is not subject to this coercive power without proper justification. The amendment that I shall be moving when we go into committee is in keeping with the broad government policy and with the recommendation of the Senate Committee for the Scrutiny of Bills. I commend this bill to the Senate.

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) (16:55): I table a supplementary explanatory memorandum relating to the government amendment to be moved to this bill. The memorandum was circulated in the chamber on 10 May 2011. I move:

(1) Schedule 1, page 7 (line 20), after item 18, insert:

18A After subsection 49(1)

Insert:

(1A) A person (the issuer) must not give a notice under subsection (1) to another person (the recipient) unless the issuer reasonably believes that the recipient has knowledge of the information, or possession or control of the document, that is specified in the notice.

(1B) The period specified in the notice for giving the information or document must be at least 14 days after the notice is given unless:

(a) the recipient is the reporting entity who communicated information to the Austrac CEO under section 41, 43 or 45; or

(b) both of the following apply:

(i) the issuer considers that specifying a shorter period is necessary;

(ii) the shorter period specified is reasonable in the circumstances.

It is proposed to move two government amendments to address important recommendations made by the Senate Committee for the Scrutiny of Bills in its report on the bill dated 22 March 2011. The bill amends subsection 49 of the AML/CTF Act to extend the power to obtain further information in relation to the report made to AUSTRAC beyond the reporting entity to any other person. This change to the AML/CTF Act is strongly supported by AUSTRAC and law enforcement agencies, as the extended information-gathering power will assist with preliminary investigations into serious and organised crime.

The first amendment relates to the requirement for reasonable belief. It provides
that a notice requesting further information or documents may only be issued if there are reasonable grounds to believe that the recipient has knowledge of the information or possession or control of the document sought. This government amendment will ensure that the person is not subject to this coercive power without proper justification, and it is in keeping with broad government policy and the recommendation of the Senate Committee for the Scrutiny of Bills.

The second proposed amendment provides a minimum 14-day compliance period where the recipient of the notice is not the reporting entity who initially communicated the report to AUSTRAC. However, the amendment allows a period of fewer than 14 days where it is necessary and reasonable in the circumstances. The Senate Committee for the Scrutiny of Bills queried whether a 14-day period should be applicable, as this is generally considered the minimum time in which the response can reasonably be expected. The proposed amendment addresses this issue and ensures that the minimum time frames are provided in the legislation. The ability to require a shorter time frame recognises that AUSTRAC and law enforcement agencies will often require prompt responses so that they can effectively carry out their investigations.

Senator HUMPHRIES (Australian Capital Territory) (16:58): I have to say that I am at something of a disadvantage at this point. I am representing Senator Brandis, who cannot be in the chamber this evening, and I am not aware of any amendments being moved to this bill by the government. The minutes have not been circulated in the chamber, at least as far as I can tell, this afternoon—there are none on any of the desks on this side as far as I can see.

The TEMPORARY CHAIRMAN (Senator Moore): Senator Humphries, I am advised that they were circulated earlier today. We are finding another copy.

Senator HUMPHRIES: Thank you, Madam Temporary Chair. I am grateful to receive a copy, which I now have. I am prepared to accept the minister’s assurance that he has discussed these amendments with my colleague Senator Brandis and that Senator Brandis indicated some measure of agreement with them.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendment; report adopted.

Third Reading

Senator FARRELL: I move:

That this bill be read a third time.

Question agreed to.

Bill read a third time.

Social Security Amendment (Parenting Payment Transitional Arrangement) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (17:01): I rise to speak on the Social Security Amendment (Parenting Payment Transitional Arrangement) Bill 2011. The purpose of this bill is to amend provisions within the Social Security Act 1991 that relate to the transitional arrangements that came into effect for parenting payment from 1 July 2006. In practical terms, this bill will limit the ability of parenting payment recipients to extend—and I hesitate to use this word—‘grandfathered’ eligibility status by acquiring new parenting payment children. I understand now that inclusive language has transformed ‘grandfathered’ as a term into ‘grandparented.’
The ACTING DEPUTY PRESIDENT (Senator Moore): I believe that is true, Senator.

Senator FIFIELD: Thank you, Madam Acting Deputy President. Any subsequent children that come into a parenting payment recipient's care will not be covered by the grandparented provisions. This will mean that all parenting payment recipients will be treated with a degree of equality not available to them previously. I indicate the coalition is not opposed to this bill.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:02): Madam Acting Deputy President, thank you for your graciousness in allowing me to speak on the Social Security Amendment (Parenting Payment Transitional Arrangement) Bill. I will admit I was in the Opposition Whip's rooms with the class of 2004, saying farewell to some of our colleagues. So thank you for holding my spot for me.

People on income support are looking for the best outcomes for their families. The Australian Greens believe that they need encouragement, support and incentives to assist them to find meaningful employment that suits their needs and improves their standard of living. We should be offering as much support as possible. We should particularly help single parents not only to find employment but also to support their children. In most cases, helping people to find employment that they can mix with their child-rearing responsibilities is particularly important.

Many people will know that the Greens opposed the previous government's punitive welfare-to-work provisions. We continue to oppose the welfare-to-work provisions and have been critical of this government because of its continuation of many of these measures and the hardening-up of its punitive approach. Later in this place I will also be talking to the Social Security Legislation Amendment (Job Seeker Compliance) Bill, which I am equally critical of.

The Greens do not believe that the approach of welfare to work initiated in the Howard era was the appropriate way to go. It included forcing single parents from parenting payment single onto Newstart, hence dropping their income. Statistics show that over 30 per cent of people on parenting payment single are already working and many other people are actively seeking work where they can combine their parenting responsibilities with work. Not only have they been facing many barriers up until recently but also there have been many disincentives to work through the very system itself where the tapering rates have not been an incentive for people to get work.

We are very keen to encourage and support people to undertake further training and education to address Australia's skills crisis and we believe very firmly that support should be given to those on parenting payment single who require support to undertake more training. We acknowledge that the government has moved some way towards this, but we are still critical of its approach. I will be going into that in more detail when we discuss the Family Assistance and Other Legislation Amendment Bill, for example.

We do not believe there are enough training places or employment assistance to help people that are on income support or to adequately help those that will be pushed onto Newstart through further changes to welfare-to-work provisions. We do not believe there is enough genuine support to help people. We actually think the government is being a bit schizophrenic here. On the one hand, it is investing in some more incentives—and we are supportive of that—
but, on the other hand, it is continuing to demonise people and take a punitive approach to those that are on income support. It seems to be an approach whereby the government acknowledge that people need encouragement—they have obviously been reading the papers from the Social Inclusion Board, and I will go into that in a bit more detail—but they cannot help but then try to demonise people by implying that those on income support are there because they are bludgers, with the back syndrome et cetera, rather than acknowledging that those who remain on income support face real and complex barriers to gaining meaningful employment and attempting to stop the cycling in and out of employment.

The Greens do not support the intent of this bill. We know what the government is trying to do with this bill, but we do not support it. We do not believe that this measure would adequately encourage single parents into employment. It is about cost saving rather than genuinely helping people. Obviously the government is trying to force parents into Newstart earlier, which, of course, we know causes their income to drop. This is the first step in the government's action against those people from the grandfathered group under Welfare to Work. We know that another bill will be introduced, as announced in the budget measures, which, instead of moving people in the grandfathered group from welfare to work, will be aimed at moving people from welfare to work when their child turns 12 rather than when the child turns 16, as is the case now. We have concerns about that and we know that that will result in a loss of $56 per week in income for these people as they move from parenting payment single to Newstart. We have some strong concerns about that.

We know that sole parent families on income support are already among the poorest in the country. A recent OECD report estimates that two-thirds of children whose parents are on the maximum rate of sole parent payments are poor. We believe this budget measure will do nothing more than potentially deepen the impoverishment of this group without any impact on their job prospects. We do not believe that these measures will provide families with a greater degree of financial security, as is claimed by the government; in fact, the only effect will be to make their future less certain. We believe these measures are symptomatic of the continuation of the government's punitive approach to welfare, which is what I was talking about earlier. On the one hand the government are talking about the need for incentives but on the other hand they cannot help but take this punitive approach. We know the punitive approach does not work.

The Greens have stated many times that we do not believe that the Welfare to Work regime, which was introduced by the previous government and continued by this government, is appropriate. We believe it is unfair and does not provide an adequate safety net or properly engage job seekers in securing adequate work. We believe that, if the government is truly committed to breaking the cycle of joblessness and welfare dependency, it must truly address the barriers to employment, not reduce income support and use coercive measures and harsh penalties to force people into the workforce. Again, we are taking a holistic approach here. Across different budget measures and other measures, we know that the government plans to introduce many more bills down the track—indeed, some have already been introduced and some are yet to be introduced—around making life harder for people with disabilities and forcing sole parents onto Newstart.
We believe that measures such as the eligibility criteria for the disability support pension, the failure to index thresholds and the failure to index supplements all have cumulative effects on families. When I asked yesterday at a committee hearing into one of these bills and at Senate estimates whether the government had done any assessment of the cumulative impacts of these measures on families and sole parents, I was told that they have not or that they cannot tell me. I asked two weeks ago and the information was not available. I asked again last night and it still was not available. Who is looking at the cumulative impacts on those people who are doing it hardest in this country?

We believe this approach helps to create a system of even greater inequity for those on income support in Australia. Of course, there is already inequity in the levels of income support that we provide people in the difference between pensions and allowances. In fact, last night we were talking about the fact that the system in Australia is so complex now. There is a 32-page booklet that tries to explain the various payments and allowances in this country. We are extremely concerned that this is a continuation of that approach.

We do not believe it is appropriate for the government to continue to pursue these draconian reform measures, particularly in the absence of evidence that they are effective. I do not believe it has been demonstrated that lower payments and increased activity requirements have resulted in better employment opportunities and outcomes. The government's own evaluations show that the result of successive Welfare to Work policies has not been an increase in the number of people with a partial capacity to work moving into the workforce. Fewer than one in five of those diverted to Newstart in 2006-07 obtained employment and left income support during that year. The rest, for the most part, remained on Newstart. In fact, quite a lot of detail concerning the myths associated with those on income support is contained in a recent Australian Council of Social Service report on that topic. We believe those evaluations suggest that increased activity requirements have meant that many recipients are less likely to be able to actively pursue the kinds of activities that would help them to find secure work. That is contained in the Much obliged report. Another report indicates that those individuals with the greatest barriers to employment have felt that the system has been the least helpful. These people have been so engaged in meeting their requirements they have been unable to engage in job search activities. We believe that pushing this line is not always productive. I have said many times in here that that approach, rather than Welfare to Work, rather than genuinely helping people into meaningful employment, is policy as work.

We believe we need to spend our resources on assisting people rather than on further alienating them from the system—providing real incentives instead of moving people from one payment to another. Many people on parenting payment are already in the workforce, working part time—integrating their parenting responsibilities with paid employment. Forcing them out onto Newstart or dropping their payment makes it even harder for them to carry out their parental responsibilities. We do not believe this approach is going to produce the benefits that the government believes it will. I will be talking some more about our concerns with the government’s continued approach to income management.

I would like to finish on the work of the Social Inclusion Board, who have done some very good work and released some very good
papers on social inclusion that talk about breaking the cycle of disadvantage and addressing issues around long-term joblessness. They talk about how we need to support people using individualised approaches instead of demonising them—that does not work; in fact, it alienates people—how we need to address people's skills and how best to engage with people. For example, many long-term-jobless families are sole-parent families with a child under the age of six. How we engage with those families is particularly important. This dual approach of providing incentives but still demonising people and taking punitive measures is not appropriate.

We will be dealing with the job compliance legislation in this place in less than an hour. That legislation is another demonising approach being taken by the government. Note that, while the government has some skill development measures, we are seeing them try to push fairly quickly through this place legislation that deals with punitive approaches first. We had the inquiry into the family assistance bill yesterday. That bill was only recently released, and the government intends to try to get it through this place by next week. The bill contains the most significant changes to, for example, disability support pension that we have seen in quite a while, but the government has not allowed time for due consideration of the bill and the measures it contains.

The same is happening with this bill seeking to enhance the previous government's Welfare to Work regime. We believe what the government really needs to do is wind back Welfare to Work, because it is a failed policy, and take a new approach to supporting people on income support, recognising that those people face very significant barriers. We need to take a much more holistic approach to addressing the structural disadvantage and the structural barriers to gaining employment. This measure is one of many that this government is taking.

We opposed Welfare to Work and we oppose this measure because it seeks to impose Welfare to Work on a group of people who were grandfathered from it in 2006. The government is seeking to bring those people out of that grandfathering, as it will be seeking to bring out another lot of people. We do not believe that is appropriate; we do not believe it is the way to go. We do not support this measure or the other measures the government is talking about in terms of changing the circumstances for those people who were grandfathered from the punitive Welfare to Work approach of 2006.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (17:19): The government's Building Australia's Future Workforce reforms represent a long-term investment in the Australian economy through building the education, skills and employment prospects of the Australian workforce. An important part of these reforms is directed toward providing greater incentives for parents, particularly single parents, to engage in the workforce; reducing their reliance on welfare; and providing their family with a better future, underpinned by secure and rewarding employment.

The Social Security Amendment (Parenting Payment Transitional Arrangement) Bill 2011 represents the first stage of the income support payment reforms contained in the Building Australia's Future Workforce package. This bill is a positive step towards reducing the inequity which exists within the legislative structure of the parenting payment.

Under the current arrangements, recipients of parenting payment are treated differently
based on when they first applied for parenting payment. This inequity dates back to the 2006 Welfare to Work reforms, which allowed recipients who had applied for payment prior to 1 July 2006 to stay on parenting payment for up to 10 years longer than parents who applied for payment after 1 July 2006. Persons who claimed parenting payment after July 2006 only qualified for parenting payment until their youngest child turned eight if they were single or six if they are a member of a couple. Prior to July 2006, a person could qualify for parenting payment until their youngest child turned 16.

This bill will amend the Social Security Act so that, from 1 July 2011, children coming into the care of an existing parenting payment recipient will no longer extend the duration of a recipient's preferential treatment. This will serve to minimise the lingering inequity within parenting payment as a result of the 2006 Welfare to Work reforms. Further changes for parents on income support will take effect from 1 January 2013 and will be included in a separate bill to be introduced later this year.

I want to comment on Senator Siewert's assertion that this bill will demonise parenting payment recipients. I do not accept that assertion in any way, shape or form. The fact is that, despite our growing economy, we are still in a situation where there are 568,000 dependent children in jobless families in this country. This represents a significant social and economic challenge, which we think we need to address. Long periods in receipt of income support are associated with high levels of social and economic disadvantage—I think this is something that Senator Siewert agreed with—often extending to children in these families and to future generations. At a time of increasing national wealth, having the fourth-highest proportion of jobless families in the developed world is simply not acceptable. We cannot afford for these families to be left behind.

We firmly believe that welfare is not the way out of disadvantage for parents and their children. Education and employment are the keys to economic and social inclusion, and we are committed to providing the right balance of support, assistance and incentives to ensure that parents are able to take advantage of the opportunities that our economy has to offer. As part of these reforms, single principal carer parents on Newstart allowance will have a more generous income test which allows them to earn nearly $400 more per fortnight before they lose eligibility for payment. These parents will be able to retain more of their income support as their employment income rises, providing them with an easier transition into the workforce and better rewarding them for their participation.

Further, the income support reforms are complemented by targeted assistance which includes additional training places for single parents, additional community based support for single parents through Communities for Children and access to career counselling through Job Services Australia providers. This additional assistance will be available from 1 July 2012 and will ensure that parents have the support they need to re-engage in work and other activities.

This bill is about fairness and that is why we have introduced it. I thank both Senators Fifield and Siewert for their contributions and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Troeth) (17:25): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does
any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the minister.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (17:25): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Tertiary Education Quality and Standards Agency Bill 2011

Tertiary Education Quality and Standards Agency (Consequential Amendments and Transitional Provisions) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator MASON (Queensland) (17:25): This bill is important because it seeks to ensure the quality of all Australian higher education providers as the sector embraces a period of very rapid expansion. To that end, this bill will establish the Tertiary Education Quality and Standards Agency, or TEQSA for short. In essence, this bill aims to maintain the quality of our higher education sector, Australia's most valuable non-mineral export. Never forget, more overseas students study in Australian universities and other higher education institutions than in any other country on earth as a percentage of our population. It is one of our great national achievements. Meeting the aim of this bill then is critical to our national interest.

For such an important bill, when the initial draft was circulated last year it was substandard. I received many people in my office complaining about the bill. The powers were excessive, draconian and perhaps were not proportionate to the risks involved for different providers and in different contexts. But to the government's significant credit—and here I offer particular congratulations to Minister Evans—it undertook extensive and genuine consultation with the higher education sector. The bill was reworked and the legislation was greatly improved and most of its provisions and deficiencies removed. In Professor Greg Craven's words, 'It moved from boilerplate legislation to legislation more fit for purpose'—specific to the higher education sector, rather than off-the-shelf regulation. To give credit where credit is due, the government's approach to this really was model consultation and the government is to be congratulated for its efforts.

The Senate committee inquiry that followed was extremely useful and I thank the chair, Senator Marshall, and also the deputy chair, Senator Back, who were also at public hearings in April in Melbourne. Prior to the inquiry, the coalition held a number of concerns about aspects of the bill, and those were reflected in the eight key recommendations in the Senate committee's report. The threshold issue for gaining the coalition support was the recognition of universities' right of self accreditation—that is, the right of universities to accredit the courses they teach without having to seek the approval of government. We also had concerns about the length of time TEQSA had to make decisions. It often takes non-self-accrediting higher education providers 12 months to prepare a course for submission to the regulatory authority, and a further 24-month period would have meant any potential course could have been out of date by the time it was approved. Happily these issues have been resolved in the amendments circulated by the minister. We are heartened that he was able to join the Senate committee in supporting his worthwhile goals, and again to the government's credit they have accepted all of the Senate committee's
recommendations and the coalition is now happy to support this bill. However, as this is the first major bill giving effect to a significant element of the new Bradley inspired architecture for our universities, let me take this opportunity to sound some notes of caution relating not so much to the ultimate aims of the Bradley reforms but to their implementation by this government. Implementation has always been the Achilles heel of both the Rudd government and the Gillard government. In the area of education one can name one program after another—Building the Education Revolution, Computers in Schools, Fibre Connections to Schools, trade training centres, Indigenous children family centres, Indigenous residential colleges—which read like an encyclopaedia of government failure. This is despite the best and often the most noble of intentions. The most prominent of them, such as the BER, have now become public synonyms for waste, lack of planning, mismanagement and botched implementation.

Part of the problem, in my view, is this government's obsession with metrics. The government will say: 'We need to achieve a one-to-one student computer ratio by the end of 2011.' 'The BER stimulus will be targeted, timely and temporary.' 'The internet connection for laptops will be up to 100 megabits per second.' Et cetera, et cetera, et cetera. The obsession with metrics comes at the expense of basic work that would make a government program successful. There does not seem to be much planning done after the initial brainwave from the minister's office or the Prime Minister's office. There are no cost-benefit analyses done and no mechanisms are put in place to properly supervise the implementation and oversee the expenditure of taxpayers' money by other parties—and often by state governments. We get the worst of all worlds and, in the end, the metrics are not achieved. Everyone knows that the BER largely did not provide value for money and its implementation is well behind schedule, as is that of Computers in Schools—and God only knows how many years it will take to connect computers to fibre internet.

In addition to the metrics not being achieved, the projects are plagued by a lack of foresight and detailed planning, mismanagement and wasted precious resources. In fact, the two problems are related. It is hard to achieve the metrics when you have not actually thought of what you are trying to do and how you are going to do it. Government senators think I am simply having a free kick at the government, but let me go on.

Senator Sterle: I think you are being mischievous and deceitful!

Senator MASON: Even if they deserve a kick? But that is not my point. These topics have been traversed by me and by Mr Pyne and others over the last few years. I raise these concerns for this reason: I am worried that this government's performance in implementing its schools agenda will affect the grand project of reforming Australia's higher education system—and it is a grand project and a worthwhile one.

The Bradley review has set an ambitious goal of increasing participation in tertiary education to 40 per cent of our young people, a goal which the government has adopted and targeted to achieve by the year 2025. The opposition joins the government in this aspirational target. Indeed, from the start of next year we will see the first substantial steps towards achieving this goal with a move to a system driven by student demand. It is perfectly obvious to everyone in the sector, as well as to any observer, that a significant influx of additional student numbers—it will be tens of thousands and,
over the next two decades or so, hundreds of thousands—will necessitate a large expansion of our universities' physical and teaching infrastructure. This in turn will require additional government outlays of tens of billions of dollars between now and 2025.

Exactly how much will it require? That is a very, very good question. Sadly, I believe it is not one that the government has answered. It has not really even asked it in the first place. We learnt in the budget estimates a few weeks ago that there is little planning or forecasting and no projections. No cost-benefit analysis at all has been done or even commissioned to be done by the government in relation to the implementation of the Bradley reforms. We as a nation have embarked on one of the largest and most significant reforms of our higher education system in history. Yet we are moving forward largely blind, unaware both of the cost that taxpayers will have to incur over the next decade and a half to make the reforms happen as well as the benefits that we would expect to accrue to our economy and society as a result of having a more educated Australian population. Once again, the government is being completely blinded by the metric of 40 per cent of 20- to 34-year-olds having a bachelor's degree or more by 2025, ignoring all the careful planning that has to be done as a foundation of successful implementation.

Let me just say this: the coalition will not support a blind and uninformed rush towards arbitrary targets if it would in any way damage our higher education system and affect its performance and international reputation. We cannot allow a situation to develop where quantity is achieved at the expense of quality. The high standards of our universities cannot be compromised simply because the government wants to meet a metric without providing adequate resources. It will actually be a step backwards if we produce more degrees and they are worth less simply because our universities are not able to maintain quality within the constraints of government targets and government financing.

This point was clearly underlined in an April report from the New York based Institute of International Education which looked at the reasons behind the decline in overseas student enrolments here in Australia. It was discussed in the 'Higher Education Supplement' of the Australian just yesterday. There is international concern that standards in Australian universities are not as high as our competitors. I know Senator Evans and others in the government would be concerned with that. The coalition is concerned about the implementation of the Bradley reforms by the government. We will be watching carefully how the reform unfolds. We put the government on notice that aspirations, however high and noble, count for little if they are not implemented in a well thought out and properly financed manner.

In conclusion, the coalition is happy to support this bill in its current form, as amended, and commends the government for adopting all the recommendations of the Senate legislation committee. It has been a good decision by the government and is again illustrative of the fact that the government and Senator Evans have gone a long way towards improving this legislation and listening to the higher education sector in the consultation process and the committee process. I again thank Senator Evans and, indeed, the department for that consultation process, which I did describe as 'model'. If only that were the case in relation to all legislation, that would be a great thing, but perhaps it is too much to ask for. I commend the bill to the Senate and indicate that the opposition will support the
amendments that have been circulated by the government.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (17:38): I thank Senator Mason for his contribution and acknowledge that Senator Hanson-Young is unable to speak because she cannot make it to the chamber at the moment but is also supportive of the legislation. I thank Senator Mason for the last three or four minutes of his speech—and I will not rise to the challenge of the rest of the speech, which was inflammatory and not particularly to the point! I think that reflected the fact that, being in screaming agreement on the bill, he had to talk about something else for the first 15 minutes. I acknowledge the constructive contribution he has made to the development of this legislation and I appreciate his cooperation in bringing it before the parliament and, hopefully, having it carried today.

Madam Acting Deputy President, I seek leave to table an addendum to the explanatory memorandum relating to the Tertiary Education Quality Standards Agency Bill 2011.

Leave granted.

Senator CHRIS EVANS: The bill before the chamber establishes the Tertiary Education Quality and Standards Agency, known as TEQSA, as a single national regulator and quality assurance agency for Australia's higher education sector. The establishment of TEQSA is a key reform of this government's productivity and participation agenda. It forms part of the package of reforms announced in the 2009-10 budget in response to the 2008 Bradley review of higher education. The reforms bring about significant changes to the current landscape of Australian higher education—ones that unfortunately have not been as well recognised or discussed as should have been the case.

In achieving our ambitious targets for higher education attainment, we have introduced demand-driven funding for undergraduate places at public universities from 2012. This is a far-reaching and fundamental economic reform that will transform the scale, potential and quality of our universities and open the doors of higher education to a new generation of Australians. In what will be a period of rapid growth in enrolments in higher education, we need to be confident, however, that our students are receiving quality education—a point that Senator Mason made in his contribution.

TEQSA will play a central role in ensuring the overall quality of our higher education system. It will use a standards based approach to regulation, which will require providers to meet or exceed threshold standards in order to be registered and deliver higher education in Australia. It will place the current state and territory based systems for registration and course accreditation and quality assurance arrangements currently undertaken by the Australian Universities Quality Agency. This will reduce from nine to one the number of federal, state and territory regulatory and quality assurance bodies. As highlighted during the Senate inquiry into the bills, maintaining nine different regulatory and quality assurance bodies is inherently inefficient and places a burden on the higher education sector.

TEQSA's regulatory approach will be risk based and proportionate. At all times it must adhere to the basic principles of regulation which are embedded in the bills. These principles—regulatory necessity, reflecting risk and proportionate regulation—will ensure TEQSA takes into account the scale,
mission and history of each provider when undertaking its regulatory functions. Where poor quality is identified, TEQSA will intervene with an escalating series of responses in accordance with the principles. The action TEQSA will take will depend on the risk of the provider and the seriousness of the contravention.

I think our experience in the international education market in the last few years has taught us the importance of the need for this sort of regulation and also the need to take a risk based approach to the providers. Given the importance of TEQSA for the future of Australia’s higher education system, the government has actively engaged with the higher education sector in developing the TEQSA. Their cooperation and engagement has been of the first order and I thank them for that. I express my appreciation to Universities Australia, the Council of Private Higher Education, TAFE Directors Australia, the Australian Council for Private Education and Training, the National Tertiary Education Union, the Council of Australian Postgraduate Associations and the National Union of Students for their contributions. It really has been a strong and collaborative effort.

I acknowledge the work of the senators who participated in the inquiry into the bill and I appreciate the work that they did. I would also like to commend the work of the key officials in my department who steered the development of the TEQSA legislation and did the hard work of delivering an outcome in which the higher education sector has confidence. In particular, I thank Lisa Schofield and David Hazelhurst, who I know have worked very hard to get the result—probably beyond the call of duty. We appreciate that effort.

The establishment of TEQSA is a critical step towards ensuring that the expansion and diversification of Australia’s higher education sector does not come at the expense of quality. The introduction of a national system of regulation will provide for greater consistency and improved quality across the sector. It will provide a safeguard that our students are receiving a quality education. It reflects this government’s continued commitment to creating a world-class higher education system which is diverse, innovative and responsive to the needs of students.

Question agreed to.

Bills read a second time.

In Committee

Bills—by leave—taken together and as a whole.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (17:45): I table two supplementary explanatory memoranda relating to the government amendments to be moved to these bills. The memoranda were circulated in the chamber earlier today. I seek leave to move government amendments to both the Tertiary Education Quality and Standards Agency Bill 2011 and the Tertiary Education Quality and Standards Agency (Consequential Amendments and Transitional Provisions) Bill 2011 together.

Leave granted.

Senator CHRIS EVANS: I move government amendments (1) to (20) on sheet CJ204 and government amendments (1) to (9) on sheet CJ205 together:

(1) Clause 4, page 5 (line 6), after “regulated higher education awards.”, insert “Some providers (including Australian universities registered in the Australian university provider category) are authorised to self-accredit their courses of study.”.
(2) Clause 4, page 5 (lines 9 to 11), omit "TEQSA is also responsible for ensuring that higher education provided in Australia, or by Australian providers, meets the Higher Education Standards Framework.", substitute "TEQSA regulates higher education using principles relating to regulatory necessity, risk and proportionality, and using a standards-based quality framework.".

(3) Clause 4, page 5 (line 12), omit "That Framework", substitute "That quality framework".

(4) Clause 5, page 11 (line 2), omit "58(1)(e) or (h)", substitute "58(1)(h)".

(5) Clause 5, page 15 (line 8), omit "Standards;", substitute "Standards;.

(6) Clause 5, page 15 (line 9), omit paragraph (c).

(7) Clause 21, page 23 (line 1), omit "12 months", substitute "9 months".

(8) Clause 21, page 23 (line 11), omit "12 months", substitute "9 months".

(9) Heading to clause 33, page 28 (line 19), omit the heading, substitute:

33 Conditions about authority to self-accredit

TEQSA to consult about such conditions

(10) Clause 33, page 28 (line 20), omit "This section", substitute "Subsection (2)".

(11) Clause 33, page 29 (after line 4), at the end of the clause, add:

Consequences for accreditation if authority removed

(4) If:

(a) a course of study is accredited by a registered higher education provider; and

(b) a condition imposed under subsection 32(1) removes the provider's authority to self-accredit the course of study;

the accreditation is cancelled when that removal takes effect.

Note: The provider may apply to TEQSA for TEQSA to accredit the course of study under Part 4.

(12) Heading to Division 1, page 36 (line 2), omit the heading, substitute:

Division 1—Accrediting courses of study

(13) Clause 45, page 36 (lines 3 to 6), omit the clause, substitute:

45 Who can accredit courses of study

Australian universities can self-accredit courses of study

(1) Each registered higher education provider that:

(a) is registered in the Australian university provider category; and

(b) is:

(i) established by or under, or recognised by, a law of the Commonwealth, a State or a Territory; or

(ii) registered as a company under Part 2A.2 of the Corporations Act 2001;

is authorised to self-accredit each course of study that leads to a higher education award that it offers or confers.

(2) However, this authority is subject to section 32 (about imposing conditions on a provider's registration).

Note: TEQSA may impose a condition restricting or removing the provider's authority to self-accredit. TEQSA will need to consult (see section 33) and comply with the principles in Part 2 before doing so.

(3) Subsection (1) does not limit the registered higher education providers that may be authorised to self-accredit one or more courses of study.

TEQSA can accredit courses of study

(4) Divisions 2 to 4 of this Part apply to a registered higher education provider in relation to a course of study if the provider is not authorised to self-accredit the course of study.

(14) Clause 49, page 38 (line 11), omit "12 months", substitute "9 months".

(15) Clause 49, page 38 (line 21), omit "12 months", substitute "9 months".

(16) Clause 58, page 44 (lines 12 and 13), omit paragraph (1)(e).

(17) Clause 58, page 44 (line 19), omit "(a) to (e)", substitute "(a) to (d)".
(18) Clause 167, page 115 (lines 13 and 14), omit paragraph (2)(a), substitute:

(a) ensure the Panel members collectively possess an appropriate balance of professional knowledge and demonstrated expertise, including in higher education and the development of quality standards; and

(19) Clause 167, page 115 (after line 18), at the end of paragraph (2)(b), add:

(iii) the staff of higher education providers; and

(20) Clause 183, page 123 (table item dealing with decisions under section 38), omit "to refuse".

Tertiary Education Quality And Standards Agency (Consequential Amendments And Transitional Provisions) Bill 2011

(1) Schedule 1, item 4, page 5 (line 20) to page 6 (line 8), omit section 7A, substitute:

<table>
<thead>
<tr>
<th>Item</th>
<th>For a provider, to the extent that it is:</th>
<th>the designated authority is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>a registered higher education provider (within the meaning of the TEQSA Act)</td>
<td>TEQSA</td>
</tr>
<tr>
<td>2</td>
<td>an NVR registered training organisation (within the meaning of the National Vocational Education and Training Regulator Act 2011)</td>
<td>the National VET Regulator</td>
</tr>
<tr>
<td>3</td>
<td>a provider of: (a) an English Language Intensive Course for Overseas Students; or (b) a Foundation program</td>
<td>the entity determined under subsection (3)</td>
</tr>
<tr>
<td>4</td>
<td>a provider not covered by items 1 to 3</td>
<td>the person responsible under the law</td>
</tr>
</tbody>
</table>

(2) However, if the provider is covered by more than one item of the table, the Minister may, by legislative instrument:

(a) determine that one or more entities are the designated authorities for the State in relation to the provider; and

(b) specify the circumstances in which each of those entities is the designated authority for the State in relation to the provider.

(3) The Minister may, by legislative instrument, determine an entity to be the designated authority for a State in relation to a provider covered by table item 3.

(4) Schedule 1, item 13, page 7 (line 28), omit "subsection 7A(4)", substitute "subsection 7A(3)".

(5) Schedule 2, item 8, page 18 (line 22), omit "from *TEQSA", substitute "conferred by or under the *TEQSA Act".

(6) Schedule 2, item 14, page 19 (line 23), omit "by *TEQSA", substitute "by or under the *TEQSA Act".

(7) Schedule 2, item 23, page 21 (lines 7 and 8), omit "by *TEQSA", substitute "by or under the *TEQSA Act".

(8) Schedule 2, item 28, page 22 (line 12), omit "from *TEQSA", substitute "conferred by or under the *TEQSA Act".
(8) Schedule 3, item 15, page 39 (table item 2), omit "12 months", substitute "9 months".

(9) Schedule 3, item 25, page 47 (table item 2), omit "12 months", substitute "9 months".

These amendments respond to the recommendations of the Senate Education, Employment and Workplace Relations Legislation Committee on the TEQSA bills. The report delivered by the committee supported the government's establishment of TEQSA as a key step towards ensuring that the expansion and diversification of the sector does not come at the expense of quality. Reflecting the committee's recommendations, the amendments will ensure that the creation of the new regulatory environment for the Australian higher education system through the establishment of TEQSA is underpinned by a robust regulatory framework with a strong focus on quality.

The government amendments will explicitly provide that universities have the authority to self-accredit courses of study except where TEQSA limits or removes that authority consistent with the basic principles of the regulation stated in part 2 of the Tertiary Education Quality and Standards Agency Bill 2011. These provisions recognise that universities are axiomatically self-accrediting, preserving their academic independence and diversity. I know this provision is very important to the universities. The government and the opposition are happy to support its establishment within the legislation. The bill will also be amended so that the minister must have regard to the interests of staff working in the higher education sector, as well as the interests of students and the states and territories, when determining the appointment of members of the Higher Education Standards Panel.

In response to a recommendation of the committee, the amendments will change the maximum statutory time frame for TEQSA to make a decision regarding an applicant's application for registration and course accreditation. This has been reduced to a maximum of 18 months. TEQSA's decision to change a provider's registration category has also been amended so that it is a reviewable decision.

I would like to take this opportunity to again thank the Senate committee for its work, particularly the chair, Senator Gavin Marshall, who, as always, conducted the inquiry with professionalism and consideration of the interests of all senators. Of course, I acknowledge Senator Mason's constructive role in the work of the committee and also the work of the Greens and Senator Hanson-Young in ensuring we have an outcome that can get the support of the Senate. I think it reflects strong policy. Additionally, I would like to thank all the stakeholders who contributed to the committee's inquiry and report.

Senator MASON (Queensland) (17:48): As I said in my contribution in the second reading debate, the coalition supports these amendments and congratulates the minister on his insight and common sense.

Question agreed to.

Bill, as amended, agreed to.

Bills reported with amendments; report adopted.

Third Reading

Senator CHRIS EVANS: I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

Social Security Legislation Amendment (Job Seeker Compliance) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.
Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (17:50): The Senate is considering the Social Security Legislation Amendment (Job Seeker Compliance) Bill 2011. I will give some quick facts to contextualise that with which we are dealing. Job seeker income support for 2011-12 is estimated to cost taxpayers $7.2 billion, whilst the disability support pension is expected to cost a further $13.4 billion. Unemployment in Australia is currently at the seasonally adjusted rate of 4.9 per cent—that was as at March 2011, and I do not think the figure has changed. In the last 12 months, approximately two million job interviews, activities or provider appointments were missed by job seekers with no valid excuse given. They are the facts with which I seek to contextualise the debate we are having in relation to this job seeker compliance amendment bill. The Rudd government, reminiscent of its border protection policy, sought to water down the mutual obligation scheme that the Howard government had set in place. They did so in 2008. Labor at that time introduced their so-called 'no show no pay' compliance model. However, the high rate of missed appointments is a clear indication of the failure of Labor's compliance regime, which did not provide sufficient disincentive for many. This bill seeks to redress Labor's own amendments and introduces a tougher compliance regime for job seekers who have activity test requirements.

The bill proposes to suspend income support payments for job seekers who fail to attend an appointment or an activity like Work for the Dole without a reasonable excuse given in advance. When a job seeker does attend a rescheduled appointment that payment will be reinstated with back pay. If a job seeker fails to attend the rescheduled meeting and fails to provide an adequate excuse then payment will be suspended until they do attend an appointment and no back pay will be payable for this period. Reasonable excuse provisions will also be tightened so that, even if a job seeker has a reasonable excuse on the day for not attending an appointment or activity, it will not be accepted if they could have given advance notice that they could not attend but did not do so.

It is critical that job seekers are encouraged to actively seek employment in order to break the cycle of welfare dependency. The coalition maintains that those in receipt of unemployment benefits must recognise that they have a subsequent responsibility to look for work and contribute back to the society that supports them. The coalition requires a firm but fair system to ensure that those in receipt of income support who can work recognise that welfare is a temporary safety net and not a hammock or a lifestyle choice.

I simply make this observation in concluding that this is very reminiscent of Labor's border protection policies. The Howard government had a good regime in place; Labor could not recognise how good it was, so they busily set about dismantling it. Then they were confronted with the consequences of that and as a result they are now seeking to rush through changes to tighten up the scheme. The coalition welcomes the bill and acknowledges that the bill is needed but we do say the chances are that, if Labor had not meddled in the first place in 2008, we would not be here with these further amendments. The coalition will be supporting the bill.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:55): The Greens do not support the punitive approaches and policies of the previous government that this government seeks to continue. We believe that such policies
attempt to penalise job seekers rather than offering them the vital support needed to overcome the many and complex barriers they face in finding employment. The Social Security Legislation Amendment (Job Seeker Compliance) Bill 2011 that we are debating today does not supply or provide support to these people but rather undermines positive changes made to the system three years ago and drags us back to the ineffective and damaging system that existed in the Howard years.

It hardly seems appropriate to increase punitive compliance measures when the minister has admitted that most job seekers are genuine in their attempts to find work. Furthermore, information submitted as part of the House of Representatives inquiry confirmed that there is little evidence of deliberate non-attendance of appointments. It is likely to be the most disadvantaged people—those facing chronic homelessness or complex and chronic illness, particularly mental illness, or those with poor literacy and education—who will be most affected by this bill while those who simply choose to rort the system will follow the new requirements or find other ways to circumvent those requirements. This bill does nothing more than expend considerable time and resources in actions that will not solve the problem but will hurt the very people that the government claims it is trying to help.

It says a lot that many of those working at the coalface assisting the unemployed strongly oppose this bill. I quote here from the evidence given at the House of Representatives inquiry by a representative of the not-for-profit job service providers. They said:

… we are keenly aware of the impact of financial penalties on people living on Newstart the single rate of which is $239 a week. We look with great trepidation at the prospect of further penalties being applied to these people in terms of what might happen to those citizens. First and foremost, they are citizens. They tend to be referred to in the system as job seekers, but they are citizens and many of them are living in poverty.

I would actually say there that, if you are living on Newstart, you are living in poverty. Even the chair of the independent review of social security measures, on whose report the government is relying, came before the House of Representatives inquiry and opposed this bill. With both independent experts and those working most closely on this issue standing in opposition to this bill, we think it is bizarre that this bill should proceed.

What is even more bizarre and absurd is that the government offers little evidence for the effectiveness of this approach. Yes, it is well known that there are high rates of non-attendance for appointments and this is a great impediment to getting people into the workforce, but the government offers no research or explanation as to why people are missing these appointments. Equally, there is little evidence to suggest that such punitive compliance measures will actually work. The department has not been able to produce data on why people miss appointments in circumstances which under this bill would attract sanctions. The Greens find it shocking that no such data exists, given the consequences for vulnerable Australians if this bill goes ahead, and again it is the most vulnerable who are going to be hit by the sanctions.

It is essential that we understand why people are missing their appointments and design solutions that address these reasons. This is what we call evidence based policy. We believe that we need to understand why people miss appointments. We believe that it is not just, as the government and opposition would have us believe, sheer wilfulness. That is not the case. We believe that the government is putting the cart before the
horse, rushing to this punitive approach rather than understanding what we need to do to help the most vulnerable Australians. Young people and Indigenous people together make up almost 70 per cent of the appointments missed. It is these groups who will be affected most negatively if this bill proceeds, yet no-one from the government has explained why this is the case and why this approach is justified when this approach will impact most on these two most vulnerable groups.

We know from previous noncompliance measures that the most severely affected were, in fact, Aboriginal Australians. I know that because I was the one in estimates asking for the data on noncompliance when the welfare to work measures were first brought in. And guess what: exactly what we thought would happen happened—that is, Aboriginal Australians, particularly in my home state of Western Australia and the Northern Territory, were those who were subject to noncompliance measures and to the eight-week rolling breaches and who then fell out of the system. My concern is that we are about to repeat these mistakes.

Evidence given at the most recent inquiry offers many reasons for job seekers missing appointments or disengaging with the system. These include the complexity of the system, lack of easy-to-understand information about their requirements, a need to build trust between job seekers and their providers and the fact that the system is not meeting their needs. If a House of Representatives inquiry can find this out, surely there can be a more comprehensive approach to finding this data.

Many job seekers find the system to be confusing and bewildering. How will punishing job seekers address any of these underlying problems and increase attendance at appointments? Evidence in fact suggests that such measures could lead to further distrust and disengagement, which is exactly what happened last time a government—the Howard government—tried these measures: further disengagement and further alienation. I fail to see how that helps people to get a job. It is clear to us that what the detrimental effects of this bill will be on the unemployed and particularly on the most vulnerable job seekers—those who face the most barriers to employment. We believe that these negative impacts outweigh any potential positive benefits.

I would like to quote from the ACOSS—the Australian Council of Social Services—evidence to the inquiry:

People living on $237 a week do have difficulty with the bill payments, including rent payments, and often have to leave them until the last moment and so, as a consequence of suspension of payments, they could be behind with their account and they could be penalised financially for that, or potentially lose their accommodation if they have been late in the past. We are certainly concerned there will be an increased reliance, an increased call on emergency relief services as a result of that.

ACOSS also points out in its testimony that this bill will potentially lead to an increase in eight-week non-payment penalties, and this is, understandably, a grave problem for us. We have consistently opposed the use of these punitive non-payment penalties.

It is all very well to say that you will get back pay, but people cannot afford the expenses on a day-to-day basis, let alone, 'You will get it back later, maybe—if you re-engage.' But by then they may have already lost their accommodation and they may have already had their power turned off, because people—as ACOSS pointed out—juggle their payments just to survive. They cannot afford to lose any of their income.

We believe that the government does need to look at how it can help. This is an issue:
we agree with that. But just putting in place further penalties for noncompliance is not going to solve it. Dealing with those barriers that we mentioned earlier is the way to address it. We believe that statistics collected on the number of missed appointments have not changed dramatically in a number of years. Figures were no different under the harsher regime of the Howard government. Past experience indicates that suspension and non-payment penalties do not seem to increase meaningful engagement with the system.

What we need is much more systematic reform of the social security system, including the compliance regime. We need a system that truly addresses the needs of the most vulnerable job seekers and treats them with more dignity and compassion. We believe that the government should listen to the organisations and people providing services to the unemployed, rather than continuing to demonise and sanction people in very difficult circumstances.

We believe that, in fact, the government could do a lot better than this particular piece of legislation. I remind the government about a report that they commissioned into the compliance system in 2008, partly as a result of the pushing that the Greens did at the time. This review was undertaken by a panel of experts led by Professor Julian Disney, who is no stranger to many people in this place—we are aware of the work he has done over the years. This report made many important recommendations, and yet we do not believe that there has been a serious attempt to implement or to respond to many of these significant recommendations.

The recommendations point to serious flaws in the compliance system, and here are some of the important recommendations—I know my colleague in the House of Representatives reminded that House. The report calls for the simplification of documentation relating to compliance, with the aim of substantially reducing the number, length and complexity of documents. The report called for increased training to providers' staff, especially related to the submission of participation reports, responding to the outcome of those reports and engaging with highly vulnerable job seekers. It also recommended improved processes for interaction with providers and those who work on policy and implementation issues. Finally, it also recommended that a special case conference be held if someone has had five participation reports, whether they are upheld or not. The purpose of the case conference is to assess whether the individual needs further assistance to achieve compliance or should be subject to different participation requirements.

We believe these recommendations are vital to ensure that the system is accessible, particularly to those most vulnerable, and that staff fully understand both the punitive measures—before they use them—and the distinctions made between those people who are choosing to rort the system and those who are simply overwhelmed by its complexity and unable to engage properly due to those multiple barriers that I have already outlined. We believe the government must deal with these problems in the system before stronger and more punitive compliance measures should or can be put in place or are in fact justified.

We do not support this bill. My colleague in the lower House, Mr Bandt, clearly outlined our opposition to and our concerns with this bill, particularly in his dissenting report to the committee. We call on the government to respond to the independent review of the job seeker compliance system as a matter of urgency. In fact, I think it is outrageous that they have brought this bill on
before responding to those very sensible recommendations, and we call on them to implement those recommendations as a matter of urgency. In particular, we need plain-language redrafting of all measures associated with job seeker compliance. As I said in the chamber not long ago, the complexity of this system and the booklet outlining various systems and payments must be a signal to people about how complex this particular system is.

We have talked many times about the barriers to employment in this place. If we are genuinely about helping, not demonising, people on income support, we need to be addressing those barriers rather than just keeping reinventing the wheel. The compliance system did not work under the previous government. There is no reason at all to believe that it is going to work under this government when those barriers to compliance and to gaining employment, are still in place. Fix those; do not just go for cranking up the compliance system, demonising and penalising people even more. When you apply those penalties, people face further barriers and are further entrenched in poverty. Please see sense. Get rid of this bill and implement those recommendations. Then we may see some genuine effort and genuine change in the way people can engage with this system.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (18:09): I thank all senators who have contributed to the debate. This legislation delivers on the government's election commitment to modernise Australia's welfare system and introduce measures to ensure that more unemployed people are getting back into work. As we know, we have a growing economy and a strong labour market. While millions of jobs have been lost in other advanced economies, employment in Australia has increased by about 750,000 jobs since 2007. At just 4.9 per cent, Australia's unemployment rate is lower than those of almost all of the other major advanced economies. It is at this time, with lower unemployment and employers searching for new workers, that we must embrace the greater opportunities to connect job seekers with this employment market.

In the 2011 budget our government allocated $8.5 billion for spending over the forward estimates toward employment services. This includes spending on a range of new initiatives to provide greater support for the very long-term unemployed, for job seekers with a disability and for those who have become disengaged. With this increased support and with the opportunities that our economy provides, so too comes responsibility. It is crucial that we do all that we can to ensure that unemployment payment recipients are participating to the full extent of their abilities. In order to do that, we need them to be actively engaged with the employment services and support that our government provides. These measures are not about punishing job seekers who have a valid reason for missing appointments or not participating in activities. The government is very aware of the challenges that job seekers face, and we are aware that most job seekers are genuine in their attempts to find work. However, income support does come with a responsibility.

A strengthening of the compliance system is warranted so that more job seekers are actively engaged in work experience activities such as training and Work for the Dole so that they are getting the skills and experience they need to find a suitable job into the future. The new arrangements seek to improve job seekers' attendance at employment service providers and related appointments. Suspension of payment provides a strong and immediate incentive for job seekers who miss appointments to re-
engage quickly. When a job seeker's payment is suspended following a missed appointment, they get all of their money back once they do what is required of them—that is, once they agree to attend the appointment. This is an effective way of encouraging compliance without taking the punitive approach of immediately applying a penalty that the job seeker cannot get back. The principle that no job seeker should actually lose payment without a warning or a second chance to comply will remain in place. The current range of legislative and administrative protections for vulnerable job seekers will also remain in place, with the additional provision that they will not be subject to suspension of payment in the first instance.

The House of Representatives Standing Committee on Education and Employment has scrutinised this bill, and on 11 May it tabled its report. On the same day, the Minister for Employment Participation and Childcare, the Hon. Kate Ellis, gave in-principle support to the committee's recommendations and indicated that the government would give serious consideration to all of them. With the support of the opposition, the government has accepted the committee's recommendation to remove the word 'special' from subsection 42UA where it is used to describe a situation in which a job seeker would not be expected to give prior notice of their inability to attend an appointment. The government has now given more detailed consideration to the rest of the committee's recommendations. Several recommendations related to the need for clear communication for job seekers and clear guidance and training for employment service providers and Centrelink staff. Those recommendations have been adhered to in the development of the communication material, the guidelines and the training materials for these policy changes. Further, the department has advised that implementation is progressing on all of the remaining recommendations.

While it made no specific recommendations in this regard, the committee also suggested that it would be valuable for the government to provide a response to the remainder of the Independent Review of the Job Seeker Compliance Framework, the Disney review. The measures relating to the job seeker compliance framework, which were announced in the budget the night before the committee's report was tabled, were developed following consideration of the recommendation for the Disney review. The budget included $49.8 million to improve and streamline the compliance system, to provide targeted assistance to those job seekers who are most at risk of noncompliance and disengagement and to improve communication between Centrelink and providers. These budget measures and this bill are consistent with the government's approach to job seeker compliance, which focuses on early intervention and the use of immediate corrective action to keep job seekers on the right path. They will benefit job seekers, especially those who are vulnerable or disengaged. These measures will also help providers by reducing complexity and increasing transparency. All Australians on income support should have the opportunity of work, but with this opportunity, of course, comes responsibilities. With this bill we are going to firmly expect that people meet those responsibilities. I commend the bill to the Senate.

Question agreed to.
Bill read a second time.

Third Reading

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

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

Midwife Professional Indemnity Legislation Amendment Bill 2011
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator FIERRAVANTI-WELLS (New South Wales) (18:16): The fact that the Midwife Professional Indemnity Legislation Amendment Bill 2011 is being considered by the Senate is proof yet again that this government cannot get anything right. The Minister for Health and Ageing tried to blame the opposition for the troubles that she has had with the midwives and nurse practitioners bill and the midwife and professional indemnity bills through 2009 and 2010, but it was all her fault. She also tried to blame the Senate for delays in the legislation passing through the parliament, but it was the minister and the government that rushed legislation into parliament without taking the time to dot the i’s and cross the t’s. Through the process Minister Roxon had to admit that she had got it wrong and she had to backtrack. Perhaps she can use the lessons learnt to backtrack on asking tobacco companies for money—or will she blame someone else for that as well?

This week, of course, represented an all-time low for Ms Roxon. Her sanctimonious prosecution of the nanny state has highlighted her sheer hypocrisy over her solicitation of donations from big tobacco. Minister Roxon sought financial support even though her party had publicly declared it would not accept funds from big tobacco. It was interesting that in the other place the government refused to debate an opposition motion that the minister explain to parliament why she publicly criticised tobacco company donations to political parties but privately sought their financial support. What does she have to hide? But I digress.

I go back to the legislation. Minister Roxon had to placate the concerned stakeholders. She had to clarify matters to a Senate committee, and then the minister had to make amendments. Then, after the legislation took effect from July last year, the minister was forced to make new rules to cover the problems that this bill now seeks to remedy. And what were those problems? The drafting of the original legislation excluded one group of midwives from accessing the indemnity contribution scheme. The legislation treated those who operated their own companies and were self-employed the same as it treated those employed by large organisations such as hospitals or medical practices. The legislation had excluded employed midwives from the scheme. The government present this as an oversight. It was not the government’s original intention, they say, and this bill to remedy the situation is presented as a technical fix for a minor element of the act. What it is, though, is another error on the part of the government and of this minister.

The second mistake is what the government has described as a ‘typographical error’. What was the definition? What, effectively, the original legislation did was enshrine in law a formula to tax insurers of midwives at a rate far higher than the premium income those insurers received from the midwives for their insurance coverage. That is some typo. It is also typical of a government that continually talks about grandiose schemes and ambitions but then
completely fails to do the hard yards to get the detail right.

Health is rich with failures. We have had the then Prime Minister, Kevin Rudd, and Minister Roxon in scrubs, going to fix public hospitals by mid-2009. Minister Rudd—then Prime Minister Rudd—was going to take over the nation's public hospitals. By mid-2009, all we had was a series of reports from the multitude of committees, commissions, working groups and inquiries that the Rudd Labor government had commissioned. All we had by 2010 was a hastily thrown together plan branded the 'national health and hospitals reform' so that the Rudd-Gillard government could look like it was actually doing something to honour those commitments made to Australians in mid-2007. This reform consisted of media releases, conferences and communiques but no actual reform. Prime Minister Gillard's health reforms have excluded mental health and aged care. They are not reforms at all but are an agreement to have an agreement. How agreeable!

GP superclinics are supercopies of existing general practices except that they use taxpayers' money to set up a practice in opposition to a practice which has been established through private investment. It is completely offensive not just to the doctors and nurses who are involved but to patients as well. To make it worse, the government has decided that it will proffer preferential treatment in terms of the doctors—and, presumably, nurses in some cases as well—at these superclinics, which puts them at a competitive advantage over those practices which operate with the costs of capital being deployed into these centres. It is untenable that this situation continues. Minister Roxon promised more than 60 of these so-called superclinics. We know that just 10 of these clinics have opened across the country five years after they were promised and completely and utterly over budget. Nothing this government touches does anything but turn to dust. The health portfolio contains one classic example after another of why Labor just cannot be trusted with the sort of legislation that is before the Senate today or, indeed, the general health program.

Of course, the biggest failure of this government is in its mental health announcement: $2.2 billion over five years boils down to $583 million over the next four years with only $47 million spent in the first year. No wonder people are starting to realise that they have been duped by a big dose of spin. There will be money in the fifth year. Oh wait! That is the third year of the next term of government. Prime Minister Gillard's fantasy is that she will be around long enough to implement the fifth year of a mental health strategy. What nonsense.

This is a government that promises big but delivers nothing. Midwives do not have that luxury. They do one of the most important jobs in the human condition of guiding new life into the world, but this government has treated these hardworking women and men with utter contempt. The Australian taxpayers are also being treated with utter contempt. Lack of attention to detail is not justifiable. The sooner this government is put out of its misery the better off we will all be.

The coalition supported the original tranche of legislation in this area. We provided constructive input to the government. We warned them of some of the likely failings. Some of those failings have come to pass. They talk about typographical errors which, in effect, make the premium completely above and beyond what anybody could be expected to pay. Nobody in certain employment circumstances could practise reasonably as a result of this legislation. As I said, we flagged the fact that this government would get yet another bill
wrong. They did not let us down. Certainly they have let the Australian people down.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:24): The Midwife Professional Indemnity Legislation Amendment Bill 2011 has received a great deal of attention. Debating issues around better support for midwives has taken a great deal of the time of many senators. While the Greens were supportive of many of the measures the government introduced last year, we also flagged our concerns about some of the measures that were put in place, such as collaborative arrangements and the impact that the changes would have on those midwives wanting to support homebirth and also on mothers and families wanting homebirth.

I am aware of some of the concerns of midwives who are operating under the current system. I thought it was timely that I raise some of these issues, given that there will need to be some more changes by around this time next year when the homebirth exemptions expire. In other words, we need to start thinking about how we are going to deal with that now. Unfortunately, some of the concerns that the midwives raised at the Senate Community Affairs Committee inquiry and with individual senators appear to have been substantiated by events. For example, I am told at the moment there are approximately 50 eligible midwives under collaborative arrangements. To date, none has been able to provide continuity of care through labour and birth because they do not have visiting access to hospitals. While it looks like there are around 700 claims through Medicare, none of these is for birth care because of the lack of visiting access. That is a very strong concern.

The determination around collaborative arrangements specifies that midwives have to demonstrate collaborative arrangements in one of four ways: being employed by a practice with an obstetrician, being referred by a specified medical practitioner, having a signed collaborative arrangement with a specified practitioner or having an acknowledgement of a collaborative arrangement from a specified medical practitioner.

At this stage these are the only ways women can gain a Medicare rebate for midwifery care. Five midwives in Sydney are reported to have a signed collaborative arrangement in place. As far as we are aware, no-one else has a signed agreement. We understand that there are two practices that are using the employment mechanism. One midwife is employed by an obstetrician and two others are employed in an Aboriginal medical service. I have been told the rest of the midwives are struggling to use two of the other available options, which are gaining a referral from a specified medical practitioner or using the arrangement/acknowledgement from a specified medical practitioner.

While this should be generally reasonably straightforward for women who are using the public hospital system—some public hospital obstetricians are happy to provide an acknowledgement of collaboration for women seeking to give birth in a public hospital—unfortunately it is not occurring for those wishing to give birth in private hospitals with a private obstetrician and those wishing to give birth at home. We understand it is virtually impossible to gain a collaborative arrangement for antenatal care or birth. In other words, concerns remain about the collaborative arrangement approach. As I said, these concerns were articulated at the time and it is disappointing to have to report that there are still troubles with gaining access to collaborative arrangements.

The exemption for homebirths is only available until 30 June 2012, only a squeak
over 12 months from now. This means, if you look at it this way, that women who fall pregnant from September this year will be back to where they were two years ago. In other words, it will be uncertain whether they will be able to access midwifery care for homebirth. I also understand that the cost of insurance has meant that many smaller midwife practices have ceased to practise, as they cannot afford to pay this insurance, which has particularly affected regional women wanting to have a homebirth. As we know, there are a number of women in regional areas who want to be able to choose to have a homebirth. So we are particularly concerned about that.

As has been stated here on a number of occasions, there have always been concerns about the ability of midwives to access insurance packages. There are rumours that, unfortunately, continue, and that I think need to be looked into, that insurers are refusing to extend insurance packages to include homebirths, due to a lack of data. At the same time, researchers have requested that data around homebirths be made available through the various state perinatal registers which is collected by AIHW nationally. We do not believe it should be claimed that these statistics do not exist; in fact, what somebody needs to do is collate the data. So there is an issue continuing around that.

Another issue that has been raised with me is to do with the prescribing course requirement, where eligible midwives sign an undertaking that they will complete a prescribing course within 18 months of gaining eligibility. That means that, in December, the first 15 midwives will have to have completed this course. Technically, it is possible that the eligibility could be removed because these courses have not been completed. However, at this stage, no prescribing course has been accredited by the ANMC and there does not appear to be a set of standards for which such a course could be developed. So that is another concern that midwives have about these collaborative arrangements.

So I do think there needs to be further engagement by the government in looking into these provisions, because such concerns remain. We also need to be looking at what is going to happen between now and next year in terms of dealing with the homebirth exemption. We had the same issues some time ago with the insurance requirements that meant that homebirths could not occur—in fact, there could potentially be big fines for supporting a homebirth—and, if this issue is not addressed, we will go back to that situation again. That is of course unacceptable to the Greens but particularly to many families out there who do wish to have a homebirth. I repeat: it is no good for the government and the medical profession to just bury their heads in the sand and say, 'Well, we'll just bring in measures to make it harder and harder to have a homebirth.' The situation that will eventuate is that women will what they call free-birth. Nobody can pretend that that will not happen, because people feel very strongly about it. We are much better off having a system where we provide a choice of births for mothers and families. Homebirth is one of those, and we need to ensure that homebirths can be supported in a very safe manner.

I urge the government to look at these issues, to support midwives, to look at the barriers to eligibility and collaborative arrangements, and to address this issue of eligibility, because there are only 12 months in which to do that. Many women who are pregnant in this half of the year will fall outside these exemption arrangements if something is not done fairly quickly. So I urge the government to take those messages on board.
Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (18:33): I thank senators for their contributions to the debate on this bill. This amendment bill is a relatively minor but important step in ensuring that appropriately qualified and experienced self-employed midwives will continue to have access to secure and reliable, Commonwealth supported, professional indemnity cover. The bill makes sense and gives certainty to self-employed midwives and the women and families they care for. Like the government's recent investment in Medicare Benefits Scheme and Pharmaceutical Benefits Scheme access for patients of eligible midwives, this amendment bill will continue to ensure there is improved access to maternity services and improved choice for Australian women. I commend the bill to the Senate.

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 the bill be considered in committee of the whole.

Senator McLUCAS: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

ADJOURNMENT

Senator McLUCAS: I move:

That the Senate do now adjourn.

Haskell, Mr William 'Bill' James Bernard, OAM

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (18:35): I rise to speak on the death of a person I did not spend a lot of my life with but for whom I have huge respect, and I refer to William Bernard Haskell, known as Bill Haskell. Bill was born on 9 May 1920 in Fremantle. He grew up in the pre-Depression and Depression period, and attended Richmond Primary School and Fremantle Boys High School. His first job was as a messenger boy in Fremantle, followed by general and junior clerical work at the Robb Jetty meatworks. He commenced part-time studies in accountancy around that time.

At the age of 19, he joined the 16th Battalion Cameron Highlanders and completed a three-month camp at Northam. In January 1940, Bill enlisted in the AIF and was an original member of the 2/3rd Machine Gun Battalion. Bill saw service in the Syrian campaign as a Vickers machine-gunner and later in Batavia—Jakarta. It was here that they engaged with a large Japanese invasion force, resulting in Bill becoming a prisoner of war. He spent nine months in a Javanese prison camp. Then, in January 1943, his unit was sent to Thailand to work on the infamous Thai-Burma Railway, where they were given heavy workloads whilst in a state of continuous starvation.

You would be well aware, Mr Deputy President, of the treatment POWs received and the sickness they experienced, including tropical ulcers, and the death of so many of them. It must have been such a horrid time for these prisoners. Upon completion of the railway, Bill was shipped to Japan where he spent approximately a year as a coalminer in an extremely harsh climate, especially during the Japanese winter. At war's end, Bill was taken to the Australian authorities in Manila before returning to Australia. Bill took his discharge in 1946 and returned immediately to his old job at Robb's Jetty. In July 1946, he joined the Commonwealth Public Service where he was posted to the Taxation Office. By 1949, he had finished his accountancy...
degree and, after 34 years service, retired in 1980.

Bill married local girl Dulcie Neave in 1948 and was blessed with three children—two sons and a daughter. Bill was grandfather to five and great grandfather to five. He was a keen sportsman, representing the state in the lacrosse team winning the all-Australian carnival. He had a keen interest in swimming and was instrumental in forming the Polar Bear Club at Port Beach.

Bill along with Lieutenant Colonel Weary Dunlop—Sir Edward 'Weary' Dunlop—commenced the Quiet Lion Tours to Thailand for Anzac Day and were later co-founders of the Burma Thailand Railway Memorial Association. Since then, in excess of 1,300 people have taken part in these tours, mainly for Anzac Day, taking young ones from the Freemantle area to Thailand for Anzac Day on the Thai-Burma railway. Bill played a major part in establishing the Weary Dunlop Boon Pong Exchange Fellowship, which has been responsible for training in excess of 60 young Thai doctors in specialist surgical fields under a mentoring scheme.

In 2004, Bill Haskell, was awarded the Order of Australia Medal for service to the community, particularly through establishing public educational tours to the Thai-Burma railway.

I had the pleasure of meeting Bill Haskell in Thailand in 2005, the first time I attended a dawn service ceremony on Anzac Day in Thailand. It was inspiring to meet the man. What amazed me was that these people have been through so much, yet I would describe them as such decent, placid gentlemen. When I went back in 2007, taking another group back to Thailand for Anzac Day, I took my three children, David, Rebecca and Tom. The night before the Anzac Day dawn service we had a gathering at the Boon Pong resort where my children had the opportunity to sit down with Bill Haskell and talk to him for some time. I remember my daughter, Rebecca, was inspired and mesmerised by Bill and his nature.

When I returned in 2008 I went up to shake Bill's hand and he said, 'John, do you have your children with you this year?' I said, 'Not this year, Bill.' He was sharp in the mind and a very decent man. I saw Bill Haskell on other occasions in 2008, 2009 and 2010. I recall one of the years when, after the dawn service in Thailand, we went to the Kanchanaburi War Cemetery, where some 7,000 former prisoners of war are buried, at which Bill gave the address at the 11 o'clock service.

I had the pleasure of enjoying Bill's company. We would have a beer. Bill was a keen sportsman, as I have said. The sad news came on 1 May this year when Bill passed away at home in Fremantle. I spoke to my good friend Bill Slape, who is the manager of the Hellfire Pass Memorial Museum, just before Anzac Day and asked him whether Bill Haskell was going over this year along with people such as Neil MacPherson, who was there this year. He told me that Bill was not in good health. It was only a brief period after Anzac Day, on 1 May, that I got the news that Bill had sadly passed away. I could not make it to Fremantle to Bill's funeral, but I would like to thank Senator Cash who went to the funeral and met many of Bill's friends there.

I pay tribute to Bill. He was a great man and recognised in Australia. You cannot imagine how these people could suffer so much and yet, when returning from war, they simply got on with their lives. They had no counselling, no mentoring or anything; it was just, 'Get back to work, soldier, the war's over.' That is what many went through. It was amazing to meet people like Bill.
Haskell. That is why I stand tonight to pay tribute to Bill. Many people will miss him, me being one of them.

**Soviet Espionage In Australia**

**Senator HUTCHINS** (New South Wales) (18:41): Towards the end of World War II, and in the opening stages of the Cold War, Australia was seen by other nations as a high-value target for sourcing valuable intelligence. Despite having significant access to sensitive information from the US and Britain, our domestic intelligence services were inadequate, and there was initially no enthusiasm for reform under the Chifley government.

Only after being presented with evidence of information leaving Australia through the Soviet embassy did the government begin to think about serious reform. Highly classified decrypts of Soviet diplomatic traffic which had been intercepted by the Allied signals intelligence organisation, most notably from an operation known by the cryptonym Venona, led to an overhaul of Australia's security apparatus and the formation of ASIO, with the primary purpose of investigating the extent of Soviet espionage in Australia. The new organisation became a point of disagreement within the administration, chiefly from Dr. Evatt, who would later preside over the anti-Communist split that shattered the ALP for the best part of a generation.

In their book *Breaking the Codes: Australia's KGB network, 1944-1950*, Desmond Ball and David Homer from the ANU describe in great detail the nature of information leakages from Australia and the discovery of the KLOD spy ring that was supplying sensitive documents, including Allied postwar strategy documents, to the Soviet Union. The Venona decrypts were proof of the inadequacy of Australian arrangements to prevent such breaches, but due to their sensitivity not even Prime Minister Chifley was initially briefed on their contents. A gulf occurred between Australia and the United States in particular when intelligence cooperation was cut off due to the government's unwillingness to believe change was necessary until some members of the cabinet were informed about the compelling nature of the Venona evidence.

Espionage was encouraged by the Soviet Union in all of its affiliated parties across the world. In 1930, the executive committee of the Comintern in Moscow advised its member parties that 'legal forms of activity must be combined with systematic illegal work' and that 'all legal parties' should 'immediately undertake measures to establish an illegal apparatus'. *Breaking the Codes* provides an interesting insight into the individuals involved in such operations. I would like to provide an overview of some of the principal characters and the degree of access that foreign agents managed to achieve. The organisation of clandestine networks in Australia was primarily done through the Communist Party. In particular, Walter Clayton, an organiser for the CPA and a member of their Central Committee, was to become the Soviet spymaster for a ring of agents including within the Department of External Affairs, and became known to Moscow Centre by the codename KLOD. As the Cold War set in, the CPA re-established underground networks in case the party was to be banned again, as it was for a period in World War II. Clayton had significant responsibility for this organisation and even established a network of safe houses, with CPA members volunteering their properties for this purpose.

Clayton's first informants were members of the CPA, their friends and family. Much of the information gathered from party members would have been innocuous but
provided Russian intelligence with a picture of potential recruits with access to the more useful information they sought. These party contacts included prominent and public communists such as Katharine Susannah Prichard, an author of some notoriety. Miles Franklin, a contemporary of Prichard, described her loyalty to Stalinist Russia as:

For Prichard, this achievement of communism in Australia meant unquestioned dedication to the Soviet Union.

These were the days of people who believed in fostering revolution and furthering the interests of a totalitarian state in preference to their own homeland.

Some members of the CPA held positions with significant access to sensitive material. Two agents in the KLOD spy ring were employees of the Department of External Affairs itself, and were also members of the Communist Party, although they were very secretive about it. Ian Milner, codenamed BUR, found Marxism as a Rhodes scholar at Oxford and is said to have believed that Russia was 'the one power whose foreign policy was capable of leading to a just world order'. Ball and Horner described him as the 'foremost member of the group in terms of the strategic importance of the documentary material he supplied'. He was a covert communist recruiter throughout his time in academia before joining External Affairs in 1944. In the post-hostilities planning division, Milner had access to all the files on Australian and British postwar strategy and he began passing information on to KLOD in September 1945. Documents requested by Moscow Centre were borrowed from the department and photographed in the Soviet residency.

Milner fled to Czechoslovakia in July 1950, most likely after hearing that the heat was on after the interrogation of fellow traitor Jim Hall by MI5 in London. Hill, for a while a dual card carrying ALP and CPA member, was introduced to External Affairs and the post-hostility planning division by Milner. He began providing information to KLOD in 1945, primarily official telegrams received from the British Foreign Office. Both Milner and Hill worked for a time in the United Nations mission, which would have been a source of similarly sensitive strategic and political material.

Another very well placed Soviet asset was Alfred Hughes, codenamed BEN, who was the chief investigator in the counterespionage section of the security service and specifically tasked with monitoring 'subversive associations and the operations of the Communist Party'. Hughes was in a position to actively inform Soviet intelligence of operations against their assets and deliberately mislead or thwart the flow of accurate information to Australian authorities. Hughes also had connections to what appears to have been another nest of Soviet agents—the office of Dr Evatt, who was then the Minister for External Affairs—where he is said to have been a frequent visitor. A number of staff members in Evatt's personal office were associated with the espionage efforts of the Soviet Union, including typist Frances Bernie, the only individual to confess to engaging in espionage. The role and motivation of Evatt in particular has been extensively studied, such as in Dr Andrew Campbell's article entitled Dr HV Evatt: the question of loyalty, which I recommend as further reading.

These are just some of the relationships that could be regarded as improper, and it is likely that some of them are extreme. Minister Evatt and his departmental secretary, John Burton, believed they were contributing to ideals of greater understanding through the sharing of information—termed 'open diplomacy'—and neither had any love for the security services. Evatt was the most strident opponent to the
establishment of ASIO and it has been noted that most progress in establishing that agency occurred when he was out of the country. He also famously tipped off the author Prichard in person about the fact that she was a person of interest to the security services.

The split in the ALP during Evatt's time as leader was motivated in part by the scale of communist activity within the party, despite it being well known that many were dual members or swore loyalty to the Bolshevik revolution not Australia and its democracy. The ALP Anti-Communist Party, later to become the DLP, was to prevent Labor returning to power for decades.

This is but a brief overview of the success of Soviet spies that led Australia to recognise counterintelligence as necessary in preventing the unwanted and undue meddling of Stalinist Russia in its quest to undermine its geopolitical rivals. It exemplifies the fact that Australian communists had significant loyalty to the Soviet Union and swore fealty to that state as the prime sponsor of revolutionary activity.

Communism as an ideology was a vehicle for encouraging 'entryism', the political tactic of infiltrating an organisation in order to turn it to another altogether different purpose, and throughout the Cold War the ALP was a destination for many such efforts. I suspect the Greens political party understand the concept of entryism all too well. Communism in the ALP took many decades to eradicate and only truly perished with the fall of the Berlin Wall. There are even former ministers in Labor governments who are confirmed or highly suspected to have been dual card holders of both the CPA and ALP right up until the 1980s. I will seek to speak in more detail about such personalities next week.

Kidd, Mr Grahame

Senator FORSHAW (New South Wales) (18:51): Tonight I rise to pay tribute and respects to Mr Grahame Kidd. Mr Grahame Kidd was a keen golfer. He was not a professional who won tournaments. Grahame Kidd was not a person who won Australia Day honours, but in my mind and in the minds of hundreds, indeed thousands of people, particularly young students and even older students who were educated by Grahame, he was a true hero. Grahame Kidd lived in the Sutherland shire and he was very close personal friend of mine and of my family and indeed, of many, many other people in the Sutherland shire and beyond. Grahame Kidd passed away on Monday, 23 May, having suffered a sudden stroke on 28 April. Grahame was doing one of those things that he always did: he was doing an odd job, fixing something around the house. I think he was doing some plumbing repairs. He suffered a stroke and was taken to hospital. He was operated on—twice. Although there were some initial signs that he might recover, sadly, he did not. His condition deteriorated. He passed away on 23 May.

Grahame was only 66 years old. He was just short of his 67th birthday. He was a great Aussie bloke. I know that nobody in the Senate or the parliament knew this chap, but I hope that at the end of my remarks they will understand why I rise in this great parliament today to pay him tribute.

Grahame loved a beer, especially his own home brew, which he seemed to make huge quantities of. I think that is what happens when you start making home brew: you end up with lots of it. He loved a game of golf, as I said. I used to play occasionally with Grahame and I must say I was really looking forward to resuming playing golf with him in
a few weeks time after I retire from the Senate.

Grahame dearly loved his wife, Sue, and his children, Vanessa and David, and their families—particularly his grandkids. I was a great friend and my wife, Jan, was also a great friend of Grahame and Sue. We got to know them when we first moved into the Engadine area where Grahame and Sue lived back in the mid-seventies. His funeral was held at our local parish church, St John Bosco at Engadine. It was the largest crowd I have ever seen in that church. It was absolutely packed and there were hundreds of people outside. It was an amazing turnout. Why were they there? They were there because they had lost a great friend and a person who had an enormous impact on the lives of many people. That impact was particularly through his teaching career. Many people at his funeral, and at a wonderful wake afterwards, spoke about his devotion to his family and his dedication to the teaching profession.

Grahame commenced teaching in 1964 at Yowie Bay Primary School in the shire. In 1967 he went off to Parkes High School in rural New South Wales, where he was a special teacher assisting children with learning difficulties. At that time he developed a fascination for maths. He went off and started a university degree, which he completed in 1970, specialising in mathematics. In 1968, he was appointed to Joseph Banks High School in Sydney and, three years later, he was appointed as maths head teacher at Jannali High School in the shire. He was only 26. That was a very young age for a person to be appointed a head teacher. In 1980 he was transferred to Gymea High School. In 1987 he was appointed deputy principal at Kingsgrove High School and then, in 1995, he received his first appointment as a principal. He was appointed principal at Cabramatta High School, where he stayed until he retired in 2003.

We were around at Grahame’s place the night after he received notice that he had been appointed principal at Cabramatta High School. I have to say that back in those days when anybody mentioned Cabramatta there was a sense of trepidation, because that area had a pretty bad reputation—which I will not go into in great detail—and most unfairly, in many respects, because it is a wonderful part of Sydney with a very multicultural community. Grahame took on the challenge with relish, and he told me once that he was very proud to have been appointed to that high school, because he had students there—particularly the students of Vietnamese families and other migrant nationalities—who were keen to get an education, and their parents were keen for their children to get an education.

I say all that because, sadly, back in 2001, Alan Jones, the well-known, multimillionaire media star, together with then detective Tim Priest, launched a vicious and untrue campaign making false allegations about Cabramatta High School. Alan Jones interviewed Tim Priest and alleged on the radio that the school was a haven for drug pushers, for criminal gangs, that students were being recruited to sell drugs and that there had been serious criminal acts of violence in the school. Indeed, an allegation was made that a student was attacked with a machete. This went on for days and days—and this was typical of Alan Jones. I remember when he did the same thing and stirred up the Cronulla race riots—but I will not go into that one.

When all of this was investigated by a committee of the New South Wales Legislative Council and members of the parliament on both sides heard the evidence, it became absolutely clear that this was an
outrageous slur on this wonderful school and this wonderful principal. It was totally false. Allegations had been made up and then presented on Sydney radio as if they were true. Of course, Grahame was hurt. He tried to get onto Alan Jones's program, but Alan Jones would not interview him. He would not give him the opportunity to respond on the radio. That is typical of Mr Jones—the man who constantly talks over or cuts off anybody who disagrees with him. I acknowledge all the things that Mr Jones might do for charity and so on, but there are many occasions when he intimidates and belittles people and falsely accuses them—as he did in this case. Later on the facts become clear, but often it is too late.

Grahame did eventually get the opportunity, on Four Corners, where all of this was laid out in a program and it was all demonstrated to have been an unfair and vicious attack. Anyone who knows Cabramatta High School knows what a wonderful school it really is. I wanted to take the opportunity tonight to recognise the fact that Grahame was deeply, deeply hurt on that occasion, but he has a reputation in education that is second to none. That was demonstrated by the fact that in Maralyn Parker's education column in the Daily Telegraph the day before Grahame's funeral, he was named as dux of the week. He had much more to give to the community.

Grahame served as the secretary and then the president of the Engadine Dragons Junior Rugby League Football Club. For all of the years after his retirement up until his sad and untimely death, he was the treasurer of the local Probus Club. He was doing things for his community, just as he had done for so long in educating the students of Cabramatta High School and other schools.

Tonight I put on the record that the community owes a debt to Grahame Kidd. I extend my sincere sympathies—I have already done this, of course, but I do it publicly again—to Sue, Vanessa, David and their families and to all of Grahame's friends. He was a great Aussie bloke and a true hero.

Senate adjourned at 19:01

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.]

- Appropriation Act (No. 2) 2004-2005
- Appropriation Act (No. 2) 2006-2007
- Appropriation Act (No. 2) 2007-2008
- Appropriation Act (No. 2) 2008-2009
- Appropriation Act (No. 1) 2009-2010
- Appropriation Act (No. 2) 2009-2010
- Appropriation Act (No. 1) 2010-2011—Determination to Reduce Appropriations Upon Request (No. 16 of 2010-2011) [F2011L01045].
- Appropriation Act (No. 2) 2008-2009 and Appropriation Act (No. 1) 2009-2010—Determination to Reduce Appropriations Upon Request (No. 17 of 2010-2011) [F2011L01048].
- Corporations Act—ASIC Class Order [CO 11/519] [F2011L01040].
- Higher Education Support Act—VET Provider Approvals Nos—
  11 of 2011—Unitingcare Institute of Family Practice Ltd [F2011L01044].
  12 of 2011—Careers Australia Education Institute Pty Ltd [F2011L01046].
- Interstate Road Transport Act—Determination of routes for B-doubles vehicles carrying higher mass limits under the Federal Interstate Registration Scheme (FIRS) 2011 (No. 2) [F2011L01043].
Plant Health Australia (Plant Industries) Funding Act—Plant Health Australia (Plant Industries) Funding Determination 2011 [F2011L01047].

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Burma

(Question No. 334)

Senator Ludlam asked the Minister representing the Minister for Foreign Affairs, upon notice, on 6 December 2010:

With reference to the Thai Burma border:

(1) Has AusAID, in regard to its Burma aid program, conducted a needs assessment for Burma and exiled populations from Burma such as the refugees on the Thai Burma border; if so: (a) when was this assessment conducted; and (b) what was the methodology used.

(2) Did non government organisations and other groups or individuals with an interest in Australia's aid program to Burma participate in this assessment; if so, how was this participation facilitated.

(3) Can detailed information be provided, including in a visual format, of the reach of the AusAID Burma aid program, including where the populations they work with are located, and the location of direct and indirect beneficiaries – this mapping should also include programs delivered by partners.

Senator Conroy: The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

(1) and (2) The Australian Government has been a long term provider of assistance to Burmese refugees in camps in Thailand and displaced Burmese people. In planning and providing such support AusAID consults widely with the Australian Council for International Development, Australian and international non-government organisations (INGOs), community organisations, UN agencies and other donors about the humanitarian needs of Burmese refugees in Thailand. AusAID officers attended the Thai-Burma Border Consortium (TBBC) Annual Donor Dialogue in November 2010 and visited three refugee camps close to Mae Sot and Mae Hong Son on the Thai-Burma border to monitor Australian-funded activities.

A number of other international partners, including the United Kingdom and the European Commission have undertaken needs assessments and evaluations of assistance to the Thai-Burma border over the past four years. These assessments were shared with AusAID and help to inform Australian Government policy on refugee needs and gaps in donor support. This information, together with independent monitoring of Australian-funded activities, guides the development of a strategic approach towards meeting the long term interests of the refugees and displaced people on the Thai-Burma border.

(3) The Australian Government has developed a broad package of assistance to support INGOs and community organisations working in refugee camps and along the Thai-Burma border. The Australian Government has:

- provided humanitarian support through the National Council for Churches/Act for Peace in Australia which in turn supports the Thai Burma Border Consortium (TBBC). Australia has provided over $9 million to the TBBC to provide food and shelter to over 140,000 refugees in ten camps in Thailand since 2003;
- supported the United Nations High Commissioner for Refugees to strengthen the protection environment for refugees including through improved reporting and investigation of protection incidents in nine camps along the Thai-Burma border;
- supported the placement of 16 volunteer positions on the Thai-Burma border since 2005 (through Australian Volunteer International and Volunteering for International Development from Australia)
to build the capacity of local NGOs working with refugees. There are currently nine Australian-funded volunteers working on the Thai-Burma Border; and

- supported local community organisations (including the Karen Women's Organisation, Palaung Women's Organisation, Shan Women's Action Network, Shan Health Committee and the Mae Tao Clinic) to deliver programs of assistance to Burmese refugees though the Australian NGO Cooperation Program. Australian NGO partners for these activities include International Women's Development Agency, Union Aid Abroad – APHEDA and National Council of Churches/Act for Peace.

As part of an expanded aid package to Burma, Australia tripled its support to Burmese refugees in camps in Thailand in 2010-11, and broadened the number of partners we work with along the Thai-Burma border. Our assistance continues to support the basic needs of refugees, but also promotes self-reliance by building the capacity of refugees and displaced people to develop and utilise their own resources.

A map identifying the reach of the AusAID aid program along the Thai-Burma border, including the ten refugee camps supported through the Thai Burma Border Consortium is available from the Senate Table Office. The map also shows our INGO and community organisation partners and locations of the aid activities and the populations/beneficiaries they work with.

**Burma**

(Question No. 564)

**Senator Ludlam** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 4 April 2011:

With reference to the statistical summary of the statement of Australia's International Development Assistance Program 2008-09, published by AusAID in December 2010, which stated that Australia gave, in total, $546,000 in assistance to the production sector in Burma, the production sector being described as including agriculture, forestry and fishing; industry, mining and construction; and trade and tourism:

(1) To whom was this financial assistance provided and for what purpose.
(2) What outcomes were achieved as a result of this assistance being provided.
(3) Was similar financial assistance provided to the production sector in Burma during: (a) the 2009-10 financial year; and (b) the 2010-11 financial year.
(4) Were any discussions held with AusAID or departmental officials, parliamentarians or other governmental agencies about such financial assistance being in violation of Australia's policy regarding trade and investment in Burma.
(5) Given that AusAID is currently in the process of creating a Burma strategy, expected to be completed by the middle of 2011, and that an interim report was released in December 2010, what process is being used in developing the strategy, particularly in relation to how the policy is being shaped and who is involved in doing this.
(6) Will the policy drafting process be made public and will there be a mechanism or an avenue for the public to engage with this process, such as, by making a submission to AusAID.

**Senator Conroy:** The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

(1) and (2) The following table provides details of Australia's assistance to the production sector in Burma in 2008-09, including aims and outcomes:

---

**QUESTIONS ON NOTICE**
<table>
<thead>
<tr>
<th>Activity name</th>
<th>DAC Sector code description</th>
<th>Program</th>
<th>Partner</th>
<th>2008-09 Estimated Burma-specific Expenses</th>
<th>Activity Aim</th>
<th>Activity Outcome(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASEAN Australia Development Cooperation Program Phase II*</td>
<td>Trade policy and administration</td>
<td>AusAID East Asia Regional Program</td>
<td>ASEAN Secretariat</td>
<td>$40,687</td>
<td>Strengthen the ASEAN Secretariat’s (ASEC) capacity to effectively implement its mandate, through sound strategic planning and effective project management through four components: 1. ASEC Organisational Development; 2. Economic Integration Activities 3. Economic Research and Policy; 4. AADCP II Management Support Operationalisation of AANZFTA; the progression of AANZFTA’s built-in agenda; economic integration among the Parties; high business utilisation of AANZFTA opportunities and increased trade and investment flows.</td>
<td>Supported ASEAN to implement its economic integration policies and priorities in line with the ASEAN Economic Community (AEC) and to effectively contribute to the establishment of the AEC by 2015. The activity involved all member countries of ASEAN including Burmese officials who participated in relevant training sessions. The activity did not involve direct funding to the Burmese authorities.</td>
</tr>
<tr>
<td>ASEAN Australia New Zealand Free Trade Agreement (AANZFTA) Economic Cooperation Support Program*</td>
<td>Trade facilitation/ Regional trade agreements</td>
<td>AusAID East Asia Regional Program</td>
<td>ASEAN Secretariat</td>
<td>$84,110</td>
<td>Enhanced ASEAN Secretariat capacity to support ASEAN FTA implementation. The activity involved all member countries of ASEAN including Burmese officials who participated in relevant training sessions. The activity did not involve direct funding to the Burmese authorities.</td>
<td></td>
</tr>
</tbody>
</table>
### Activity name
Increasing Food Security and Farmer Livelihoods Through Enhanced Legume Cultivation In The Central Dry Zone Of Myanmar

<table>
<thead>
<tr>
<th>Activity name</th>
<th>DAC Sector code description</th>
<th>Program</th>
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<th>2008-09 Estimated Burma-specific Expenses</th>
<th>Activity Aim</th>
<th>Activity Outcome (s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increasing Food Security And Farmer Livelihoods Through Enhanced Legume Cultivation In The Central Dry Zone Of Myanmar</td>
<td>Food crop production</td>
<td>Australian Centre for International Agricultural Research</td>
<td>International Crops Research Institute for the Semi Arid Tropics</td>
<td>$140,292</td>
<td>Deliver improved legume production systems for the Central Dry Zone Myanmar through: the use of locally appropriate varieties and their management, improved rhizobial strains, improved survival of rhizobia in storage, transport and during inoculation and improved guidelines on the need to inoculate. Training and extension on inoculation will highlight effects on productivity of the legume crop and the system.</td>
<td>All the field activities with the three legume crops (groundnut, chickpea and pigeonpea) progressed well. Farmers participated in varietal selection (FPVS) program with over 60 field trials. Farmer participatory trials showed promising results. Through selection of appropriate varieties farmers achieved 30-50% higher productivity besides its resistance to diseases. Five in-country training workshops in legume production and Rhizobium inoculation technology were successfully completed in each project site with good progress in capacity building of Burmese staff. Communities have increased self-sufficiency, improved skills in planning and budgeting and are empowered to take responsibility for basic improvements to their villages.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Activity name</th>
<th>Program</th>
<th>Partner</th>
<th>2008-09 Estimated Burma-specific Expenses</th>
<th>Activity Aim</th>
<th>Activity Outcome (s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AusAID NGO Cooperation Program</td>
<td>Agricultural development/livelihoods</td>
<td>AusAID NGO Cooperation Program</td>
<td>Australian NGOs</td>
<td>$147,314</td>
<td>Build the capacity of civil society and improve livelihood security for communities in Burma.</td>
</tr>
<tr>
<td>Activity name</td>
<td>DAC Sector code description</td>
<td>Program</td>
<td>Partner</td>
<td>2008-09 Estimated Burma-specific Expenses</td>
<td>Activity Aim</td>
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</tr>
<tr>
<td>WTO Doha Development Agenda Global Trust Fund*</td>
<td>Trade facilitation</td>
<td>WTO Doha Development Agenda Global Trust Fund</td>
<td>World Trade Organisation</td>
<td>$133,333</td>
<td>Support trade-related technical assistance for developing countries and least developed countries so that they can more effectively participate in, and benefit from, the Doha Round of multilateral trade negotiations. This assistance is primarily delivered as short term and module based training courses on issues such as trade policy development, trade negotiation skills and different technical aspects of negotiations such as formulation of tariff reductions and scheduling of commitments.</td>
</tr>
</tbody>
</table>

$545,736

*Payments to WTO and the ASEAN Secretariat involved global and regional amounts which were nominally shared across relevant AusAID country programs, including the Burma program.

(3) Yes.
(4) The activities referred to in the question were designed carefully to ensure consistency with the Government’s policy. The activities funded (see table above) involved:

- Support for the ASEAN Secretariat and World Trade Organisation and did not involve direct funding to the Burmese authorities.
- Support from ACIAR to the International Crops Research Institute for the Semi Arid Tropics to help Burmese farmers improve legume products.
- Support through the AusAID NGO Cooperation Program to Australian non government organisations delivering improved livelihood security and other related assistance to the people of Burma.

(5) The timeframe for finalisation of the Burma country strategy is now the fourth quarter of 2011. The strategy is being developed by AusAID and involves consultation with other Australian Government agencies, the Australian Council for International Development, Australian non-government organisations with a presence in Burma, and other interested parties. The final strategy will be available on the AusAID website following approval by the Government.

(6) Australia’s strategic approach to aid in Burma: An interim statement was placed on the AusAID website in December 2010. It outlined Australia’s proposed strategy for its aid program to Burma and noted that further consultations with key stakeholders would occur as the final strategy was prepared. Parties with an interest in Burma are welcome to send submissions to AusAID at: infoausaid@ausaid.gov.au.
Asylum Seekers
(Question No. 595)

Senator Cash asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 12 April 2011:

(1) With reference to Group 2 asylum seekers, unauthorized boat arrivals:
   (a) can a full account be provided of the health screening process that is undertaken upon the asylum seeker's arrival into immigration detention;
   (b) how long does this health screening process take; and
   (c) is each asylum seeker subjected to the same health screening process upon arrival; if not: (i) why not; and (ii) what are the different health screening processes to which the asylum seekers are subjected.

(2) With reference to the department's 'Fact Sheet 75', which states, 'The department has a comprehensive process for checking the health of irregular maritime arrivals. An Induction Health Assessment is conducted to identify conditions that will require attention. This assessment includes the collection of personal and medical history, a physical examination and formalised mental health screening and assessment':
   (a) can a full list be provided detailing the medical tests undertaken during the process for checking the health of an irregular maritime arrival; and
   (b) what diseases are tested for.

(3) With reference to the department's fact sheet regarding the proposed Yongah Hill Immigration Detention Centre at Northam, Western Australia, and the statement, 'The department has rigorous screening processes in place to ensure that all asylum seekers are screened for TB within 72 hours of arrival into immigration detention':
   (a) can an outline be provided detailing what the 'rigorous screening process' for tuberculosis entails;
   (b) does this rigorous screening process include an x-ray for each asylum seeker; if not, why not;
   (c) are all asylum seekers subjected to this 'rigorous screening process' for tuberculosis; if not, why not and upon what basis;
   (d) what tests are undertaken to identify if an asylum seeker has tuberculosis or not;
   (e) how many asylum seekers have been identified as having tuberculosis since August 2007; and
   (f) does this 'rigorous screening process' test for active disease and latent infection tuberculosis; if not, why not.

(4) What is the process undertaken if an asylum seeker tests positive to the tuberculosis skin test reaction (PPD test).

(5) Are all asylum seekers subjected to secondary testing for tuberculosis 8 to 10 weeks after the initial testing; if not, why not.

(6) What is the process undertaken if an asylum seeker tests positive for active tuberculosis.

(7) Given that asylum seekers who test positive and present with symptoms of tuberculosis are kept isolated from the rest of the detention population:
   (a) where are these asylum seekers kept;
   (b) are they kept in a quarantine facility; and
   (c) how long are they held there.

(8) Can a list be provided of all quarantine facilities available at immigration detention centres in Australia, including the patient capacity of each facility.
Given that the department's fact sheet regarding the proposed Yongah Hill Immigration Detention Centre at Northam, Western Australia states, 'Based on advice from the National Tuberculosis Advisory Committee, we are confident that asylum seekers do not pose any public health threat to the Northam community':

(a) what was the basis of the advice upon which this statement was made; and
(b) can a copy of this advice be provided.

(10) What procedures are in place to ensure that front line staff working with asylum seekers are protected from infectious diseases, including when the procedures were last reviewed and by whom.

(11) Is the department aware of any instances in which Customs officers contracted tuberculosis from asylum seekers between 2008 and 2011; if so, can details be provided of how many Customs officers have been affected in each year, for each of the following calendar years, 2008, 2009, 2010, and 2011.

(12) Can details be provided of the department's guidelines that deal with infection control measures, containment processes, monitoring and reporting of infectious diseases.

(13) Does the department have a system in place which allows for the monitoring of threats of outbreaks such as Hendra virus and Lyssavirus, and emerging disease, such as severe acute respiratory syndrome and avian influenza, as recommended by the Royal Australian College of General Practitioners 'Standards for Health Services in Immigration Detention Centres'; if not, why not.

(14) What emergency plans are in place in the event of an outbreak of infectious disease at any:
(a) Australian Immigration Detention Centre;
(b) Australian Immigration Residential Housing facility;
(c) Australian Immigration Transit Accommodation Centre; and
(d) Australian Alternative Place of Detention.

(15) What emergency plans are in place in the event of an infectious disease epidemic occurring within the Shire of Northam.

Senator Carr: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) (a) For people transferred to Christmas Island via a Royal Australian Navy (RAN) vessel or undetected arrivals, the Department's contracted Health Services Provider (HSP) conducts public health screening immediately following their arrival. For people transferred to Christmas Island via an Australian Customs and Border Protection Service (ACBPS) vessel, initial public health screenings are usually conducted prior to arriving at the Christmas Island Wharf.

For clients transferred to Christmas Island via a RAN vessel or undetected arrivals, on arrival at Christmas Island, a comprehensive health screen is undertaken by the HSP, comprising a team of primary health care staff, including mental health staff. The health screen process consists of the following:

- Consent is obtained, utilizing an interpreter, where required;
- Medical observations are taken;
- A public health screen is conducted (including tuberculosis (TB) screening questions);
- Pathology tests are ordered;
- A medical examination is conducted by the attending doctor;
- A chest x-ray (CXR) is ordered; and
- A Mental State Examination is conducted.
For a client arriving via an ACBPS vessel, the HSP completes the health screening process initiated by ACBPS, by ordering and reviewing pathology tests and a CXR. A Health Induction Assessment is also carried out.

(b) Health screening takes approximately 90 minutes per client, assuming there are no interruptions to the process and not including the time taken for CXR and pathology blood tests.

(c) All Irregular Maritime Arrivals (IMAs) are subjected to health induction and screening, with the following exceptions:
- All females, 12 years and older, undergo a urine pregnancy test.
- Children under the age of 12 do not undergo a CXR.
- A Mental State Examination is conducted on all clients, except if under the age of 18 and accompanied by an adult family member.
- Pathology tests are only conducted on those 16 years and over, unless symptomatic or history warrants it.
- Consent is required for minors (accompanied and unaccompanied) under the age of 18 from their respective guardian.

(2) (a) Health screening processes are comprehensive and include:
- Urinalysis;
- Medical observations (ie. blood pressure, pulse, temperature, height, weight, blood glucose level);
- Pathology tests, including, but not limited to, full blood count, liver function test, Hepatitis B serology, and Syphilis serology;
- The client's full medical history is documented and a TB questionnaire completed to determine if the client is symptomatic; and
- CXR is reviewed by both the radiologist and General Practitioner (GP).

(b) Diseases tested for at the time of induction include Hepatitis B and Syphilis. Should either of these return positive, then the client is also offered a test for Human Immunodeficiency Virus (HIV) and other Sexually Transmitted Diseases. HIV testing is also offered to all pregnant clients. In addition, as outlined above, screening for TB is also conducted at this time.

(3) (a) TB testing includes:
- A TB questionnaire, to determine if the client has symptoms of acute TB infection;
- A physical examination by the GP; and
- A CXR, which is reviewed by the radiologist and GP.

(b) The screening process does include a CXR for all IMAs, except those under 12 years of age and those who are pregnant (a urine pregnancy test is carried out and the result documented prior to the CXR being conducted).

(c) All IMAs undergo this screening process, however, CXRs are not undertaken for those under 12 years of age and those who are pregnant (a urine pregnancy test is carried out and the result documented prior to the CXR being conducted).

(d) See (3) (a).

(e) There have been a total of three IMAs identified as having active TB in the period 1 August 2007 to 30 April 2011.

(f) Yes. The TB Questionnaire provides a method for evaluating the possibility of an acute (active) TB infection. The CXR will show scarring from an old infection (possible latent TB) and signs of active
infection. Further clarification and appropriate treatment is determined by the Western Australian (WA) TB Service.

(4) IMAs do not undergo the TB skin test (i.e. Purified Protein Derivative – PDD test). As indicated above, TB testing for IMAs includes:

- A TB questionnaire, to determine if the client has symptoms of acute TB infection;
- A physical examination by the GP; and
- A CXR, which is reviewed by the radiologist and GP.

Any person noted to have a cough for three months or haemoptysis, has a mask put on immediately and the GP is notified and the client is sent to the Christmas Island Hospital for an urgent CXR, sputum collection and management. All contacts have a Mantoux test and a CXR and treatment is provided, as necessary. All long term clients with a productive cough for three months or more have a repeat CXR conducted. All long term clients with haemoptysis are sent to hospital with a mask on for sputum collection and repeat CXR. All positive active TB cases are reported to the WA Population Health Unit (PHU) and the Chest Clinic, Perth.

All practices followed on Christmas Island are according to advice and guidelines provided by the WA TB service.

(5) As per WA TB Service protocols, secondary testing is not routinely carried out unless the IMA is symptomatic or has a high index of suspicion, in which case three samples of sputum on consecutive days is collected and submitted for an acid-fast bacillus (AFB) smear and culture. All practices followed on Christmas Island are according to advice and guidelines provided by the WA TB service.

(6) The WA TB Service (or other respective State/Territory TB service), is contacted immediately if a sputum result returns positive on either AFB smear or culture. Treatment, including drug supply, medical follow up, the need for isolation and contact tracing is led by the WA TB Service (or other respective State/Territory TB service), with HSP staff assisting, as needed.

(7) (a) The need for isolation is determined and coordinated by the WA TB Service (or other respective State/Territory TB service), with HSP staff assisting, as needed. With regards to Christmas Island, the local hospital has a negative pressure room and if needed, the HSP has the capacity to isolate on site at the North West Point Immigration Detention Centre. It prefers, however, to utilise the hospital, pending transfer off Island to a tertiary hospital.

(b) See response to (a).

(c) The need for and duration of isolation is determined by the WA TB Service (or other respective State/Territory TB service). A client would usually be admitted to the Christmas Island Hospital and/or Perth Chest Clinic and would be isolated/treated according to Department of Health, Western Australia policies and procedures.

(8) There are no formally designated quarantine facilities (as such) in Australian Immigration Detention Centres. Rather, each site has a designated area that can be utilised to medically isolate an individual or several individuals, as per the HSP’s contractual requirement and scope of service. On Christmas Island/North West Point, there are two negatively pressured rooms for the purposes of medical isolation and there is also one such room at the Christmas Island Hospital. These were constructed and commissioned in recognition of the fact that Christmas Island is the most common entry point of IMAs into immigration detention and the most likely site to identify potential communicable/transmissible diseases. Once the client has been identified as having a communicable/transmissible disease, advice is immediately sought from the respective public health body and in many cases, the client is transferred to a tertiary unit for further treatment and isolation.

(9) (a) In June 2010, the Department received advice from the National Tuberculosis Advisory Committee (NTAC) regarding concerns they held around the way TB was being both screened and
managed on Christmas Island by the Department, and when people in immigration detention were transferred to mainland detention facilities. The Department responded to the concerns and recommendations raised by NTAC by implementing a number of changes to its processes. NTAC subsequently advised they were satisfied the Department had responded appropriately to their recommendations, and the Department undertook to continue to consult with NTAC in relation to its TB policy. The Department is currently communicating with NTAC around developing a national approach to the screening and treatment of TB for people in immigration detention.

(b) A copy of this advice is not available, as it was provided to the Department verbally.

(10) All staff working within immigration detention facilities maintain universal precautions, as per current health standards and CDC guidelines. The HSP has an entire module of its Policy and Procedures Manual dedicated to the issue of Infection Control. This module was last formally reviewed by the Department and HSP in October 2010.

(11) ACBPS has advised that, as far as it is aware, no Customs officers have contracted TB from IMAs between 2008 and 2011 (as at 21 April 2011).

(12) All communicable/transmissible diseases are notifiable to the WA PHU and are recorded on a spreadsheet. The following table sets out established HSP disease management protocols for a number of communicable/transmissible diseases.

<table>
<thead>
<tr>
<th>Disease</th>
<th>Diagnosis</th>
<th>Management</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Active TB</td>
<td>Clinical diagnosis of haemoptysis. Chronic cough, weight loss and night fever. Diagnosis on CXR.</td>
<td>Mask on immediately. Send to hospital for CXR and sputum collection x 3 days. Contact tracing.</td>
<td>Positive active TB clients are treated in hospital for two weeks, before returning to the detention facility. Inform Public Health, CI and Chest Clinic, Perth and WA PHU.</td>
</tr>
<tr>
<td>Latent TB</td>
<td>Granulomas on CXR and no respiratory symptoms.</td>
<td>No treatment (this is consistent with mainstream management in the Australian population).</td>
<td>This has been agreed with the Chest Clinic in Perth.</td>
</tr>
<tr>
<td>Malaria</td>
<td>Diagnosed on symptoms.</td>
<td>Blood tests at hospital and treatment.</td>
<td>CI does not have Anopheles mosquitoes (ie. clients do not contract Malaria on CI). Inform Public Health CI and WA PHU.</td>
</tr>
<tr>
<td>Typhoid</td>
<td>Symptoms and signs.</td>
<td>Send to hospital for stool collection.</td>
<td>Treatment starts in hospital. Clients on return will have own toilet. Repeat stool two weeks after start of treatment. Inform WA PHU.</td>
</tr>
<tr>
<td>Dengue</td>
<td>Symptoms and signs in very recent boat arrivals.</td>
<td>Rapid test; if positive – to hospital for treatment.</td>
<td>CI has Aedes albopictus, mosquito, which is a secondary vector. There is no Aedes egypti detected so far. Inform WA PHU.</td>
</tr>
<tr>
<td>Disease</td>
<td>Diagnosis</td>
<td>Management</td>
<td>Comments</td>
</tr>
<tr>
<td>-----------------</td>
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<td>-------------------------------------------------</td>
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</tr>
<tr>
<td>Syphilis</td>
<td>On induction blood tests.</td>
<td>Bicillin 1.8gm weekly x three weeks</td>
<td>All latent, past or present syphilis are treated. WA PHU informed.</td>
</tr>
<tr>
<td>Hep B</td>
<td>On induction blood.</td>
<td>Acute – LFT and counselling. Carrier status – counselling and contact tracing in family groups.</td>
<td>All chronic carriers are counselled. WA PHU informed.</td>
</tr>
<tr>
<td>Hepatitis A</td>
<td>On clinical grounds.</td>
<td>To hospital for blood tests and isolation. Contact tracing.</td>
<td>Vaccinate contacts.</td>
</tr>
<tr>
<td>Varicella (Chicken Pox)</td>
<td>Clinical grounds.</td>
<td>Symptomatic.</td>
<td>Excluding from school and other children during infective period. Inform Public Health CI. Vaccinate adult contacts, if no previous disease.</td>
</tr>
<tr>
<td>Gonorrhoea</td>
<td>On symptoms and signs and pathology.</td>
<td>Ceftriazone 250mg IM.</td>
<td>Contacts in foreign country. Client counselled.</td>
</tr>
<tr>
<td>Chlamydia</td>
<td>On symptoms and signs and pathology.</td>
<td>Azithromycin</td>
<td>Contacts in foreign countries. Clients counselled.</td>
</tr>
<tr>
<td>Viral Gastroenteritis</td>
<td>Symptoms and stool for culture.</td>
<td>Fluids.</td>
<td>Personal hygiene and education for contacts.</td>
</tr>
<tr>
<td>Cryptosporidium</td>
<td>Symptoms and stool for culture.</td>
<td>Fluids.</td>
<td>Personal hygiene and education for contacts.</td>
</tr>
<tr>
<td>Hand, foot and mouth</td>
<td>Clinical.</td>
<td>Symptomatic.</td>
<td>Exclusion from school and other children. Inform Public Health CI.</td>
</tr>
</tbody>
</table>
(13) Yes. The HSP monitors for threats of outbreaks through a system of clinical surveillance, index identification, case cluster analysis, State Public Health Authority liaison and State/Territory Department of Health notification for confirmed cases of communicable/transmissible diseases. These systems are in line with the current CDC guidelines.

(14) (a) Emergency plans are in line with current CDC guidelines.
(b) As above.
(c) As above.
(d) As above.
(15) As above.

Superannuation Complaints Tribunal
(Question No. 600)

Senator Cormann asked the Minister representing the Minister for Financial Services and Superannuation, upon notice, on 15 April 2011:

In each of the 2007-08, 2008-09, 2009-10 and 2010-11 (to date) financial years, how many complaints did the Superannuation Complaints Tribunal receive relating to superannuation funds that were:

(a) industry superannuation funds;
(b) self-managed superannuation funds; and
(c) other types of funds.

Senator Sherry: The Minister for Financial Services and Superannuation has provided the following answer to the honourable senator's question:

(a) Industry superannuation funds:
For the purposes of providing a response to this question, the Tribunal has adopted the classification of fund type made by the Australian Prudential Regulation Authority in its statistical reports.
2007-08: 504
2008-09: 617
2009-10: 613
2010-11 (to 29 April 2011): 590

(b) The Tribunal does not have jurisdiction over complaints relating to superannuation funds that are self-managed superannuation funds.

(c) Other types of funds (all other complaints):
2007-08: 1,994
2008-09: 1,929
2009-10: 1,868
2010-11 (to 29 April 2011): 1,426

Carbon Pricing
(Question No. 602)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 19 April 2011:
With reference to the proposed Carbon Pollution Reduction Scheme, has the department conducted any research or modelling into what impact the proposed scheme will have on total food production in Australia; if so, can full details of this research or modelling be provided; if not, why not.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

The 2008 Government report Australia’s Low Pollution Future: The Economics of Climate Change Mitigation provided details of modelling of the effect of a carbon price on the economy. One of the scenarios modelled in that report, labelled ‘CPRS-5’, incorporated information on scheme design from the Carbon Pollution Reduction Scheme Green Paper and was calibrated to achieve a carbon mitigation target of 5 per cent below 2000 levels by 2020 and 60 per cent below 2000 levels by 2050. The impact of pricing carbon on total food production was not separately identified. However, that report contained economic projections for a number of industries that produce food.

Table: Gross Output, by sector, 2050- CPRS-5 Scenario

<table>
<thead>
<tr>
<th>Industry</th>
<th>Change from 2008 CPRS-5</th>
<th>Change from the reference scenario CPRS-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheep and cattle</td>
<td>88</td>
<td>-6.7</td>
</tr>
<tr>
<td>Dairy cattle</td>
<td>116</td>
<td>3.9</td>
</tr>
<tr>
<td>Other animals</td>
<td>144</td>
<td>2.2</td>
</tr>
<tr>
<td>Grains</td>
<td>120</td>
<td>1.5</td>
</tr>
<tr>
<td>Other agriculture</td>
<td>211</td>
<td>-0.2</td>
</tr>
<tr>
<td>Agricultural services and fisheries</td>
<td>189</td>
<td>2.1</td>
</tr>
<tr>
<td>Meat products</td>
<td>134</td>
<td>-4.8</td>
</tr>
<tr>
<td>Other food manufacturing</td>
<td>140</td>
<td>5.7</td>
</tr>
</tbody>
</table>

Citizenship Ceremonies

(Question No. 608)

Senator Cormann asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 19 April 2011:

(1) What monitoring does the department conduct of compliance by local government authorities with the Australian Citizenship Ceremonies Code.

(2) In each of the 2008-09, 2009-10 and 2010-11 financial years:
   (a) what specific action has the department taken to ensure compliance With the code;
   (b) which local government authorities have breached the code; and
   (c) what action has been taken in each specific instance where a breach of The code has been identified.

(3) Is the Minister aware of any concerns raised about possible breaches of the code by the City of Wanneroo, Western Australia.

(4) What investigations have been conducted into any such possible breaches by The City of Wanneroo.

(5) Have these investigations identified any breaches of the code; if so, what action has been taken against the City of Wanneroo to address these breaches.

Senator Carr: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:
(1) The arrangement by which councils conduct citizenship ceremonies on behalf of the Commonwealth Government is based on good will and mutual agreement rather than a legal relationship which is enforced with punitive measures. This arrangement has been in place since the 1950s.

(2) The Department does not keep a register of non-compliance with the Code. The Department maintains regular contact with local government council ceremony organisers through its state and territory offices to ensure that councils are aware of the legal requirements as well as the policy and procedures contained in the Code.

(3) There are only three legal requirements stipulated in the Australian Citizenship Ceremonies Code:

- The presiding officer must be authorised by the minister responsible for citizenship matters
- The presiding officer must read schedule 1 of the Australian Citizenship Regulations 2007 (preamble for citizenship ceremonies) to the candidates.
- Most people 16 years of age and over applying for citizenship by conferral must make a pledge of commitment as a citizen of the Commonwealth of Australia (the pledge). The pledge must be made before the presiding officer.

Any issues arising are managed on a case-by-case basis. Other procedures, policy and protocol are provided as guidance for local councils and other organisations conducting citizenship ceremonies.

(2) (a) As previously mentioned, the Department maintains regular contact with local government council ceremony organisers through its state and territory offices to ensure that councils are aware of the legal requirements as well as the policy and procedures contained in the Code.

The Department also conducts regular information sessions for councils to provide them with an opportunity to seek clarification on any matters of concern and to ensure ceremony organisers understand their responsibilities under the Code.

From time to time departmental officers attend council ceremonies to assist councils, provide feedback and to clarify any points of procedure.

(b) The Department is aware of one breach of the above mentioned legal requirements of the Code. The Hawkesbury Council was found not to have fulfilled all of the legal requirements for an Australian citizenship ceremony on 18 August 2009 as the presiding officer did not read Schedule 1 of the Australian Citizenship Regulations 2007 (known as the preamble for citizenship ceremonies).

(c) The Hawkesbury Council was required to recall the candidates for citizenship from that day and to conduct another citizenship ceremony.

(3) At the same time that this Question on Notice was received, the Minister received a letter informing him of concerns about the City of Wanneroo’s application of the Code. The concerns raised do not constitute a breach of the legal requirements stipulated in the Code.

(4) and (5) The Department has been in contact with the City of Wanneroo to remind them of the expectation in the Australian Citizenship Ceremonies Code to schedule citizenship ceremonies, wherever possible, on non parliamentary sitting days. The City of Wanneroo has been asked to revise some of the scheduled dates for citizenship ceremonies in 2011 in order to give elected representatives from all levels of government an opportunity to attend and welcome new citizens.
Government Departments: Staffing
(Question No. 611)

Senator Siewert asked the Prime Minister and other ministers, upon notice, on 27 April 2011:

(1) What is the total number of staff currently employed. (2) What is the total number of staff with a disability currently employed. (3) What policies or programs are in place to encourage the recruitment of people with a disability. (4) What retention strategies are in place for people with a disability. (5) What career pathways or plans are on offer for people with a disability; if none, why. (6) Are there any specific targets for recruitment and retention; if not, why not. (7) What policies, programs or services are there to support staff with a disability. (8) Can details be provided of any policies, programs, services or plans currently under development within the department and its agencies, concerning the employment of people with a disability.

Senator Chris Evans: The Prime Minister has provided the following answer to the honourable senator's question:

Department of the Prime Minister and Cabinet
(1) 1051 as at 27 April 2011.
(2) There are 11 employees who have identified as having a disability.
(3) Job applicants are encouraged to disclose disability status. PM&C provides flexible recruitment practices to accommodate people with a disability in all phases of the recruitment process and with reasonable adjustment once they are employed. PM&C's Workplace Diversity Program is available on the Department's website. PM&C is a gold member of the Australian Network on Disability.
(4) PM&C has a Disability Action Plan registered with the Australian Human Rights and Equal Opportunity Commission. This plan, linked with the Department's Workplace Diversity Program, focuses on addressing the needs of people with a disability through the provision of services and the dissemination of information in relation to disability issues. The plan has three key elements:

- Policy Development;
- Reasonable Adjustment; and
- Education and Training.

These strategies encourage an environment that accepts and adapts to the needs of people with a disability to assist in retaining these employees.

(5) PM&C provides internship opportunities to people with a disability currently studying at a university level. These internships are through the "Stepping Into..." programs from the Department's gold membership with the Australian Network on Disability. The Department currently employs staff with a disability recruited through Koomarri disability services in conjunction with the Department of Education, Employment and Workplace Relations.

All employees within PM&C have access to three free executive coaching sessions per year with an Executive Coach who is a member of the PM&C Career Advisory Panel (CAP). All Executive Coaches on the CAP are professional and independent and contracted by PM&C to provide employees with advice in relation to all aspects of their career. The panel is available to staff on a self-referral basis.

(6) Currently PM&C does not have any disability targets in place as there are no obligations for employees to disclose their disability. PM&C applies its diversity principles in alignment with Commonwealth legislation as well as any principles applied by the Australian Public Service Commission.
People with a disability are encouraged to apply for PM&C positions and all reasonable efforts are made to adjust the selection process to provide an equal opportunity for all applicants.

(7) PM&C provides a supportive environment for staff with a disability. Services for staff with a disability include:

- Reasonable adjustment;
- Case management and return to work assistance for employees who have been injured or acquired a disability;
- Access to the Supported Wage System for eligible staff;
- An Employee Assistance Program;
- A health and wellbeing program;
- Flexible work arrangements;
- Harassment Contact Officers available to all staff; and
- Access to specialised training through Australian Network on Disability for disability awareness, confidence and etiquette.

(8) PM&C is reviewing its Workplace Diversity Program and implementing a three year Workplace Diversity Strategy with a focus on people with a disability. The Department is also further developing a reasonable adjustment employment guideline to assist with providing services to staff who identify as having a disability.

**Australian Sports Anti-Doping Authority**

(1) 62 as at 27 April 2011.
(2) There are no employees who have identified as having a disability.
(3) ASADA does not have a specific program; however, reference to people with disability will be included in the draft policy – "Diversity Plan 2011-2015" under the heading 'Attracting, developing and retaining people with disabilities'.
(4) No current strategies have been developed. All staff are covered under the Workforce Plan 2010-2014 including succession planning and individual career plans as well as the draft Diversity Plan.
(5) All staff have completed Individual Career Plans which are to be reviewed at least annually, preferably bi-annually. Staff can link their career planning to staff development opportunities.
(6) No targets have been set. Recruitment is based on merit based selection.
(7) OHS requirements are met to ensure the workplace is suitable for the disability being accommodated.
(8) ASADA is aware of the APS Best Practice – Tapping the Talent of People with Disability and intends to ensure the eight objectives are considered in future planning arrangements.

The draft Diversity Plan focuses on creating, developing, maintaining and encouraging a culture that accepts, respects, promotes and values diversity.

**Australian Sports Commission**

(1) 738 as at 27 April 2011.
(2) There are six employees who have identified as having a disability.
(3) ASC recruitment guidelines and practice require that any reasonable adjustments to cater for special needs be considered as part of the selection process and in employment.
(4) The ASC does not have specific strategies for the retention of people with a disability.
(5) During 2010 and 2011 the ASC has been working in partnership with the ACT Department of Education and Training to establish work placements for students with a disability. These students are being supported to establish careers within their chosen fields through undertaking work experience at the ASC whilst studying and as opportunities arise, are being offered positions at the ASC to assist their transition from school to work.

(6) The ASC does not have specific employment targets for recruitment and retention of people with a disability within the workforce. Despite this, a number of targeted recruitment initiatives have been implemented to increase and sustain the overall representation of people with disabilities, such as establishing a number of work placements for students with a disability.

(7) The ASC is reviewing an existing Disability Action Plan, which forms part of a broader Diversity Strategy under development.

(8) The ASC has taken account of the Government's updated Disability Standards for Access to Premises and is as an affiliate of the ACT Government's Companion Card scheme. This works to encourage and support those with a disability to make use of facilities available, providing greater visibility of, and access to, the ASC including as a potential employer.

Office of the Inspector-General of Intelligence and Security

(1) 13 as at 27 April 2011.
(2) There are no employees who have identified as having a disability.
(3) There are no specific policies or programs in place due to the small number of staff employed by OIGIS and limited recruitment opportunities. Hearing and speech impaired people are invited to use the Department of the Prime Minister and Cabinet's TTY number when applying for employment opportunities in OIGIS.
(4) The OIGIS Enterprise Agreement provides for employees who are affected by a disability to be eligible for a supported wage.
(5) None. Due to the small number of staff employed by OIGIS this is not practical.
(6) Due to the small number of staff employed by OIGIS this is not practical.
(7) The OIGIS Enterprise Agreement provides for employees who are affected by a disability to be eligible for a supported wage. In the event that OIGIS recruited a person with a disability, we would implement policies and services of a similar standard to those provided in the Department of the Prime Minister and Cabinet.
(8) N/A.

National Archives of Australia

(1) 485 as at 27 April 2011.
(2) There are five employees who have identified as having a disability.
(3) The Archives has in place a Workforce Diversity Program 2010-2012 that sets the agency's commitment and objective to attract and retain employees from diverse backgrounds as well as embedding diversity principles into the Archives' culture and daily operations. Some of the strategies within the Program include:
   - utilising the Public Service Commissioner's Directions 1999 to engage people with a disability through a disability employment service provider;
   - providing a diversity statement in recruitment advertising; and
   - ensuring all selection panels consider diversity principles throughout the recruitment process.
One strategy proposed to address the objectives of the program is to develop a specific People with Disability Employment Strategy. This Strategy is currently being drafted and will target the implementation of formal procedures to recruit and retain people with disabilities.

(4) The People with Disability Employment Strategy which is currently being drafted will provide a range of specific retention strategies.

Current employees with a disability at the Archives have access to:

- flexible work arrangements;
- workplace support to assist in reasonable adjustment to perform duties and be considered for transfer, promotion, training or other employment opportunities; and allow participation in work related facilities or programs;
- an employee assistance program; and
- career development through Individual Performance Agreements.

(5) All staff within the Archives are actively encouraged to manage their career through the implementation of an Individual Performance Agreement and to regularly discuss and assess their work performance and career goals through performance management processes. Assistance is also provided upon request from individuals.

Various training programs provided by the Archives are available to staff at different classification levels to assist them to develop skills in line with their Individual Performance Agreements.

(6) Although the Archives is not using a specific target level for the recruitment and retention of people with a disability, the agency is working to implement a percentage that is in proportion to the Australian population (with reference to the Australian Government's National Mental Health and Disability Employment Strategy).

(7) The Archives has a range of policies and services to support people with a disability including:

- various OH&S policies, including reasonable adjustment, workstation assessments and Fitness for Duty;
- Workplace Diversity Program 2010-12;
- Performance Management Policy;
- equal access to Learning and Development; and
- Flexible Work Options Policy.

(8) The Archives' Workplace Diversity Program 2010-12 provides information to all staff about the importance and relevance of workplace diversity. It recognises the Archives' commitment to workplace diversity and embedding diversity principles into the Archives' culture and operations. The draft People with Disability Employment Strategy aims to attract, recruit and retain people with a disability.

Office of the Commonwealth Ombudsman

(1) 167 as at 27 April 2011.

(2) There are seven employees who have identified as having a disability.

(3) The Office is committed to meeting its obligations under the Disability Discrimination Act 1992 through the Ombudsman's Disability Action Plan and the Workplace Diversity Framework and Plan. The Office also has Recruitment and Selection Guidelines which identify that measures must be taken to eliminate any employment-related disadvantage including on the basis of physical or mental disability.

(4) The Office does not currently have any specific retention strategies, but will be considering these in its review of associated policies and guidelines.
(5) The Office does not currently articulate career pathways in current policies and procedures, but will be considering these in its review of associated policies and guidelines.

(6) The Office does not have any specific targets for recruitment & retention, but will be considering these in its review of associated policies and guidelines.

(7) The Ombudsman's Disability Action Plan and the Workplace Diversity Framework and Plan are targeted at preventing actions or practices that are unfair, discriminatory or illegal, by embedding an anti-discrimination culture. A supportive environment for staff is fostered by the office.

(8) While our Disability Action Plan formally covered the period to 2008, the Office continues to use this plan and principles it contains, and are committed to reviewing this and other related strategies in the near future.

**Australian Institute of Family Studies**

(1) 69 as at 27 April 2011.

(2) There is one employee who has identified as having a disability.

(3) The Institute's Disability Action Plan encourages recruitment of people with a disability through:

- Improved processes and procedures for selection panels;
- Targeted advertising and use of specialist providers;
- Accessible information for applicants; and
- Increased data collection.

(4) The Institute's Disability Action Plan aims to retain people with a disability through:

- Management support;
- An inclusive organisational culture;
- Targeted staff development and training; and
- Mentoring.

(5) The Institute's Disability Action Plan encourages the identification of career development needs and opportunities for people for inclusion in performance management plans.

(6) The Institute does not currently have any specific targets for the recruitment and retention of people with a disability though these may be included in future plans.

(7) The Institute's Disability Action Plan provides support for people with a disability through:

- A Disability Support Adviser role; and
- Encouraging participation in relevant networks.

(8) The Institute does not currently have any policies, programs, services or plans under development concerning the employment of people with a disability.

**Office of the Official Secretary to the Governor-General**

(1) 92 as at 27 April 2011.

(2) There is one employee who has identified as having a disability.

(3) The Office has a draft Recruitment and Retention Strategy that will be submitted at the next meeting of the Workplace Consultative Committee meeting (which is scheduled for 11th May 2011) for consultation with all employees. This strategy will accommodate all target groups.

(4) Retention strategies are incorporated into the draft Recruitment and Retention Strategy.

(5) There is limited opportunity for career progression for all employees within a small agency.
(6) There are no specific targets for recruitment and retention. People with a disability or other target groups are not excluded; they are considered as part of the normal process and the Office would take action to accommodate any specific requirements.

(7) The Office has in place good OHS procedures and facilities to accommodate and support all staff.

(8) Incorporated into the Office draft Recruitment and Retention Strategy.

**Australian Public Service Commission**

(1) 263 as at 27 April 2011.

(2) There are 16 employees who have identified as having a disability.

(3) People with disability are encouraged to apply; reasonable adjustments are available as part of the selection process.

(4) Reasonable adjustment and assistive technology, equal access to training and career development opportunities, access to flexible working arrangements.

(5) There are no specific career pathways or plans for people with disability within the Commission. All Commission employees are able to plan their career development needs within the context of the performance management system.

(6) There are no specific targets for the recruitment and retention of people with disability in the Commission. While the Commission believes that there is always room for improving current practices and policies regarding the recruitment and retention of people with disability, targets are not currently under consideration as a means of improving the Commission's own performance. The Commission's representation of people with disability in its workforce has ranged from 9.4 percent to 9.6 percent over the past three years.

(7) The Commission encourages staff with disability to communicate their needs for adjustments and assistive technology that will enable them to perform at their full capacity. The Commission accesses assistance through initiatives such as the Employer Assistance Fund (administered by the Department of Education, Employment and Workplace Relations) for financial help with the cost of workplace modifications and services. The Commission also works closely with disability employment service providers when recruiting and supporting employees with disability.

(8) The Commission is currently drafting its Disability Action Plan for comment from employees, and as part of its membership of the Australian Network on Disability continues to look at ways of improving its performance in this area. The Commission also continues to work with disability employment service providers to improve the attraction and recruitment of people with disability into the workforce.

**Office of the Australian Information Commissioner**

(1) 84 as at 27 April 2011.

(2) There are no employees who have identified as having a disability.

(3) The OAIC has a workplace diversity plan in place encouraging the employment of persons with disabilities. Principles of reasonable adjustment are included in the OAIC's selection processes. The website is designed to be accessible to persons with visual impairments; TTY facilities are also available for the provision of selection criteria. The OAIC is co-located with the Australian Human Rights Commission, which provides corporate services, specialist employment advice and is an active participant in the employers forum for people with disabilities.

(4) The OAIC has fully accessible premises and has flexible working arrangements embedded in the Certified Agreement.
(5) There are no specific pathways or career plans in place targeting people with disabilities. The OAIC is a small organisation which was only formed 7 months ago and this is an area where policies are yet to be developed.

(6) There are no specific targets for recruitment and retention of people with disabilities. The OAIC is a small organisation which was only formed seven months ago and this is an area where policies are yet to be developed.

(7) Principles of reasonable adjustment apply as do flexible working arrangements. The Employee Assistance Program provides an employer funded counselling service to staff.

(8) There are currently no policies, plans or services under development concerning the employment of people with disabilities.

**Office of National Assessments**

(1) 148 as at 27 April 2011.

(2) There are three employees who have identified as having a disability.

(3) The ONA Workplace Diversity Program and Disability Action Plan ensure that all employment applicants receive fair and equitable treatment in the staff selection process.

(4) ONA’s Disability Action Plan and Workplace Diversity Program ensure that there is no disability discrimination in ONA’s administrative policies, facilities and services. The strategies focus on addressing the needs of people with disabilities in order to maximise retention.

(5) ONA’s Workplace Diversity Program outlines its commitment to addressing employment equity, career development and opportunities for advancement.

(6) No. ONA’s Workplace Diversity Program and the ONA Disability Action Plan aim to ensure that there is a level playing field while adhering to the merit principle.

(7) ONA’s Disability Action Plan and Workplace Diversity Program.

(8) ONA's procurement processes actively seek to acquire services available through Australian Disability Enterprises.

**Australian National Audit Office**

(1) 359 as at 30 April 2011.

(2) There are two employees who have identified as having a disability.

(3) The ANAO has a Workplace Diversity Program 2009-2011. The Program supports diversity in the workplace and provides support for staff, including those with disabilities.

(4) There are no specific retention strategies in place for staff with disabilities.

(5) Staff with disabilities are encouraged to apply for promotions and opportunities within the ANAO and individualised support is provided if requested.

(6) No, the ANAO does not have targets for recruitment and retention. The ANAO has a staffing profile and recruits employees through merit-based processes, taking into account the principle of reasonable adjustment.

(7) Staff who identify themselves as having a disability are assisted in whatever way is most effective in providing them with the work environment to allow them to carry out their work.

(8) The ANAO's policy is to provide personalised services and support to staff with disabilities that meet their particular requirements.

**Museum of Australian Democracy at Old Parliament House**

(1) 102 as at 27 April 2011.

(2) There are no employees who have identified as having a disability.
(3) OPH complies with general APS employment policies and guidelines but has no specific policies or programs in place to encourage the recruitment of people with a disability.

(4) OPH has no specific retention strategies in place to encourage the recruitment of people with a disability.

(5) Given its status as a small, stand-alone Executive Agency, OPH has no separate career pathways or plans designed and intended specifically for persons with a disability.

(6) Given its status as a small, stand-alone Executive Agency, OPH has no specific targets for recruitment and retention of persons with a disability.

(7) Given the absence at present of any staff with disabilities, and its status as a small, stand-alone Executive Agency, OPH has no separate career pathways or plans designed and intended specifically for persons with a disability. However, building accessibility and facilities have recently been improved for the benefit of any visitors and staff who might have a physical disability.

(8) Nil.

**Australian Film, Television and Radio School**

(1) 112 as at 27 April 2011.

(2) There are two employees who have identified as having a disability.

(3) Relevant policies to encourage the recruitment of people with a disability include the EEO Policy, the Disability Discrimination Policy and recruitment policies.

(4) Individual plans are based on the needs of the staff member e.g. provision of voice activated software or an ongoing relationship with an external support agency.

(5) No specific plans. Support through the usual annual performance agreement process.

(6) AFTRS operates a merit based recruitment process with the exception of one position which is identified for a person with an intellectual disability.

(7) No specific policies, programs or services. Assistance provided as necessary.

(8) None under development.

**Screen Australia**

(1) 134 as at 27 April 2011.

(2) There are no employees who have identified as having a disability.

(3) There are no specific policies or programs in place to encourage the recruitment of people with a disability.

(4) Not applicable.

(5) Not applicable.

(6) No. Screen Australia operates a merit based recruitment process.

(7) Not applicable.

(8) None currently available.

**Australian National Maritime Museum**

(1) 132 as at 27 April 2011.

(2) There are four employees who have identified as having a disability.

(3) None, although the recruitment policies and practices are non-discriminatory.

(4) No formal retention strategies are in place.

(5) Currently the ANMM does not have a specific disability career plan. However, it has a Disability Action Plan and is committed to implementing it.
(6) No, although the recruitment policies and practices we have are non-discriminatory.

(7) A Disability Action Plan.

(8) We are considering an initial draft Reasonable Adjustment Policy developed by the Australian Network on Disability, of which we are a silver member.

**National Film and Sound Archive of Australia**

(1) 232 as at 27 April 2011.

(2) There are seven employees who have identified as having a disability.

(3) The Workplace Diversity Program 2011-2013, under the NFSA People and Culture Strategy which incorporates a 'Strategy for the employment of people with disability'.

(4) The NFSA People and Culture Strategy promotes an organisational culture and work environment which ensures compliance with the APS Values of providing a workplace free from discrimination and promoting equity in employment.

(5) The Workforce Planning and Development strategy identifies 'critical skills' and 'skills at risk'. It encompasses succession planning and workforce learning and development for all staff, to provide the relevant skills development in both their current role and desired future career path.

(6) All recruitment decisions are made on merit.

(7) Flexible recruitment strategies including accessible job advertisements and flexible selection processes; making reasonable adjustments to the workplace; allowing access to flexible working practices such as flexible working hours and job sharing; tailoring training programs to individual needs; and the NFSA Collective Agreement provides for the reimbursement of medical aides for staff, such as visual and hearing aids.

(8) The draft Workplace Diversity Program 2011-2013 provides details of NFSA policies related to the employment of people with disabilities.

**National Gallery of Australia**

(1) 329 as at 27 April 2011.

(2) There are five employees who have identified as having a disability.

(3) The Recruitment and Selection Policy advises selection panels to take measures to eliminate any employment-related disadvantage on the basis of gender, race or ethnicity, or physical or mental disability.

The Reasonable Adjustment Policy provides a framework which enables applicants with disabilities to provide information to ensure that they can be safely accommodated during the selection process and provides ongoing support to staff once appointed.

The Diversity Plan aims to create a culture of encouraging diversity, by identifying and then lessening the barriers to diversity in the areas of attraction, recruitment, retention, development and performance management.

(4) The NGA aims to provide a welcoming, supportive environment for people with a disability including providing flexible work practices and learning options.

(5) Employees with a disability are afforded the same career opportunities as any other employee at the NGA.

(6) No, all appointments to the NGA are based exclusively on merit to ensure equal employment opportunities for all.

(7) The Reasonable Adjustment Policy provides ongoing support to staff with disabilities.

(8) No policies, programs, services or plans are currently under development.
National Museum of Australia

(1) 294 as at 27 April 2011.
(2) There are five employees who have identified as having a disability.
(3) The NMA policies are consistent with the Australian Public Service Commission's report 'Employment of People with a Disability in the APS'.
(4) The NMA uses a range of measures to retain employees who have identified as having a disability and tailors responses that are appropriate to the individual's situation. Previously, the NMA has used the following services and strategies to assist in the retention of staff with disabilities: JobAccess and Jobs in Jeopardy, external mentors, workplace assessments and rehabilitation case managers. The NMA is also a member of the Australian Network on Disability.
(5) The NMA's Workplace Conversations process (performance management and development) is used to identify and assist individuals manage their personal career aspirations. The NMA has also accessed mentors for individual staff through the Australian Network on Disability.
(6) The NMA does not have a specific target for recruitment and retention of people with a disability. It has established a Disability Working Group as part of the broader Workplace Diversity Plan, with recruitment and retention targets currently under discussion.
(7) The NMA has established a Disability Working Group which oversees the review, development and implementation of policies, programs and services to support staff with a disability.
(8) The NMA's Disability Working Group is currently reviewing induction processes, developing strategies to increase awareness of disability issues, reviewing its rehabilitation policy and reviewing compliance with building codes.

Australia Council

(1) 120 as at 27 April 2011.
(2) There are two employees who have identified as having a disability.
Equal Employment Opportunity Policy
Recruitment and Selection Policy
Equal opportunity e-learning module is provided as part of the employee induction program
TTY Relay Service is available for employees to communicate with potential candidates who have hearing and/or speech impairments via the telephone
(4) Public transport scheme
OHS: ergonomic assessments and training
Home-based work policy
Annual performance reviews
(5) The Australia Council's performance management framework allows for regular two-way communication between managers and their team members. This framework ensures effective and appropriate evaluation of the performance of employees, including those with a disability.

The Australia Council's SKILL UP! learning & development program allows for performance assessment and development opportunities to be catered to the skills of individual employees, including those with a disability.
(6) The Australia Council has an allocated permanent position for a person with an intellectual disability. There is currently an employee in this allocated position.
(7) Home-based work policy
Remote accessibility of IT & information systems  
Employee Assistance Program  
Ergonomic workstation assessments and training  
(8) The Australia Council Arts and Disability Action Plan 2011-2013 is currently under review.

**Australian Business Arts Foundation**  
(1) 27 as at 27 April 2011.  
(2) There are no employees who have identified as having a disability.  
(3) There are no specific policies or programs to encourage the recruitment of people with a disability but AbaF would make every effort to ensure equal opportunity for an applicant with a disability.  
(4) N/A  
(5) N/A  
(6) There are no specific targets for recruitment of people with a disability. AbaF has a relatively small team and specific targets are not applicable.  
(7) N/A  
(8) AbaF is in the process of developing a disability action plan, which will include consideration of employment policies and strategies.

**Bundanon Trust**  
(1) 25 as at 27 April 2011.  
(2) There are no employees who have identified as having a disability.  
(3) The Bundanon Trust's policies are consistent with the NSW Equal Employment Opportunity requirements.  
(4) Not applicable.  
(5) Not applicable.  
(6) There are no specific targets for recruitment of people with a disability. Bundanton Trust has a relatively small team and specific targets are not applicable.  
(7) Not applicable.  
(8) There are no policies currently under development.

**National Library of Australia**  
(1) 500 as at 27 April 2011.  
(2) There are nine employees who have identified as having a disability. Declaration rates at the NLA are believed to be lower than actual representation. To encourage staff to declare known disabilities, the NLA has added a function to the Human Resource Management Information System (HRMIS) that enables staff to update their personal disability information. This functionality will be promoted to all staff in 2011.  
(3) The policies or programs in place to encourage the recruitment of people with a disability include:  
- The online recruitment portal enables candidates to identify and state any assistance that may be required through the recruitment process.  
- The NLA's Disability Action Plan and employer actions are available on the website for potential candidates to review.  
- Statements on Diversity are included in the information for candidates through the online jobs portal.
• The NLA is a member of Australian Network on Disability and subscribes to the Medical Disability Guidelines to help inform policy development.

• Accessibility of the NLA’s website is regularly tested against the Web Content Accessibility Guidelines (WCAG).

(4) The retention strategies in place for people with a disability include:

• Reasonable adjustment is actively promoted through the NLA’s OH&S/administration networks. Staff are able to seek guidance from a central OH&S administrator who can organise assessments, reviews and equipment to support staff with a disability.

• The NLA regularly uses the JobAccess’ Employment Assistance Fund to help assess and fund work-related modifications and services.

• A regular program of training workshops is held throughout the year on disability related matters to inform and support all staff.

• The NLA’s policy framework includes a Disability Action Plan; Workplace Diversity Strategy; and Mature Age Employees Strategy.

• Existing staff can utilise the Employee Assistance Program—for free confidential counselling; Bullying and Harassment Officer Network for advice and support; and dedicated work station assessors and an OH&S administrator to support workplace modification or adjustment matters.

(5) The career pathways or plans on offer for people with a disability include:

• A performance framework that includes the opportunity for all staff to develop their careers through a personalised development plan.

• Actions on diversity included in the NLA's Strategic Workforce Plan.

(6) The NLA currently has no official recruitment and retention targets in place. Rates are benchmarked against the Australian Public Service Commission's State of Survey Report and monitored by the NLA's Workforce Planning Committee. Targets will be considered once the new HRMIS functionality has been promoted to and utilised by staff (refer to response to question 2).

(7) Policies, programs and services to support staff with a disability include:

• Substantial revision of the Disability Action Plan which has been re-crafted into a Disability Framework that aligns with the Commonwealth Disability Strategy's key roles of provider, purchaser and employer and complies with the Disability Discrimination Act 1992.

• The NLA has a designated Disability Contact Officer.

• The NLA also provides reimbursement to employees for computer screen-based assessments and purchase of spectacles.

• Training for employees provided to enhance awareness of disability issues include: Mental Health First Aid; and Disability Confidence.

• Briefings provided to employees to enhance awareness of disability issues from recognised community-based organisations, such as: Arthritis ACT; and the Black Dog Institute. In-house training has also been provided on the National Relay Service.

• Resources provided to employees to enhance awareness of disability issues from recognised community-based organisations, such as: the National Mental Health Strategy; Black Dog Institute and Beyond Blue.

• Liaison with other government organisations, including: the ACT Deafness Resource Centre; Vision Australia; and the Independent Living Centre.

(8) The NLA is currently developing the Disability Framework. The purpose of this document is to provide the framework for the key elements, which include:
• providing access to facilities, information and services;
• providing access to employment;
• purchasing services which are accessible;
• recognising people with disabilities as consumers of services; and
• consulting with people with disabilities to find out what they need.

These key elements provide the platform for further planning and development across the NLA, specifically across the operational areas of reader services, collections management, building and security services and corporate services.

Broadband, Communications and the Digital Economy: Staffing
(Question No. 614)

Senator Siewert asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 27 April 2011:

With reference to the department and the agencies within the Minister's portfolio:

(1) What is the total number of staff currently employed.
(2) What is the total number of staff with a disability currently employed.
(3) What policies or programs are in place to encourage the recruitment of people with a disability.
(4) What retention strategies are in place for people with a disability.
(5) What career pathways or plans are on offer for people with a disability; if none, why.
(6) Are there any specific targets for recruitment and retention; if not, why not.
(7) What policies, programs or services are there to support staff with a disability.
(8) Can details be provided of any policies, programs, services or plans currently under development within the department and its agencies, concerning the employment of people with a disability.

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

(1) As at 27 April 2011 the department had a total of 724 employees.
(2) As at 27 April 2011 16 departmental staff had voluntarily identified as having a disability.
(3) In my department a disability plan, a workplace diversity statement and a reasonable adjustment policy have been developed and implemented with the aims of ensuring that people with a disability are recruited, supported and retained. Actions that have been undertaken include:
   (a) an independent audit of the recruitment process—to ensure that it does not discriminate against people with disability
   (b) the establishment of a disability contact officer
   (c) actively encouraging people with a disability to apply for positions
   (d) the reasonable adjustment of recruitment processes (when required)
   (e) becoming a silver member of the Australian Network on Disability
   (f) encouraging the use of JobAccess and disability employment providers
   (g) the creation of the disability section of the department's intranet site. Providing managers and staff with access to a range of information, resources and support available to assist with the employment of people with a disability.

(4) The retention strategies in place focus on developing an inclusive culture and providing support for staff with a disability. Actions implemented in my department include:
   (a) the establishment of a Senior Executive Service (SES) officer as the Disability Champion...
(b) access to a mentor specifically for staff with a disability
(c) options for reasonable adjustment of duties
(d) the provision of assistive technology on request
(e) access to flexible working arrangements
(f) raising awareness with staff generally about the implications of living with disability
(g) celebrating relevant events such as International Day of People with Disability.

(5) Career planning for all staff in my department is incorporated into the performance management process.

(6) No, there are no specific targets for recruitment and retention.

(a) Recruitment strategies are focused on encouraging people with a disability to apply for positions and ensuring that they are not disadvantaged by the recruitment process. Given the size of the department it would be administratively costly and impractical to put in place the type of initiatives that would support reaching targets.

(b) Retention strategies are focused on promoting a culture that is supportive and inclusive of people with disability. At present there is very low turnover of staff with a disability in my department and a target is not necessary.

(7) The disability plan, a workplace diversity statement and a reasonable adjustment policy have been implemented to support staff with a disability. Measures that have been implemented as a result of these plans and policies include:

(a) access to diversity and harassment contact officers
(b) the establishment of a Senior Executive Service (SES) officer as the Disability Champion
(c) access to a mentor specifically for staff with a disability
(d) options for reasonable adjustment of duties
(e) the provision of assistive technology on request

(8) There are currently no new policies, plans, strategies or initiatives being developed.

Regional Australia, Regional Development and Local Government: Staffing
(Question No. 615)

Senator Siewert asked the Minister representing the Minister for Regional Australia, Regional Development and Local Government, upon notice, on 27 April 2011:

With reference to the department and the agencies within the Minister's portfolio:

(1) What is the total number of staff currently employed.
(2) What is the total number of staff with a disability currently employed.
(3) What policies or programs are in place to encourage the recruitment of people with a disability.
(4) What retention strategies are in place for people with a disability.
(5) What career pathways or plans are on offer for people with a disability; if none, why.
(6) Are there any specific targets for recruitment and retention; if not, why not.
(7) What policies, programs or services are there to support staff with a disability.
(8) Can details be provided of any policies, programs, services or plans currently under development within the department and its agencies, concerning the employment of people with a disability.

Senator Sherry: The Minister for Regional Australia, Regional Development and Local Government has provided the following answer to the honourable senator's question:
The Department will respond to the Senator's question for the Department of Regional Australia, Regional Development and Local Government and its portfolio agency, the National Capital Authority.

(1) Department of Regional Australia, Regional Development and Local Government
As at 2 May 2011, the Department of Regional Australia, Regional Development and Local Government (the Department) had a headcount of 358 employees engaged under the Public Service Act 1999.

National Capital Authority
As at 30 April 2011, the National Capital Authority (NCA) had a headcount of 67 employees.

(2) Department of Regional Australia, Regional Development and Local Government
As at 2 May 2011, the Department had 3 staff who identified as having a disability.

National Capital Authority
As at 30 April 2011, the NCA had 1 employee who identified as having a disability.

(3) Department of Regional Australia, Regional Development and Local Government
Since its establishment in September 2010, the Department has been developing a full range of human resource strategies, policies and plans. A Diversity plan and Disability Employment strategy are expected to be completed in the second half of 2011.

National Capital Authority

The NCA has a Workplace Diversity Policy and Workplace Diversity Plan to assist in giving effect to the APS Values contained in section 10 of the Public Service Act 1999.

The Workplace Diversity Plan is based on the following principles:

- the behaviours and conduct of all employees should be in accordance with both the APS Values and Code of Conduct;
- staff profile should reflect the diversity of the community, recognising the positive advantages and strengths this brings to the workplace;
- workplace structures and conditions should enable all employees to develop their potential while taking into account personal commitments consistent with the organisation meeting its responsibilities;
- decisions affecting employees should take into account individual needs, be based on fairness, merit, and without discrimination; and
- communication should recognise our diverse workforce and value the cooperation and input from employees.

As part of its commitment to be a model employer, which complies with all relevant laws and the Commonwealth Disability Strategy, the NCA has implemented the following policies and practices to encourage the recruitment of people with a disability:

- Selection criteria are limited to the inherent requirements of the job.
- Decisions relating to engagement or promotion are based on merit, which is:
  - an assessment is made of the relative suitability of the candidates for the duties, using a competitive selection process;
  - the assessment is based on the relationship between the candidates' work related qualities and the work related qualities genuinely required for the duties;
the assessment focuses on the relative capacity of the candidates to achieve outcomes related to the duties; and
the assessment is the primary consideration in making the decision.
• Recruitment information for potential job applicants is available in accessible formats on request.
• The NCA’s Application Cover Sheet, provide sections where the applicant may:
  identify as a person with a disability; and
  note any special arrangements the applicant might require for interview.
• Selection Advisory Committees and recruitment agencies (where applicable) apply the principles of ‘reasonable adjustment’ during the selection process.
• Principles of ‘reasonable adjustment’ are applied in the workplace.

(4) Department of Regional Australia, Regional Development and Local Government
Since its establishment in September 2010, the Department has been developing a full range of human resource strategies, policies and plans. A Diversity plan and Disability Employment strategy are expected to be completed in the second half of 2011.

National Capital Authority
The NCA makes use of the following retention strategies:
• Encouraging flexible working arrangements such as home based work, job sharing, part-time work, flexible working hours, and purchased leave arrangements (including 48/52 leave), which incidentally benefit their employees with disability;
• An assessment of the access requirements of the employees with a disability to ensure the reasonable adjustments they require to premises and to the workplace are being met;
• Premises and the work related communications and information employees need to carry out their duties are accessible to employees with a disability, including the use of adaptive technologies where reasonable;
• Providing of a workstation assessment on commencement and reassessments when required to ensure a safe, productive and an appropriate workplace has been provided;
• Ongoing access to learning and development opportunities relevant to the career goals of employees with a disability which identify:
  learning and development required in order to carry out current duties/tasks for the current financial year;
  professional development that relates to the employee's current work and/or work of the business unit; and
  future career development
• Encouraging employees to undertake formal study in fields which are directly linked to the skills, knowledge or learning required to assist the NCA achieve its corporate outcomes – assistance may be in the form of paid leave to attend classes or exams and/or the reimbursement of compulsory fees or other than HECS fees; and
• Providing access to a confidential, professional counselling service (Employee Assistance Scheme) at no cost to employees and their families to help resolve both personal and work-related problems.

(5) Department of Regional Australia, Regional Development and Local Government
As a relatively new Department, HR framework strategies and policies are being developed. Of these, the Diversity plan and Disability Employment strategy are a priority.

National Capital Authority

QUESTIONS ON NOTICE
The NCA is a small APS agency of approximately 52 full-time equivalent staff with its statutory and regulatory functions defined under the Australian Capital Territory (Planning and Land Management) Act 1988.

The NCA requires a diverse range of skills from its workforce, primarily in the professional areas of urban planning, architecture, engineering, landscape architecture, corporate business and finance.

Because the NCA has an ongoing need to maintain a minimum level of specialised professional staff to perform its statutory responsibilities under the relevant legislation, it does not have a traditional career pathway for any of its employees, including opportunities for potential employees with a disability or our current employees with a disability that exists in larger APS agencies.

The NCA will continue to promote the agency as an employer who is committed to upholding the APS Values of providing a workplace free from discrimination and promoting equity in employment.

It will also continue to support the immediate and longer term career goals of its existing employees with a disability by providing access to ongoing learning and development needs and study assistance.

The NCA does not have any specific targets for recruitment or retention.

The NCA's employment practices are designed to ensure continual compliance with the law, government policies which provides that all NCA staff, including those who suffer from a disability, have the opportunity to effectively contribute their skills and full potential to the workforce.

The NCA will be reviewing its Workplace Diversity Policy and Workplace Diversity Plan in 2011-12.

The Department of Regional Australia, Regional Development and Local Government diversity plan and disability employment strategy are currently being developed.
Immigration and Citizenship: Staffing
(Question No. 618)

Senator Siewert asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 27 April 2011:

(1) What is the total number of staff currently employed.
(2) What is the total number of staff with a disability currently employed.
(3) What policies or programs are in place to encourage the recruitment of people with a disability.
(4) What retention strategies are in place for people with a disability.
(5) What career pathways or plans are on offer for people with a disability; if none, why.
(6) Are there any specific targets for recruitment and retention; if not, why not.
(7) What policies, programs or services are there to support staff with a disability.
(8) Can details be provided of any policies, programs, services or plans currently under development within the department and its agencies, concerning the employment of people with a disability.

Senator Carr: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) DIAC: As at 30 April 2011, the Department of Immigration and Citizenship (including the Office of Migration Agents Registration Authority) employed 7,726 staff.

MRT-RRT: As at 30 April 2011, the Migration Review Tribunal-Refugee Review Tribunal (the tribunals) employed 272 staff.

(2) DIAC: As at 30 April 2011, the Department of Immigration and Citizenship (including the Office of Migration Agents Registration Authority) had 163 employees who identify as having a disability.

MRT-RRT: As at 30 April 2011, the tribunals had 10 employees who identify as having a disability.

(3) DIAC: The department's Recruitment Policy guides selection panels to ensure processes do not disadvantage applicants with a disability. All Independent Committee Members receive awareness training on how to accommodate people with disability at interview and are guided by Australian Network on Disability (AND) resources made available as part of the department's membership. The department is soon to finalise a Reasonable Adjustment policy, developed in consultation with the Staff with Disability Network.

The department's Flexible Working Hours Strategy makes available the use of part-time employment, variable working hours, job sharing and home based work options.

The department launched a Workplace Diversity Strategy and supporting Implementation Plan 2011-13 on 15 March 2011. The strategy and plan identify people with disability as an area of priority in response to the downward trend in representation across the Australian Public Service. Initiatives within the plan seek to:

- profile existing staff with disability and their achievements on a newly created Careers page which will also provide information regarding supports for staff with disability within the department;
- advertise employment vacancies within disability employment and tertiary education networks; and
- review recruitment providers used by the department to ensure compliance with accessible standards in terms of advertisement and selection processes.

MRT-RRT: The tribunals support the employment of people with disability. Policies and programs in place include a Workplace Diversity Program and a Disability Action Plan. The tribunals accept applications from people with disability in different formats. The tribunals ensure that delegates and selection advisory committees are aware of the diverse needs of applicants with disability.
(4) DIAC: The Australian Network on Disability provides disability and mental health and well being awareness training for departmental supervisors and peers of staff with disability to ensure that the potential of these staff is realised. Further practical guidance and a framework for supporting employees with mental health issues is provided in the department's Mental Health Policy and Guidelines.

The department actively supports people with psychological issues in the workplace. These staff are assessed and supported by rehabilitation providers who liaise with their specialists and General Practitioners to ensure they remain active participants in the workplace.

The Workplace Implementation Plan 2011-13 includes initiatives to design and deliver a tailored mentoring program for employees with disability, and ensure all employees who identify as having a disability have a tailored career development program within their Performance Development Agreement.

MRT-RRT: The tribunals have a number of retention strategies in place for people with disability. Premises and facilities are accessible and useable by people with disability. Buildings provide level street access, are close to transport links and have facilities consistent with relevant laws and building codes. Flexible work arrangements are available to people with disability, including part-time employment and adjustments to hours of work. From time to time the tribunals provide training and/or awareness programs for managers and employees on mental health awareness.

(5) DIAC: The Workplace Diversity Implementation Plan 2011-13 includes initiatives to ensure all employees who identify as having a disability have a tailored career development program within their Performance Development Agreement, and make available appropriate reasonable adjustment (eg interpreters, captioning, loops, other assistive technology) to staff with disability to ensure they access learning and development opportunities.

MRT-RRT: Career progression for people with a disability is available within the tribunals. Employees with a disability have opportunities to undertake training and study to improve their skills, to exercise team leadership roles and to seek transfers and promotions.

(6) DIAC: The Australian Public Service Commission has not identified specific targets for commonwealth agencies. The department is working towards increasing its representation of employees with disability. The Workplace Diversity Implementation Plan 2011-13 states that the department aspires to meet the goal of the Australian Public Service average benchmark of three per cent representation.

MRT-RRT: The tribunals do not have specific targets for the recruitment and retention of people with a disability as the Australian Public Service Commission does not specify any specific targets. However the Tribunals do report internally against the Australian Public Service average and is currently above the Australian Public Service average of three per cent with a representation of 3.7 per cent.

(7) DIAC: The department provides appropriate assistive technology or other access required by people disclosing a disability, and utilises government funded programs such as Job Access to ensure employees have appropriate access or adjustments to undertake their duties. Specialist disability agencies consult with the department and make recommendations for specific newly engaged employees.

A Staff with Disability Network was created in November 2010. The network provides the opportunity for staff with disability to share information, raise strategic issues and consult on policy and programs under development.

The department’s Mental Health Policy and Guidelines provide information to ensure staff with mental health issues are well supported and maximise their potential in the workplace.
The National Injury Prevention and Management Plan ensures that staff with injuries are identified and appropriately managed so as to limit deterioration in conditions, where possible. The Caring for our Colleagues policy enables departmental supervisors and co-workers to provide coordinated timely and sensitive support to departmental employees who have a life-threatening illness, or who are caring for a person with such an illness.

MRT-RRT: The tribunals have a range of policies, programs and services to support staff with a disability, including a Workplace Diversity Program, a Disability Action Plan and flexible work arrangements such as part-time employment and adjustments to hours of work.

(8) DIAC: The department regularly meets with other APS agencies and key disability stakeholders to keep informed of best practice initiatives, programs and strategies. The department will be guided by future policy actions in the National Disability Strategy, launched in February 2011.

The Workplace Diversity Implementation Plan 2011-13 seeks to develop a Disability Action Plan to address levels of accountability within the department, and manage any obstacles to full participation for employees and clients with disability. Another initiative within the plan will see the inclusion of disability awareness materials and inclusive messages within learning and development programs for supervisors, managers and new staff.

MRT-RRT: No additional policies, programs, services or plans are currently under development within the tribunals concerning the employment of people with a disability

**Infrastructure and Transport: Staffing**

*(Question No. 619)*

Senator Siewert asked the Minister representing the Minister for Infrastructure and Transport, upon notice, on 27 April 2011:

1. What is the total number of staff currently employed.
2. What is the total number of staff with a disability currently employed.
3. What policies or programs are in place to encourage the recruitment of people with a disability.
4. What retention strategies are in place for people with a disability.
5. What career pathways or plans are on offer for people with a disability; if none, why.
6. Are there any specific targets for recruitment and retention; if not, why not.
7. What policies, programs or services are there to support staff with a disability.
8. Can details be provided of any policies, programs, services or plans currently under development within the department and its agencies, concerning the employment of people with a disability.

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

1. The total number of staff employed by the Department is 961.
2. The total number of staff with a disability currently employed by the Department is 25. Note that this represents 2.6% of employees as identifying as having a disability.
3. The Department has a Workplace Diversity and Equity Strategy for 2011-2015 that is committed to achieving a target of 3% of employees as identifying as having a disability.
4. The Department does not have specific retention strategies for people with a disability.
5. The Department's 2011-2015 Workplace Diversity and Equity Strategy is the underpinning policy framework for developing plans for people with a disability.
6. By 2015, the Department is committed to achieving a 3% target of employees identifying as having a disability.
(7) Under the Department's Workplace Diversity and Equity Strategy for 2011-2015, existing measures will be reviewed and new initiatives will be developed to support staff with a disability.

(8) The Department's 2011-2015 Workplace Diversity and Equity Strategy is the underpinning policy framework for developing plans for people with a disability.

**Health and Ageing: Staffing**

(Question No. 620)

Senator Siewert asked the Minister representing the Minister for Health and Ageing, upon notice, on 27 April 2011:

(1) What is the total number of staff currently employed?

(2) What is the total number of staff with disability currently employed?

(3) What policies or programs are in place to encourage the recruitment of people with disability?

(4) What retention strategies are in place for people with disability?

(5) What career pathways or plans are on offer for people with disability; if none, why?

(6) Are there any specific targets for recruitment and retention; if not, why not?

(7) What policies, programs or services are there to support staff with a disability?

(8) Can details be provided of any policies, programs, services or plans currently under development within the department and its agencies concerning the employment of people with disability?

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

(1) As at 31 March 2011, the total department headcount was 5355. This includes ongoing, non-ongoing and casual staff.

(2) As at 31 March 2011, 226 departmental staff self-identified.

(3) The department's recruitment guidelines outline processes for Panels where applicants are able to request reasonable adjustments to be made available at time of interview.

The department liaises with Disability Employment Service Providers (DESPs) to recruit people with disability in ongoing and non-ongoing positions.

The department is a gold member of the Australian Network on Disability and participates in the Australian Network on Disability's Stepping Into program.

The department is also participating in the Paralympic Workplace Diversity Program run by 360 HR in collaboration with the Australian Paralympic Committee.

The department has a current Disability Workforce Action Plan which it has been implementing and is also revising for 2011-2013.

The department encourages the procurement of goods and services under the revised Commonwealth Procurement Guidelines. This demonstrates a commitment to supporting the recruitment and retention of people with disability in the private sector.

(4) Engagement of people with disability who are unable to compete in a merit-based selection process as outlined in the Australian Public Service Commissioner's directions (APSC Circular 2010/2). The department is establishing new HR delegations and is piloting a process to implement the Circular.

The appointment of a Disability Champion at the SESB2 level to advocate for, support and encourage retention of Staff with disability.

Undertaking and hosting disability confidence training for staff in other Agencies and DoHA.
The Reasonable Adjustment policy is regularly updated to reflect changes in legislation and organisational structure and feedback from staff with disability.

A Staff with Disability Network has been established and is developing a formal awards process to recognise the achievements of staff with disability, their managers and/or colleagues, it is also supporting its members and building awareness to ensure retention.

The department implements a Disability Workforce Action Plan.

The department has specific Staff with Disability representatives on the People Committee and the National Staff Participation Forum.

(5) Staff with disability are offered additional Studybank provisions for completion of work-related study.

Staff with disability are encouraged to apply for corporate roles such as Workplace Harassment Contact Officers, First Aid Officers, Fire Wardens, Health and Safety Representatives.

The department has specifically engaged staff with cognitive disability to give them employment and career opportunity within the Corporate Support function.

The department has staff with disability across its classifications and currently demonstrates that staff can progress despite their disability.

(6) The department consults the Australian Network on Disability regarding recruitment and retention strategies. The Australian Network on Disability does not subscribe to employment targets.

The APSC has not set any targets for Agencies to meet however DoHA has been identified in the State of the Service as having good representation of staff with disability.

(7) An SESB2 officer has been appointed as the senior level advocate (Disability Champion) for staff with disability. As Disability Champion, she listens to staff and advocates for their needs to the department's Executive and managers. She also educates the department's staff through regular communication messaging and information channels. The department's Disability Champion is a board member on the Australian Network on Disability.

The Staff with Disability Network was established in 2010. The Network is centrally funded and is currently operating with more than 100 members. The Network convenes an annual forum for members and a Network Executive Committee has been established to guide network activities. The Network objectives are to:

- provide advice to the department on procedures and policies that directly or reasonably indirectly impact on the workplace and workforce for staff with disability;
- support People Branch to provide education and awareness raising activities, such as information sessions and written materials, to the broader department community;
- provide support to and advocacy for the department's staff with disability, including mentoring staff with disability and advising on reasonable adjustments; and
- engage with the departmental Executive and senior leaders.

Staff are actively encouraged to update their disability status on SAP ESS. Staff who have identified with disability on SAP receive regular communication from the Disability Champion.

The Disability Workforce intranet page is regularly updated and promoted to staff.

The department offers regular information sessions to all staff on understanding the needs of people with disability; dispelling myths surrounding disability; and raising staff awareness of the etiquette of offering assistance to people with disability. Sessions also include managing and working with staff with disability.
A disability representative has been appointed to the National Staff Participative Forum (NSPF), the NSPF Bullying and Harassment Working Group and the People Committee. Proxy's have also been identified.

With the assistance of the Staff with Disability Network, International Day of People with Disability was celebrated nationally in December 2010.

The Reasonable Adjustment policy was reviewed and launched. The reviewed Policy included input from staff with disability, the Australian Network on Disability and was provided to each Business Management Unit for implementation.

Use of and purchase of specific equipment to support staff including, for instance, use of hearing loops for staff briefings, interpreters etc.

(8) The department and its Portfolio agencies have a number of policies, programs and services that will continue and ongoing in 2011 such as:

- implementation and updating of workplace diversity plans with detailed actions;
- delivery of flexible working arrangements that are beneficial to staff including staff with disability. This includes home based work, part-time working arrangements, flexible working hours and purchased leave;
- maintenance of its gold membership with the Australian Network on Disability;
- centralised funding for reasonable adjustment to the workplace, including the provision of assistive technology;
- consideration of reasonable adjustment needs during all recruitment and selection phases. For example, from March 2009, the department has utilised the National Relay Service for potential applicants who are deaf, or have a hearing or speech impairment;
- provision of reasonable adjustments to facilitate attendance at internal training courses; and
- consideration and implementation of disability needs in work design, workplace restructures and office refurbishments (for example the 2009-2010 Central Office Accommodation Project).

The department is currently developing a formal workplace policy to support work areas to hire Auslan Interpreters for a range of corporate events as appropriate.

The department is reviewing outsourced activities to identify if insourcing using staff with disability (ie cognitive disability) is an option.

The department ensures staff with disability, as one of a number of diversity groups, is specifically identified in the Staff Survey. A specific report and analysis of their results is provided annually and used to understand areas for attention and improvement.

### Sustainability, Environment, Water, Population and Communities: Staffing (Question No. 622)

Senator Siewert asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 27 April 2011:

With reference to the department and the agencies within the Minister's portfolio:

(1) What is the total number of staff currently employed.

(2) What is the total number of staff with a disability currently employed.

(3) What policies or programs are in place to encourage the recruitment of people with a disability.

(4) What retention strategies are in place for people with a disability.

(5) What career pathways or plans are on offer for people with a disability; if none, why.
(6) Are there any specific targets for recruitment and retention; if not, why not.

(7) What policies, programs or services are there to support staff with a disability.

(8) Can details be provided of any policies, programs, services or plans currently under development within the department and its agencies, concerning the employment of people with a disability.

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

(1) 5410

(2) 137

(3), (4) and (7): There are a range of policies and programs in place in the department and the agencies within the portfolio to encourage the recruitment of people with a disability and to retain those staff. For example, the Department of Sustainability, Environment, Water, Population and Communities has developed a Disability Action Plan 2009-2011 to encourage the recruitment and retention of people with a disability and this is supported by the department's recruitment policy and procedures. The Great Barrier Reef Marine Park Authority is guided by the Commonwealth Disability Strategy and has a specific Workplace Diversity Program Action Plan. The National Water Commission is an equal opportunity employer. The Murray-Darling Basin Authority has a Disability Strategy which includes a range of initiatives to encourage the recruitment of people with a disability, including flexible working arrangements. Within the Bureau of Meteorology, diversity policies and plans such as the Workplace Diversity Program, Disability Action Plan and Enterprise Agreement are promoted and accessible to inform both employees and candidates. Education for employees in anti-discrimination legislation is promoted to all employees and successful completion rates are monitored.

(5) and (6) The Department of Sustainability, Environment, Water, Population and Communities, and its portfolio agencies, are guided by the Australian Public Service Commission publications, including Ability at Work — Tapping the Talent of People with Disability.

(8) The Department of Sustainability, Environment, Water, Population and Communities' Disability Action Plan 2009-2011 is currently under review, with a new plan to be available from 2012. Policies and procedures will be reviewed to support the new plan. The Great Barrier Reef Marine Park Authority is reviewing its recruitment policy and procedures. The Bureau of Meteorology's Workplace Diversity Program 2011-2014 is soon to be released and a Disability Action Plan review will follow.

**Finance and Deregulation: Staffing**

(Question No. 623)

**Senator Siewert** asked the Minister for Finance and Deregulation, upon notice, on 27 April 2011:

With reference to the department and the agencies within the Minister's portfolio:

(1) What is the total number of staff currently employed.

(2) What is the total number of staff with a disability currently employed.

(3) What policies or programs are in place to encourage the recruitment of people with a disability.

(4) What retention strategies are in place for people with a disability.

(5) What career pathways or plans are on offer for people with a disability; if none, why.

(6) Are there any specific targets for recruitment and retention; if not, why not.

(7) What policies, programs or services are there to support staff with a disability.

(8) Can details be provided of any policies, programs, services or plans currently under development within the department and its agencies, concerning the employment of people with a disability.
**Senator Wong:** The answer to the honourable senator's question is as follows:

1. 1651 (ongoing as at 30 April 2011)
2. 27 (ongoing as at 30 April 2011).
3. The Finance Diversity Strategy and Framework 2010-2012 aims to increase representation and support for four identified groups, one of which is people with disability.
4. to (8) Finance is currently developing a Disability Action Plan (anticipated to be approved and implemented by 30 June 2011).

**Innovation, Industry, Science and Research: Staffing**

(Question No. 624)

**Senator Siewert** asked the asked the Minister for Innovation, Industry, Science and Research, upon notice, on 27 April 2011:

With reference to the department and the agencies within the Minister's portfolio:

1. What is the total number of staff currently employed.
2. What is the total number of staff with a disability currently employed.
3. What policies or programs are in place to encourage the recruitment of people with a disability?
4. What retention strategies are in place for people with a disability.
5. What career pathways or plans are on offer for people with a disability; if none
6. Are there any specific targets for recruitment and retention; if not, why not. why.
7. What policies, programs or services are there to support staff with a disability.
8. Can details be provided of any policies, programs, services or plans currently under development within the department and its agencies, concerning the employment of people with a disability.

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

<table>
<thead>
<tr>
<th>As at 27 April 2011</th>
<th>What is the total number of staff employed</th>
<th>What is the total number of staff with a disability currently employed</th>
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</thead>
<tbody>
<tr>
<td>Department of Innovation</td>
<td>2508</td>
<td>46</td>
</tr>
<tr>
<td>The Australian Institute of Marine Science (AIMS)</td>
<td>222</td>
<td>6</td>
</tr>
<tr>
<td>The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)</td>
<td>128</td>
<td>6</td>
</tr>
<tr>
<td>The Australian Research Council (ARC)</td>
<td>116</td>
<td>0</td>
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<tr>
<td>IP Australia</td>
<td>1069</td>
<td>22</td>
</tr>
<tr>
<td>The Commonwealth Scientific and Industrial Research Organisation (CSIRO)</td>
<td>6544</td>
<td>295</td>
</tr>
<tr>
<td>The Australian Nuclear Science and Technology Organisation (ANSTO)</td>
<td>1113</td>
<td>12</td>
</tr>
</tbody>
</table>
Department of Innovation

Answer:

(3) Innovation has a merit based recruitment policy and provides for reasonable adjustment during the selection process for people with a disability. Prospective employees are invited to advise the department of any assistance which it can provide during the interview process.

(4) There are no specific, retention strategies in place aimed at employees with a disability at this time.

(5) Individual development plans are put in place for all employees and are based on individual circumstances and particular needs. No special arrangements exist for people with a disability as they would be expected to identify issues with their manager with appropriate support action put in place.

(6) There are no specific targets set in relation to people with a disability at this time. In general the department does not set targets for employment of any group of employees.

(7) All construction and buildings are maintained in accordance with the Disability Code, with the following departmental policies in place to make reasonable adjustments in the workplace for people with a disability.

   Workplace Discrimination and Harassment Policy
   Harassment Contact Officers
   Employee Assistance Program
   Hours of Work and Flextime Policy

In addition all staff receive a workplace assessment on commencement with the department to ensure any issue is identified and addressed.

(8) The Department is currently examining what support and initiatives it may pursue in relation to people with a disability. A disability strategy including mental health has been scoped and work is commencing on full development and implementation.

The Australian Institute of Marine Science (AIMS)

Answer:


(ii) AIMS Diversity Policy

(4) Staff with a disability are supported in the workplace as follows:

   (i) Workplace modifications, i.e. ergonomic improvements to assist in conduct of duties (seating, work station set up, light, sound etc), access.

   (ii) Employee Assistance Program Procedure – which provides confidential counselling and support at no cost to staff, family members and authorised visitors

   (iii) AIMS Diversity & Workplace Bullying, Discrimination and Harassment Policies and Workplace Bullying, Discrimination Harassment Procedure

   (iv) Harassment Contact Officers available to assist staff / visitors

   (v) Equity in appointment, training and allocation of duties

(5) AIMS does not have specific pathways or plans available for people with a disability but does not select against people with a disability. AIMS is a research organisation and encourages a diverse workplace based on equity – this includes staff appointments; reward review processes; acceptance of visitors (volunteers); training and the allocation of duties. Where additional support is identified staff appropriate workplace assessment and / or modifications are undertaken.
(6) AIMS has a diverse workforce and in addition hosts a range of visitors (volunteers) to assist our science and research activities from many different overseas countries, cultural and ethnic backgrounds. AIMS' believes that the principles of equity in diversity promote a work environment that supports not only those staff with a disability but helps to promote the status of women and those from non English speaking backgrounds etc. AIMS' promotes its workplaces as being free of discrimination and harassment and values equity and merit in the conduct of its activities.

(7) AIMS Diversity Policy

AIMS Workplace Bullying, Discrimination and Harassment Policy
AIMS Workplace Bullying, Discrimination and Harassment Procedure
AIMS Employee Assistance Program Procedure
Flexible workplace arrangements – See Section 3 AIMS Diversity Policy
AIMS Workforce Diversity Management Plan (to be developed)

(8) See AIMS Workplace Diversity Policy Section 3. An AIMS Workforce Diversity Management Plan is to be developed

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)

Answer:

(3) AIATSIS follows the recommendations made by APSC and the Disability Discrimination Act. The Institute to incorporate the requirements of the Disability Discrimination Act 1992 into its policies and guidelines.

AIATSIS is also committed to supporting staff with disabilities and ensures that all programs and services are accessible to people with disabilities.

AIATSIS is also committed to ensuring recruitment processes encourage people with disabilities to apply for AIATSIS positions.

As part of the recruitment process for all positions we ask that applicants complete a cover sheet to outline any special requirements, from this we can provide any assistance as required and arrange future support as needed;

(4) The Institute is committed to incorporating the requirements of the Disability Discrimination Act 1992 into its policies and guidelines.

This is done on an individual or case by case basis as well as part of the annual performance agreement process.

If needed the HR Manager is involved to establish an individual program or plan with liaison with other relevant external agencies, including but not limited to Comcare, the Australian Public Service Commission and the Department of Education, Employment and Workplace Relations.

(5) This is done on an individual basis as well as part of the annual performance agreement process.

HR Manager may become involved in establishing an individual program or plan a consulting with other relevant external agencies, including but not limited to Comcare, the Australian Public Service Commission and the Department of Education, Employment and Workplace Relations.

(6) Within limits, all positions with AIATSIS are identified.

The Institute is also committed to incorporating the requirements of the Disability Discrimination Act 1992.

(7) The Institute is referencing and applying the requirements of the Disability Discrimination Act 1992 into its policies and guidelines.
Special needs requirements are identified at engagement as detailed above. Performance agreements, individual case management from HR and the Employee Assistance Program assist with ongoing support.

Our facilities co-ordinator is tasked to ensure all aspects of the facility and work area meet requirements. This has included the provision of appropriate computer software for voice activated desktop work, a central building lift and ramp for wheelchair access along with disabled toilets at various locations around the building.

Most recently the Institute has installed hearing impaired amplifiers in the Mabo Meeting room, this will enable employees and visitors with hearing aids to directly receive any sound that goes through the room speakers when attending AIATSIS seminars or meetings.

For individual and more specific needs covering support and equipment the HR Manager may become involved to establish an individual program or plan with liaison with other relevant agencies, including Comcare, the Australian Public Service Commission and the Department of Education, Employment and Workplace Relations.

(8) AIATSIS will be developing a Disability Action Plan, currently in draft form.

**The Australian Research Council (ARC)**

**Answer:**

(3) Workplace Diversity Policy.

(4) None specified.

(5) None specified because no employees currently identified.

(6) None currently targeted. Only 116 staff in total.

(7) Workplace Diversity Policy. The building and other facilities are suitable for employees with a disability.

(8) Workplace Diversity Policy currently under review but employment of people with a disability not currently a target area.

**IP Australia**

**Answer:**

(3) IP Australia has taken informal steps to encourage the recruitment of people with a disability which has resulted in the attraction and retention of several staff with disabilities who are now long serving, well regarded members of staff.

In addition to this IP Australia provides the following assistance for applicants:

- information about utilising the National Relay Service is available on the 'Job Opportunities' page for applicants with hearing and speech impediments;
- the application forms include an 'Equity and Diversity' section where we ask applicants if they have a disability (although this is not a mandatory question), we provide a link to an information page which explains what a disability is in the context of the APS, and we provide applicants with the opportunity to provide additional information for consideration by the panel, for example if they require any equipment or assistance at interview.

(4) IP Australia has retained staff with disabilities through our careful approach to the management of issues as they arise and the commitment of managers to see that new starters with a disability have all that they need to do their best in the new role.

We customise the approach which is taken for all new starters, assessing their work environment and responding to any concerns they might have about their workplace.
(5) IP Australia is in the early stages of developing comprehensive workforce plans for all of our operating Groups.

(6) No. IP Australia has managed this issue with some success without the need for quotas.

(7) Our policies ensure that a formal plan is drawn up outlining any reasonable adjustment measures required in relation to duties, and treatment, for any staff member with a disability.

We provide the necessary equipment, access to counselling and individual case management services to any staff who require it in relation to their wellbeing at work.

(8) IP Australia is in the early stages of developing comprehensive workforce plans for all of our operating Groups.

**The Commonwealth Scientific and Industrial Research Organisation (CSIRO)**

**Answer:**

(3) CSIRO has a merit based recruitment policy which ensures the best applicant is selected regardless of any disability. CSIRO communication material encourages applications from people with a disability and makes special arrangements for selection arrangements, including interviews, as necessary. A dedicated team of recruitment specialists ensures consistency of practice and accessibility of information. The CSIRO values and Code of Conduct ensure workplaces are welcoming to all staff.

(4) No specific needs have been identified through CSIRO exit surveys that require the development of a retention strategy for people with a disability.

(5) CSIRO provides career planning and development to all staff in line with their individual needs. There has been no need identified for a different program for staff with a disability. Development programs are conducted at venues that cater to the needs of participants with disabilities. Web training resources are reviewed to ensure access for all CSIRO staff.

(6) No. This is being considered through deliberations on diversity issues in CSIRO.

(7) CSIRO undertakes reasonable adjustments to the workplace to prospective and current employees so that inherent requirements of the job can be satisfied. This includes modification to the workplace, special technology or other forms of assistance.

(8) CSIRO is reviewing this area as part of its consideration of diversity issues in the organisation.

**The Australian Nuclear Science and Technology Organisation (ANSTO)**

**Answer:**

(3) ANSTO has policies addressing the recruitment process involving disabled applicants. Specifically, these policies require that reasonable adjustments and accommodations are made for applicants with a disability. Preparations are under way to develop specific policies and/or programs to encourage recruitment of people with a disability. This will form part of an overall Diversity Strategy currently being developed by ANSTO.

(4) ANSTO ensures that disabled employees are covered under the general retention strategies in place for all employees. The retention of people with a disability is also a key issue under further consideration within ANSTO’s workforce planning strategy.

(5) ANSTO offers opportunities for candidates with disabilities through a series of career pathway programs such as the Work Experience Program, Summer Vacation & Year in Industry Internships, the Graduate Development Program and Post Doctoral Fellowships.

ANSTO has historically ensured and will continue to ensure that adjustments are made to accommodate candidates with disabilities to ensure that they may participate in these programs.

(6) While ANSTO has not set any specific targets for recruiting candidates with disabilities, the organisation ensures that reasonable measures are put into place to support disabled candidates.
(7) ANSTO has an on-site Medical Centre staffed with a qualified occupational health physician and two qualified occupational nurses. The Medical Centre provides workplace assessment, recommendations and facilitation of reasonable adjustments to accommodate disabled workers, and offers ongoing support for staff members with a disability.

(8) As part of ANSTO's infrastructure plan, a steering committee is dedicated to the review of site/building access and is responsible for considering improvements to disabled access on the ANSTO site for both staff and visitors. ANSTO also has staff responsible for reviewing all proposals for new buildings or building alterations to ensure disabled access has been considered.

Agriculture, Fisheries and Forestry: Staffing
(Question No. 626)

Senator Siewert asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 April 2011:

1. What is the total number of staff currently employed.
2. What is the total number of staff with a disability currently employed.
3. What policies or programs are in place to encourage the recruitment of people with a disability.
4. What retention strategies are in place for people with a disability.
5. What career pathways or plans are on offer for people with a disability; if none, why.
6. Are there any specific targets for recruitment and retention; if not, why not.
7. What policies, programs or services are there to support staff with a disability.
8. Can details be provided of any policies, programs, services or plans currently under development within the department and its agencies, concerning the employment of people with a disability.

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

1. As at 27 April 2011 the total number of staff currently employed by the department is 5329.
2. As at 27 April the total number of staff who have identified as having a disability is 71.
3. People with a disability are encouraged to apply for all positions. The online application process allows applicants to indicate whether or not they have a disability and if so asks them to advise of any assistance they may require. Contact information is provided should the applicant wish to discuss matters in relation to their disability and the assistance they require. The department collects data via the online recruitment system on the number of applicants who disclose a disability.
4. The department's Diversity Strategy 2010-11 and its associated employment plans aim to support the employment of people with a disability. The department has in place methods to ensure selection panels are aware of the diverse needs of applicants with a disability and to ensure that processes do not indirectly discriminate against people with a disability.

The department has in place a number of initiatives that support the retention of employees with disability. These include access to reasonable adjustment and assistive technology, access to flexible working arrangements, equality of access to training and career development opportunities and participation in the department's Disability Network. The department celebrates key events such as International Day of People with a Disability and participates in activities such as conferences on matters relating to disability.

5. All employees are provided with equal opportunity to access the department's suite of learning programs including leadership development programs. All employees participate in the department's performance management system which has a strong focus on the identification of learning needs in a career development context.
(6) The department does not have any specific targets. The department is awaiting the outcome of any whole of government decisions made in relation to targets.

(7) The department has the following policies, programs and services in place to support employees with a disability:

- Internal employee network sponsored by a Deputy Secretary
- The department's Diversity Strategy 2010-2011
- Designated position of Reasonable Adjustment Officer within the Human Resources Branch
- Access to programs, seminars and training to raise awareness of issues related to disability including mental health
- Access to case managers to assist employees make a safe and sustainable return to work after injury or illness
- Corporate membership of the Australian Network on Disability
- Access to the Employee Assistance Program.

(8) The department intends to pilot a traineeship for people with Intellectual Disability to commence in 2011-2012. The trainees will be selected under the arrangements provided for in the Commissioner's Directions and will undertake Certificate II in Administration. The department will work in close partnership with disability service providers to ensure appropriate support is provided to the trainees. Supervisors of the trainees will undertake specific training in ways to support an employee with an intellectual disability.

The department will revise its diversity governance instruments with the view to refresh the Diversity Strategy 2010-2011. The new strategy will be developed in consultation with the People Management Committee and the six employee networks that operate within the department. An action based approach with clear performance indicators will be a key focus of the new strategy.

The department will continue to participate in the APS Disability Network and will work closely with the Australian Public Service Commission and other agencies to share ways of improving the attraction, retention and development of employees with disability.

**Resources and Energy: Staffing**

(Question No. 627)

**Senator Siewert** asked the Minister representing the Minister for Resources and Energy, upon notice, on 27 April 2011:

(1) What is the total number of staff currently employed.
(2) What is the total number of staff with a disability currently employed.
(3) What policies or programs are in place to encourage the recruitment of people with a disability.
(4) What retention strategies are in place for people with a disability.
(5) What career pathways or plans are on offer for people with a disability; if none, why.
(6) Are there any specific targets for recruitment and retention; if not, why not.
(7) What policies, programs or services are there to support staff with a disability.
(8) Can details be provided of any policies, programs, services or plans currently under development within the department and its agencies, concerning the employment of people with a disability.

**Senator Sherry:** The Minister for Resources and Energy has provided the following answer to the honourable senator's question:
(1) The number of staff employed by the Department of Resources, Energy and Tourism (RET) on 27 April 2011 was 521.

The number of staff employed by the National Offshore Petroleum Safety Authority (NOPSA) on 27 April 2011 was 61.

The number of staff employed by Geoscience Australia (GA) on 27 April 2011 was 770.

The number of staff employed by Tourism Australia (TA) on 27 April 2011 was 222.

The number of staff employed by the Australian Solar Institute (ASI) on 27 April 2011 was 6.

(2) The number of staff employed by RET that identified as having a disability on 27 April 2011 was 6.

The number of staff employed by NOPSA that identified as having a disability on 27 April 2011 was 0.

The number of staff employed by GA that identified as having a disability on 27 April 2011 was 4.

The number of staff employed by TA that identified as having a disability on 27 April 2011 was 0.

The number of staff employed by ASI that identified as having a disability on 27 April 2011 was 0.

(3) Resources, Energy and Tourism: RET recruitment practices have respect to obligations under the Fair Work ACT 1999, the Disability Discrimination ACT 1992 and the Public Service ACT 1999 including the Public Service Commissioner's directions.

National Offshore Petroleum Safety Authority: NOPSA complies with the Public Service Act 1999, the Public Service Regulations 1999 and the Public Service Commissioner's Directions. NOPSA advertises widely and provides the opportunity for all eligible members of the Australian community to apply. Employment decisions are based on merit and capability of the applicant to undertake the duties of the position.

Geoscience Australia: GA's current recruitment process is merit based and as such, eligible applicants with a disability are welcome to apply. A specific section of the job application documentation provides applicants with an opportunity to identify whether they have a disability and whether they have special needs that should be considered during the recruitment process.

Tourism Australia: TA advertises all permanent vacancies externally and recruits strictly on a merit basis. As such, qualified applicants with a disability are welcome to apply.

Australian Solar Institute: ASI recruitment practices are merit based and comply with all applicable laws and standards.

(4) All staff at are treated equally with recruitment and retention strategies being applicable to all staff irrespective of capacity. All staff are provided with a flexible workplace, flexible hours and modifications are made to workstations as required.

(5) All staff within the portfolio are treated equally and have access to training and assistance with career management.

(6) Recruitment is undertaken on a merit selection model and retention strategies apply to all staff.

(7) Resources, Energy and Tourism: RET provides workstation assessments, specialist IT equipment, car parking assistance, access to an Employee Assistance Program, family assistance arrangements, flexible working hours.

National Offshore Petroleum Safety Authority: NOPSA provides a flexible workplace, flexible hours and modifications are made to workstations as required.

Geoscience Australia: Geoscience Australia provides all staff with equality in their working environment. In the event an employee has a disability or special needs in order to perform their duties, the Rehabilitation, Compensation and Occupational Health and Safety Manager is available to facilitate
provision of support for those staff members. The Geoscience Australia building is compliant with all prevailing codes relating to parking, access and provision of facilities for individuals with a disability.

Tourism Australia: Tourism Australia provides all staff with equality in their working environment. In the event an employee has a disability or special needs in order to perform their duties, professional assessment and support services to permit an adjustment of the work environment or duties are provided.

Australian Solar Institute: The ASI provides all staff with equality and flexibility in the workplace. The ASI is committed to adopting the highest professional standards and complying with all applicable laws and standards in a discrimination free environment.

(8) Resources, Energy and Tourism: All policies and services are current.

National Offshore Petroleum Safety Authority: All policies and services are current.

Geoscience Australia: All staff, with a disability or otherwise have access to Geoscience Australia initiatives that are currently in place such as workstation assessments, health promotion activities (e.g. flu shots, health checks) and rehabilitation case management if required.

Tourism Australia: All policies and services are current.

Australian Solar Institute: All policies and services are current.

Climate Change and Energy Efficiency: Staffing
(Question No. 628)

Senator Siewert asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 27 April 2011:

With reference to the department and the agencies within the Minister's portfolio:

(1) What is the total number of staff currently employed.

(2) What is the total number of staff with a disability currently employed.

(3) What policies or programs are in place to encourage the recruitment of people with a disability.

(4) What retention strategies are in place for people with a disability.

(5) What career pathways or plans are on offer for people with a disability; if none, why.

(6) Are there any specific targets for recruitment and retention; if not, why not.

(7) What policies, programs or services are there to support staff with a disability.

(8) Can details be provided of any policies, programs, services or plans currently under development within the department and its agencies, concerning the employment of people with a disability.

Senator Wong: The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

(1) The total number of staff employed in the Department as at 27 April 2011 is 989 (includes 64 non-payroll employees).

(2) The total number of staff who have disclosed that they have a disability is nine.

(3) No specific recruitment programs are in place at this time. These are being considered in the draft disability strategy to be considered by the Executive Board shortly.

(4) No specific retention programs are in place at this time. These are being considered in the draft disability strategy to be considered by the Executive Board shortly.

(5) None at this time. These are being considered in the draft disability strategy.

(6) No. These will be considered in the draft disability strategy.
(7) The Department has prepared a draft disability strategy which is currently under consideration by its People Committee. Once approved by the People Committee it will be passed to the Department’s Executive for approval and will be implemented.

(8) The draft disability strategy will contain arrangements for the recruitment, retention and career pathways of people with a disability.

Human Services: Staffing

(Question No. 629)

Senator Siewert asked the Minister representing the Minister for Human Services, upon notice, on
27 April 2011:

With reference to the department and the agencies within the Minister's portfolio:

(1) What is the total number of staff currently employed.

(2) What is the total number of staff with a disability currently employed.

(3) What policies or programs are in place to encourage the recruitment of people with a disability.

(4) What retention strategies are in place for people with a disability.

(5) What career pathways or plans are on offer for people with a disability; if none, why.

(6) Are there any specific targets for recruitment and retention; if not, why not.

(7) What policies, programs or services are there to support staff with a disability.

(8) Can details be provided of any policies, programs, services or plans currently under development within the department and its agencies, concerning the employment of people with a disability.

Senator Arbib: The Minister for Human Services has provided the following answer to the honourable senator's question:

senator's question:

(1) The Human Services portfolio (the portfolio) employed 38,173 staff as at 31 March 2011.

(2) 1,426 staff who identify as having a disability.

(3) The recruitment policies of the portfolio are very much focussed on the need to ensure that people with disability are given every opportunity to apply for jobs within the portfolio, in particular:

- job advertisements and selection documentation reflect our commitment to having a workforce representative of the diversity of the community we serve, and we encourage applications from people with disability.

- policy documents including a Reasonable Adjustment policy, a Disability Action Plan, and the promotion of the 'Public Service Commissioner's Directions for the engagement of people with disability', through Disability Employment Services (DES) network which provides greater flexibility for APS agencies to employ people with disability.

- support for applicants with disability during the selection process is paramount as is ongoing support for people with disability in the workplace. For example, the recently established Disability Technical Aids Unit (DTAU) provides computer based technical aids to employees in the portfolio and ongoing support and information;

- a recruitment model has been developed that facilitates the employment of the various diversity groups including people with disability (the DES provider network is a key stakeholder in this process). The DES providers refer potential candidates who they consider are able to satisfy the inherent requirements of a nominated job(s);
guidelines are in place to provide a recruitment process to ensure where targets are set for diversity groups (including people with disability) they can be achieved and become an integral part of our workforce planning.

the recruitment strategy for the new community hub facility at Batemans Bay (due to be operational by March 2012) includes an endorsed minimum target of at least 10% of employees with disability. This is significant in terms of demonstrating commitment in providing employment opportunities to people with disability.

(4) The following retention strategies are in place:

- Reasonable adjustment policies;
- Access to assistive technology including a dedicated DTAU;
- Equality of access to training and career development opportunities;
- Access to flexible working arrangements;
- Mentoring opportunities; and
- Employee Assistance Program.

(5) People with disabilities can access the following career pathway programs including:

- All employees can access career development planning through annual discussions with their supervisor as part of our performance management and development systems.
- The recently redeveloped entry-level program framework will be significant in providing opportunities for people with disability to secure ongoing employment. The entry-level pathway has five entry points including a School-based pathway program, an Apprenticeship program, an ICT Apprenticeship program, a Cadetship program, and a Graduate program. One of the key drivers for the portfolio's entry-level programs is the promotion and delivery of the Government's Social Inclusion and Closing the Gap agendas.
- The structure of the entry-level program framework facilitates entry for all diversity groups, the programs (particularly the School-Based Pathway program) are tailored for the key diversity groups of Indigenous employees and people with disability.
- In addition to the entry-level programs, positions have been confirmed for the Australian Network on Disability (AND) 'Stepping-into' employment program. The program is an internship providing practical work experience for university students with disability who may otherwise face significant barriers to finding employment.

(6) No workforce targets for people with disability are currently set for the portfolio. However, the portfolio is currently performing well in this regard with ongoing and non-ongoing staffing rate of 3.7% which is above the APS representation of 3.4%. Our disability staffing rate is also monitored on a monthly basis by the Secretary and CEOs through the Portfolio People Metrics Scorecard. The portfolio undertakes a range of strategies to promote and support recruitment and retention of people with disability. The portfolio executive also monitor the number of staff employed with disability through monthly workforce reports. This information is benchmarked across the portfolio and against the Australian Public Service.

(7) The following policies, programs or services are in place to support staff with a disability:

- A portfolio internal employee network;
- Appointment of a senior leader as a portfolio 'Disability Champion';
- Disability awareness training;
- Access to the support programs and services offered through the AND;
A dedicated DTAU which provides computer based technical aids to employees in the portfolio and ongoing support and information;

- Harassment Contact Officers;
- Employee Assistance Program; and
- Reasonable adjustment policies.

Veterans’ Affairs: Staffing

(Question No. 630)

Senator Siewert asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 27 April 2011:

With reference to the department and the agencies within the Minister's portfolio:

1. What is the total number of staff currently employed.
2. What is the total number of staff with a disability currently employed.
3. What policies or programs are in place to encourage the recruitment of people with a disability.
4. What retention strategies are in place for people with a disability.
5. What career pathways or plans are on offer for people with a disability; if none, why.
6. Are there any specific targets for recruitment and retention; if not, why not.
7. What policies, programs or services are there to support staff with a disability.
8. Can details be provided of any policies, programs, services or plans currently under development within the department and its agencies, concerning the employment of people with a disability.

Senator Chris Evans: The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

**Department of Veterans’ Affairs (DVA):**

1. As at 1 May 2011 DVA employed 2036 staff.
2. As at 1 May 2011 35 staff identified themselves as having a disability.
3. (4); (5); (7) and (8):

   The DVA Workplace Diversity and Action Plan 2011-2015 is aimed at promoting diversity and encouraging employment of under-represented groups. It reinforces the relevant legislative framework, identifies key responsibilities for the employer, managers and employees, articulates principles and actions concerning leadership and recruitment, and offers practical support in the form of reasonable adjustment to assist people with a disability in the workplace.

   In addition, a work experience program for people with a disability is currently being trialled in Western Australia and a position for a person with a disability has been identified in future graduate intakes. Complementing these measures, it has also recently been agreed that a separate Disability Employment Strategy be developed. DVA’s Workforce Strategy 2010-2015 also commits DVA to “evaluating initiatives to attract and retain people from underrepresented groups” which echoes the Government’s commitment in the Blueprint for the Reform of Australian Government Administration.

   DVA’s supportive work environment which encourages retention of staff with a disability includes:

   - significant leadership development,
   - reasonable adjustment measures,
   - workplace harassment education and awareness raising and
   - flexible working arrangements.

QUESTIONS ON NOTICE
(6) A specific target for disability employment has not been adopted, except in relation to graduate recruitment (as outlined in response to question 5 above). As there is currently no APS-wide target for disability employment, DVA, like the majority of agencies, does not consider it appropriate to adopt an arbitrary target. If there is an APS-wide target adopted in the future, like for Indigenous employment, DVA would incorporate that target into its related policies and strategies. DVA is committed to increasing the numbers of, and support for, under-represented groups, including people with disabilities, as evidenced through the recent launch of the DVA Workplace Diversity and Action Plan 2011-2015, the commitment to develop a Disability Employment Strategy and other initiatives outlined above.

_Australian War Memorial (AWM):_

(1) As at 30 April 2011 the AWM employed 304 staff.
(2) As at 30 April 2011 seven staff identified themselves as having a disability.
(4) The AWM Workplace Diversity Program seeks to ensure that employees with disabilities are afforded opportunities to utilise their diverse skills. The program also aims to help employees with disabilities balance their work and personal life.
(5) AWM employees are encouraged to complete Personal Development Plans (PDPs) each year in consultation with their line managers. These PDPs are used to assist each member of staff in achieving their career goals.
(6) The AWM seeks to achieve a representation of employees with disabilities that either meets or exceeds the proportion of people identified as possessing a disability within the broader ACT community.
(7) The AWM Workplace Diversity Program provides support for staff with disabilities.
(8) The AWM Workplace Diversity Program will be reviewed in 2012.

_Ross Sea_

(1) Has there been any increase in the number of New Zealand fishing boats licensed to fish for Patagonian toothfish in the Ross Sea; if so, how has Australia responded to the increase.
(2) What actions have been taken in response to the call from the Commission for the Conservation of Antarctic Marine Living Resources to make Ross Sea a marine protected area.
(3) What is the Minister's response to recent research suggesting that commercial fishing in the Ross Sea has led to an explosion in Adélie penguin numbers and decline in killer whale and Weddell seal numbers.
(4) What is Australia's position on commercial fishing in the Ross Sea if it were to become a protected marine park.

_Senator Conroy:_ The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:
(1) No. There has been no increase in the number of New Zealand vessels fishing in the Ross Sea exploratory toothfish fisheries.
(2) The Commission for the Conservation of Antarctic Marine Resources (CCAMLR) has not itself called for the Ross Sea to be declared a marine protected area. To date there has been no formal proposal put forward to CCAMLR, by any Member of the Commission, to designate the Ross Sea as a marine protected area.
The Commission has endorsed the World Summit on Sustainable Development target for a representative system of marine protected areas by 2012. The Commission has been working steadily towards achieving this goal with the first CCAMLR MPA declared in 2009 near the South Orkney Islands.

(3) I am aware of media reports of the research you refer to in your question.

CCAMLR's Scientific Committee provides scientific advice to the Commission on the management of the marine living resources of the CCAMLR Convention Area. The principles of the Convention on the Conservation of Marine Living Resources are based on the precautionary approach and seek to conserve Antarctic marine living resources and the integrity of the Southern Ocean ecosystem. Australia is committed to CCAMLR and contributes scientific expertise to the Scientific Committee. Australia actively works with members of the Commission to adopt measures to further the conservation objective of the Convention.

(4) Consistent with Australia's position on domestic marine protected areas, Australia considers that marine protected areas in the CCAMLR Area can include multiple use areas in which 'no take zones' and commercial activities, including fishing, can occur in an ecologically sustainable manner.

The principles of CCAMLR are based on the precautionary approach and seek to conserve Antarctic marine living resources and the integrity of the Southern Ocean ecosystem. The CCAMLR principles also serve to protect the long term viability of the marine living resources and commercial interests of fisheries in the Convention Area.

Bauxite Mining
(Question No. 632)

Senator Siewert asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 28 April 2011:

With reference to the current and future bauxite mining projects of Alcoa in the Keysbrook area of the Darling Range in Western Australia: as a decision making authority under the Environment Protection and Biodiversity Conservation Act 1999, how has the Minister ensured that Alcoa are meeting the requirements of the Act with regard to the protection of black cockatoos and their habitat, which are listed as threatened under the Act.

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

The Department has been corresponding with Alcoa in respect of its current and future operations in the Darling Range, and met with the company in February 2011. The mining operations commenced in the 1960s prior to the Environment Protection and Biodiversity Conservation Act 1999. The area being mined is subject to a Regional Forestry Agreement. If the EPBC Act applies to any aspects of Alcoa's activities, the department will take appropriate action for the protection of matters of national environmental significance.

Carbon Pricing
(Question No. 648)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 3 May 2011:

With reference to the proposed carbon pricing mechanism, has the department conducted any research or modelling into what impact the proposed carbon pricing mechanism will have on the cost of new residential housing in Australia; if so, can full details of this research or modelling be provided; if not, why not.
Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

Treasury is updating its economic modelling of the effect of a carbon price on the economy to inform the Australian Government’s decisions regarding the detailed design of the carbon price framework. The results of that modelling will depend upon the detailed design of the framework. The Australian Government has announced that it intends to release the modelling upon its completion, in order to further inform the community about the expected transformation of the Australian economy from pricing carbon.

Lake Eyre Basin

(Question No. 649)

Senator Boswell asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 5 May 2011:

With reference to the proposed wild rivers declaration sought by the Queensland Government in the Lake Eyre Basin:

(1) Given the oil and gas production, mining and the wool and cattle grazing industries that have been in operation within the basin for more than 100 years, can the Minister confirm that the Queensland wild rivers legislation, if passed, will not be a precursor to a World Heritage listing of the basin.

(2) Can the Minister confirm the Government will not support any listing of the basin without the support of the people who live, work and gain their living through the industries within the Lake Eyre catchment.

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

(1) There has been no nomination for World Heritage listing for the Lake Eyre Basin.

(2) See response to (1) above.

Imports

(Question No. 650)

Senator Abetz asked the Minister representing the Minister for Home Affairs, upon notice, on 5 May 2011:

(1) Can details be provided of the 3 month compliance campaign into low value imports, including the: (a) name; (b) objectives; (c) cost; and (d) outcomes, of the campaign.

(2) What impact did this have on the flow of overseas imports and their timely delivery.

(3) Was there any difficulty in the storage of held goods during the campaign.

(4) How many consumers were contacted about the goods they were importing during the campaign.

(5) How many parcels were determined to be non-compliant during the campaign, and what goods and services tax or duty was payable on these non-compliant items.

(6) (a) How many parcels declared to have a value less than $1 000 arrive each year; (b) how many are found to be non-compliant; and (c) how has this figure fluctuated over the past 10 years.

Senator Ludwig: The Minister for Home Affairs has provided the following answer to the honourable senator's question:

(1) (a) The national campaign is known as Enhanced Compliance – Import Threshold Campaign.

(b) The campaign objectives were to assess the extent to which:
• goods imported from overseas were being undervalued to avoid GST and duty; and
• shipments were being deliberately broken down into smaller imports to take advantage of this threshold.

(c) Campaigns are regularly undertaken by Customs and Border Protection to assess the level of risk or to address non-compliance in a particular area of concern. Campaigns run for defined periods of activity and are resourced by re-prioritising effort across the agency. To undertake the Enhanced Compliance – Import Threshold Campaign, 38 officers were allocated from other activities for three months. This level of staffing effort equates to approximately $900 000.

(d) Customs and Border Protection published the outcomes of the campaign on its website on 19 May 2011. These outcomes show the vast majority of people are complying with requirements. During the campaign, Customs and Border Protection undertook:

• over 33,000 physical examinations of international mail articles;
• over 32,000 assessments of air and sea cargo declarations (approximately 99% of low value declarations are in air mail);
• contacted over 13,000 importers to confirm the purchase price paid for the goods;
• detected 1,942 instances of non-compliance with the low value threshold; and
• collected over $550,000 in additional revenue and identified over $160,000 in deferred GST. This is an average of $369 in additional revenue per detection (note: this is across both air and sea cargo and international mail).

(2) During the campaign, where the value of goods could not be established importers were contacted to confirm the purchase price paid for the goods. In these instances, the goods were held until importers responded to requests for proof of purchase price.

(3) Goods that have not received Customs clearance must be stored in a licensed or approved Customs place and are the responsibility of the operator. During the campaign, Australia Post arranged for some temporary additional storage of held goods awaiting proof of purchase at their Sydney International Mail Gateway (IMG) facility – one of four IMGs that processes imported mail. In the air and sea cargo environment the majority of held goods were stored by express couriers. There were no indications from the express couriers that they had difficulty storing these goods in their current facilities.

(4) Approximately 13,000 importers were contacted to confirm the purchase price paid for goods.

(5) 1,942 instances of non-compliance with the low value threshold were detected during the campaign. From this, $429,152 in GST, $128,193 in duty and $160,882 in deferred GST was identified.

(6) (a) In 2009-10 there were approximately 44 million items (excluding letters) imported to Australia with a value under $1,000.

(b) The Enhanced Compliance – Import Threshold campaign has shown the vast majority of importers are complying with the existing low value threshold rules. Sampling of the general population during the campaign showed non-compliance rates of:

• 0.1% in international mail; and
• 2.0% in sea and air cargo declarations.

(c) Since the increase in the low value threshold in 2005 for air cargo, compliance activities have focused on identifying and targeting high risk consignments, and did not include a sampling program. This makes it difficult to compare fluctuations across the general population over this time. However, during previous targeted activity (April to September 2010), Customs and Border Protection targeted and assessed 33,632 consignments entered under the low value threshold in air and sea cargo.
These assessments resulted in 1,910 detections and recovered $185,140.59 in duty and $487,917.88 in GST. A further $1,001,588.89 in deferred GST was identified.

**Nuclear Energy**

(Question No. 651)

**Senator Ludlam** asked the Minister representing the Minister for Resources and Energy, upon notice, on 5 May 2011:


(2) Who represented Australia at the Infrastructure Development Working Group and Reliable Nuclear Fuel Services Working Group meetings held in Paris in April 2011.

(3) Who will represent Australia at the 6th Steering Group Meeting to be held in Jeju Island, Republic of Korea, on 18 May and 19 May 2011.

(4) What qualifies as an 'observer organisation' to the IFNEC.

(5) What are the Government's objectives in engaging with the IFNEC.

(6) To date, what is the total cost arising from Australian delegations engaging with the IFNEC.

**Senator Sherry**: The Minister for Resources and Energy has provided the following answer to the honourable senator's question:

(1) A number of agencies across Government have represented Australia at the International Framework for Nuclear Energy Cooperation meetings and its predecessor the Global Nuclear Energy Partnership. These agencies include:

   - The Department of Foreign Affairs and Trade (DFAT) (including the Australian Safeguard and Non-Proliferation Office (ASNO));
   - The Australian Nuclear Science and Technology Organisation (ANSTO);
   - The Department of Resources, Energy and Tourism (RET) and formally Department of Industry, Tourism and Resource

(2) Ms Nicole Hinton, Manager, Uranium Industry and Nuclear Section, Fuels and Uranium Branch, Resources Division, Department of Resources, Energy and Tourism

(3) Dr Robert Floyd, Director General of Australian Safeguard and Non-Proliferation Office

(4) An international organization may be invited to participate in the International Framework by consensus of IFNEC Participants, and becomes an Observer Organization by accepting the invitation to join the International Framework by letter to the Chair of the Executive Committee. Current Observer Organizations are the International Atomic Energy Agency, the European Atomic Energy Community and the Generation IV International Forum.

(5) Australia has been attending meetings of IFNEC on a non-active participant basis. Objectives are to ensure that Australia's interests in nuclear non-proliferation and security are taken into account by monitoring IFNEC developments, and by providing information (e.g. concerning uranium mining) to IFNEC partners, as appropriate.

(6) Total travel costs, since 2007, for attendance at meetings of IFNEC and its predecessor, the Global Nuclear Energy Partnership, are estimated at $113,600.

**Australian Nuclear Science and Technology Organisation**

(Question No. 652)

**Senator Ludlam** asked the Minister for Innovation, Industry, Science and Research, upon notice, on 5 May 2011:
With reference to the independent review of the current state of health and safety arrangements at ANSTO Health:

(1) Who is leading and serving on the independent panel?

(2) With whom has the panel conducted interviews?

(3) At what locations has the panel conducted inspections?

(4) Will the report, due 31 May 2011, be made public?

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

(1) On 23 February 2011, I issued a media release announcing the composition of the panel. The panel is chaired by Mr Mark Paterson AO, Secretary of the Department of Innovation, Industry, Science and Research. The members of the panel are Mr Grahaime Cook, Dr Jim Peacock and Mr Tim Ayres.

(2) The panel met with representatives from the ANSTO Board, employees from ANSTO and ANSTO Health, and representatives from the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

(3) The panel undertook a site visit to ANSTO at Lucas Heights on 11-12 April 2011. As part of this site visit, the panel undertook a tour of Building 23A where the radiopharmaceutical production facility is located.

(4) The Terms of Reference require the panel to provide me with a final report by 31 May 2011. I intend to table the report in Parliament.

Australian Nuclear Science and Technology Organisation
(Question No. 654)

Senator Ludlam asked the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, upon notice, on 5 May 2011:

With reference to the independent review of the Comcare report regarding the Australian Nuclear Science and Technology Organisation and the alleged breach of section 76 of the Occupational Health and Safety Act 1991 (Investigation Number 4245):

(1) Who is leading and serving on the review panel,

(2) Why was the reporting date extended for the review,

(3) When will the report be finalised and will it be made public.

Senator Chris Evans: The answer to the honourable senator's question is as follows:

(1) The review panel comprises Mr Jason Epps - Assistant Director Program Coordination – Capability and Professional Standards, Work Health & Safety Group, Comcare (Convenor); Mr Alex Kalaiziovski – Senior Regulatory Officer – Regulatory and Policy Branch – Australian Radiation Protection and Nuclear Safety Agency; and Ms Cherie Holland – Lead Engineer – AMOG Consulting.

(2) The reporting date was extended to accommodate submissions from ANSTO. The provision of the comprehensive written and oral submissions substantially lengthened the review timeline.

(3) On 6 May 2011, the review panel provided the review report to the decision maker, the General Manager of Work Health and Safety Group (WHSG), Comcare. On 11 May 2011, the WHSG General Manager provided a copy of the review to the ANSTO CEO and advised of his current intention to accept the conclusions and recommendations of the review panel. He is allowing ANSTO until 18 May 2011 to comment on the review report and his intentions before making his decision on the review. Comcare is planning to release a statement on the outcome of the review after the decision has been provided to ANSTO.
Tasmanian Freight Equalisation Scheme
(Question No. 655)

Senator Abetz asked the Minister representing the Minister for Infrastructure and Transport, upon notice, on 11 May 2011:

Can a list be provided of all Tasmanian businesses that are receiving Tasmanian Freight Equalisation Scheme assistance for northbound shipments of products classified under commodity code 02950.

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

Centrelink has advised that for 2010-11 the following companies received Tasmanian Freight Equalisation Scheme assistance for northbound shipments of products classified under commodity code 02950:

Greenham Tasmania Pty Ltd
Huon Valley Wool
Lenah Game Meats Pty Ltd
Southern Australian Commodities Pty Ltd
Swift Australia
Tasmanian Quality Meats Pty Ltd
Cuthbertson Bros Pty Ltd

Liquefied Natural Gas
(Question No. 656)

Senator Siewert asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 11 May 2011:

With reference to the Minister's decision regarding the proposed Browse Liquefied Natural Gas (LNG) facility and industrial port at James Price Point in the Kimberley region of Western Australia:

(1) What reports and advice will be considered in making this decision.

(2) In addition to the reports and advice provided by proponents and agencies, will the Minister commission independent expert advice on the impacts of the LNG facility and industrial port on matters of national environmental significance; if not, why not.

(3) Given the clear failure of the proponent to adequately address the: (a) Strategic Assessment Terms of Reference; (b) requirements set out in the Strategic Assessment Scoping Document; and (c) Minister's Strategic Assessment Endorsement Criteria, how will the Minister gather the necessary information on which to base a responsible decision.

(4) Will the Minister wait until the statutory appeals process allowed for under the Western Australia Environmental Protection Act 1986 is complete before making a decision on the LNG project, given that this process is likely to produce important new and relevant information about the impacts of the project and the failings of the strategic assessment process; if not, why not.

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

(1) The Minister's decision on whether or not to endorse the plan for the proposed precinct will only be made following the review of all information required by the terms of reference for the strategic assessment.
(2) At this stage the department has commissioned independent expert advice in relation to potential impacts from dredging.

(3) The Minister will determine whether the proponent has adequately addressed the Strategic Assessment Terms of Reference and Endorsement Criteria after he receives the final assessment report.

(4) Yes.

**Uranium Mining**

(Question No. 659)

**Senator Ludlam** asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 19 May 2011:

With reference to referrals made under the Environment Protection and Biodiversity Conservation Act 1999 regarding a uranium transfer facility at Parkeston, a suburb of Kalgoorlie situated less than 1 kilometre from the Ninga Mia Aboriginal Community:

(1) Have any discussions been held with the Western Australian Department of Mines and Petroleum or the Environmental Protection Agency about the transportation of uranium, proposed routes, ports and transfer stations.

(2) Has there been any referral of the Parkeston facility to the Department of Sustainability, Environment, Water, Population and Communities.

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

(1) The Department of Sustainability, Environment, Water, Population and Communities has had some preliminary discussions with the Western Australian Department of Mines and Petroleum about a possible intermodal facility at Parkeston and its potential use for uranium transport. The discussions have not addressed details of proposed routes, ports and transfer stations.

(2) No.

**Centrelink**

(Question No. 661)

**Senator Abetz** asked the Minister representing the Minister for Human Services, upon notice, on 24 May 2011:

Did Centrelink contract for any 'cosmetic services' between June 2010 and June 2011; if so, in each case: (a) what was the service; (b) what was the reason for the purchase; (c) who received the service; (d) what was the cost.

**Senator Arbib:** The Minister for Human Services has provided the following answer to the honourable senator's question:

Centrelink did not contract for any cosmetic surgery between 1 June 2010 and 1 June 2011.