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the Senate and committee hearings are available at

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

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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
Hon. Simon Crean MP

Minister for Social Inclusion
Hon. Tanya Plibersek MP

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

Minister for Sport
Senator Hon. Mark Arbib

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

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

Minister for Employment Participation and Childcare
Hon. Kate Ellis MP

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

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

Minister for Defence Materiel
Hon. Warren Snowdon MP

Minister for Indigenous Health
Hon. Mark Butler MP

Minister for Mental Health and Ageing
Hon. Kate Ellis MP

Minister for Social Housing and Homelessness
Senator Hon. Mark Arbib

Special Minister of State
Hon. Gary Gray AO, MP

Minister for Small Business
Senator Hon. Nick Sherry

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

Minister for Human Services
Hon. Tanya Plibersek MP

Cabinet Secretary
Senator Hon. David Bradbury MP

Parliamentary Secretary to the Prime Minister
Senator Hon. Kate Lundy

Parliamentary Secretary to the Treasurer
Senator Hon. Jacinta Collins

Parliamentary Secretary for School Education and Workplace Relations
Senator Hon. Stephen Conroy

Minister Assisting the Prime Minister on Digital Productivity
Hon. Justine Elliot MP

Parliamentary Secretary for Trade
Senator Hon. Richard Marles MP

Parliamentary Secretary for Pacific Island Affairs
Senator Hon. David Feeney

Parliamentary Secretary for Defence
Senator Hon. Kate Lundy

Parliamentary Secretary for Immigration and Multicultural Affairs
Senator Hon. Jan McLucas

Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing
Senator Hon. Jan McLucas

Parliamentary Secretary for Disabilities and Carers
Hon. Julie Collins MP

Parliamentary Secretary for Community Services
Senator Hon. Don Farrell

Parliamentary Secretary for Sustainability and Urban Water
Senator Hon. Nick Sherry

Minister Assisting on Deregulation and Public Sector Superannuation
Senator Hon. Joe Ludwig

Minister Assisting the Attorney-General on Queensland Floods Recovery
Hon. Dr Mike Kelly AM, MP

Minister Assisting the Minister for Tourism
Senator Hon. Nick Sherry

Parliamentary Secretary for Agriculture, Fisheries and Forestry
Senator Hon. Mark Dreyfus QC, MP

Parliamentary Secretary for Climate Change and Energy Efficiency
Senator Hon. Mark Dreyfus QC, MP
SHADOW MINISTRY

Leader of the Opposition
Deputy Leader of the Opposition and Shadow Minister for Foreign Affairs and Shadow Minister for Trade
Leader of the Nationals and Shadow Minister for Infrastructure and Transport
Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations
Deputy Leader of the Opposition in the Senate and Shadow Attorney-General and Shadow Minister for the Arts
Shadow Treasurer
Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House
Shadow Minister for Indigenous Affairs and Deputy Leader of the Nationals
Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate
Shadow Minister for Finance, Deregulation and Debt Reduction and Chairman, Coalition Policy Development Committee
Shadow Minister for Energy and Resources
Shadow Minister for Defence
Shadow Minister for Communications and Broadband
Shadow Minister for Health and Ageing
Shadow Minister for Families, Housing and Human Services
Shadow Minister for Climate Action, Environment and Heritage
Shadow Minister for Productivity and Population and Shadow Minister for Immigration and Citizenship
Shadow Minister for Innovation, Industry and Science
Shadow Minister for Agriculture and Food Security
Shadow Minister for Small Business, Competition Policy and Consumer Affairs

Hon. Tony Abbott MP
Hon. Julie Bishop MP
Hon. Warren Truss MP
Senator Hon. Eric Abetz
Senator Hon. George Brandis SC
Hon. Joe Hockey MP
Hon. Christopher Pyne MP
Senator Hon. Nigel Scullion
Senator Barnaby Joyce
Hon. Andrew Robb AO, MP
Hon. Ian Macfarlane MP
Senator Hon. David Johnston
Hon. Malcolm Turnbull MP
Hon. Peter Dutton MP
Hon. Kevin Andrews MP
Hon. Greg Hunt MP
Mr Scott Morrison MP
Mrs Sophie Mirabella MP
Hon. John Cobb MP
Hon. Bruce Billson MP

[The above constitute the shadow cabinet]
SHADOW MINISTRY—continued

Shadow Minister for Employment Participation
Hon. Sussan Ley MP

Shadow Minister for Justice, Customs and Border Protection
Mr Michael Keenan MP

Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation
Senator Mathias Cormann

Shadow Minister for Childcare and Early Childhood Learning
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

Shadow Parliamentary Secretary for Primary Healthcare  Dr Andrew Southcott MP
Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health  Mr Andrew Laming MP
Shadow Parliamentary Secretary for Supporting Families  Senator Cory Bernardi
Shadow Parliamentary Secretary for the Status of Women  Senator Michaelia Cash
Shadow Parliamentary Secretary for Environment  Senator Simon Birmingham
Shadow Parliamentary Secretary for Citizenship and Settlement  Hon. Teresa Gambaro MP
Shadow Parliamentary Secretary for Immigration  Senator Michaelia Cash
Shadow Parliamentary Secretary for Innovation, Industry, and Science  Senator Hon. Richard Colbeck
Shadow Parliamentary Secretary for Fisheries and Forestry  Senator Hon. Richard Colbeck
Shadow Parliamentary Secretary for Small Business and Fair Competition  Senator Scott Ryan
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Wednesday, 15 June 2011

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

COMMITTEES
Selection of Bills Committee
Report
Senator McEWEN (South Australia—Government Whip in the Senate) (09:31): by leave—I present the seventh report of 2011 of the Selection of Bills Committee.

Ordered that the report be adopted.

Senator McEWEN: I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE
REPORT NO. 7 OF 2011

1. The committee met in private session on Tuesday, 14 June 2011 at 7.27 pm.

2. The committee resolved to recommend—

(a) upon its introduction in the Senate, Schedule 4 of the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011 be referred immediately to the Economics Legislation Committee for inquiry and report by 22 June 2011 (see appendix 1 for a statement of reasons for referral);

(b) the provisions of Schedule 5 of the Tax Laws Amendment (2011 Measures No. 5) Bill 2011 be referred immediately to the Economics Legislation Committee for inquiry and report by 21 June 2011 (see appendix 2 for a statement of reasons for referral); and

(c) the provisions of the Veterans’ Entitlements Amendment Bill 2011 be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 16 August 2011 (see appendix 3 for a statement of reasons for referral).

3. The committee resolved to recommend—That the following bills not be referred to committees:

- Acts Interpretation Amendment Bill 2011
- Aged Care Amendment Bill 2011
- Customs Tariff Amendment (Taxation of Alternative Fuels) Bill 2011
- Energy Grants (Cleaner Fuels) Scheme Amendment Bill 2011
- Excise Tariff Amendment (Taxation of Alternative Fuels) Bill 2011
- Family Assistance Legislation Amendment (Child Care Financial Viability) Bill 2011
- Financial Framework Legislation Amendment Bill (No. 1) 2011
- Higher Education Support Amendment (Demand Driven Funding System and Other Measures) Bill 2011
- Indigenous Education (Targeted Assistance) Amendment Bill 2011
- Military Justice (Interim Measures) Amendment Bill 2011
- Mutual Assistance in Criminal Matters Amendment (Registration of Foreign Proceeds of Crime Orders) Bill 2011
- Navigation Amendment Bill 2011
- Protection of the Sea (Prevention of Pollution from Ships) Amendment (Oil Transfers) Bill 2011
- Tax Laws Amendment (2011 Measures No. 3) Bill 2011
- Tax Laws Amendment (2011 Measures No. 4) Bill 2011
- Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2011

The committee recommends accordingly.

4. The committee considered the following bills and, noting that they had been referred to committees pursuant to the order of the Senate of
12 May 2011, resolved to make no recommendation:

- Family Assistance and Other Legislation Amendment Bill 2011
- Offshore Petroleum (Royalty) Amendment Bill 2011
- Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Amendment Bill 2011
- Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011
- Offshore Resources Legislation Amendment (Personal Property Securities) Bill 2011
- Social Security Amendment (Parenting Payment Transitional Arrangement) Bill 2011.

5. The committee deferred consideration of the following bills to its next meeting:

- Public Service Amendment (Payments in Special Circumstances) Bill 2011
- Responsible Takeaway Alcohol Hours Bill 2010.

(Anne McEwen)
Chair
15 June 2011

APPENDIX 1

SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Schedule 4 of Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011 (& related Government amendments)

Reasons for referral/principal issues for consideration:
Concerns of the insurance industry regarding the unworkability of the notification provisions and the disadvantage this may potentially cause injury compensation beneficiaries.

Possible submissions or evidence from:
Insurance Council of Australia

Committee to which bill is to be referred:
Senate Economics Legislation Committee

Possible hearing date(s):
Friday 17 June 2011

Possible reporting date:
22/6/11

(sign)
Senator Fifield
Whip/Selection of Bills Committee member

APPENDIX 2

SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Tax Laws Amendment (2011 Measures No. 5) Bill 2011

Reasons for referral/principal issues for consideration:
Schedule 5 — Car fringe benefits tax rule changes

Possible submissions or evidence from:
Council of Small Business of Australia
Federal Chamber of Automotive Industries
The Tax Institute
Institute of Chartered Accountants Australia
PricewaterhouseCoopers / KPMG
Australian Industry Group
Australian Chamber of Commerce arid Industry Motor Trades Assoc
National Farmers Federation

Committee to which bill is to be referred:
Senate Economics Committee

Possible hearing date(s):
June / July

Possible reporting date:
Late July

(sign)
Senator Fifield
Whip/Selection of Bills Committee member
APPENDIX 3
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Veterans' Entitlements Amendment Bill 2011
Reasons for referral/principal issues for consideration:
To seek further information about the changes proposed by Schedule 2 of the Bill and enable feedback from the veteran and ex-service community about the changes.
Possible submissions or evidence from:
Australian Federation of Totally and Permanently Incapacitated Ex-Servicemen and Women Ltd
Australian Peacekeepers and Peacemakers Veterans' Association
Australian Special Air Service Association
Australian Veteran and Defence Services Council
Defence Force Welfare Association
Injured Service Persons' Association Legacy
Naval Association of Australia
Partners of Veterans' Association
Returned and Services League of Australia
Royal Australian Air Force Association
Royal Australian Regiment Association
Veterans' Association of Australia
Veterans' Federation of Australia
Widows' Guild of Australia
Wider veteran and ex-service community (incl. individuals)
Committee to which bill is to be referred:
Foreign Affairs, Defence and Trade
Possible hearing date(s):
During the Winter break
Possible reporting date:
First sitting week in August to enable consideration ahead of the implementation of time-critical provisions of the Bill (particularly Schedule 1 relating to payments for ex-Prisoners of War)
(signed)
Senator Fifield
Whip/Selection of Bills Committee member

BILLS
Higher Education Support Amendment (No. 1) Bill 2011
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.
Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (09:32): I rise to make some remarks regarding the Higher Education Support Amendment (No. 1) Bill 2011. As people would be aware, FEE-HELP is available to eligible full fee paying higher education students and VET FEE-HELP is available to eligible full fee paying and certain state government subsidised VET students studying in higher level education or training, and provides a loan for all or part of a student's tuition costs. I think we all know in this chamber how important it is that we do continue to support our students in disadvantaged areas where they need that assistance and particularly in regional areas.

VET FEE-HELP was introduced under the former Howard government in 2007 recognising there was a need to encourage students to take up higher level skill qualifications by reducing the financial barriers associated with study. I am sure that colleagues would agree that over time the recognition of the VET sector has indeed increased and does play a very significant role in educating our young people today.

The bill will introduce a number of streamlining measures to the Higher Education Support Act 2003. This will streamline the process for the providers, improving the efficiency and effectiveness of the program. There has been some concern in the sector that the difficulty in being able to access the program has acted as a disincentive. As I understand it there have only been a relatively small number of
providers that have been part of this program and this piece of legislation aims to improve that accessibility. The coalition supports the bill, its effect being to improve the process and allow for a significant increase in quality education providers who apply for and are approved as providers under the act to be able to offer that FEE-HELP and VET FEE-HELP assistance.

I also note in the legislation the addition of the new requirement that bodies corporate seeking approval as either a higher education provider or a VET provider are 'fit and proper' for that purpose, which provides the appropriate level of scrutiny. I note also that the minister must specify, by legislative instrument, the criteria which must be taken into account in deciding whether a person is a fit and proper person before the body is approved. I think there is, on both sides of this chamber, the recognition that there was some need for streamlining this legislation. The efficiency that we will see as a result of the introduction of this legislation will make the process more workable and will allow more of those providers to be able to access this program which in turn is going to benefit the students. The priority for the coalition is to ensure that students are able to access that help as and when they can, and this legislation will certainly improve the efficiency and streamline the process in order for that to happen.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (09:35): I thank Senator Nash for her contribution to the debate and commend the bill to Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Marshall): No amendments to the bill have been circulated. Before I call the parliamentary secretary 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 parliamentary secretary.

Senator McLUCAS: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

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

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.


These amendments cover changes to the work bonus, family tax benefit part A, youth allowance, the baby bonus, the matched savings scheme and payments to Thalidomide Australia Fixed Trust beneficiaries.

This packet of measures is interesting because it appears that the government does
see some election commitments as more equal than others. Another election commitment, which is well known to us all, was the Prime Minister saying, 'There will be no carbon tax under any government I lead.' For some reason the election commitments that we are talking about today are more worthy of honouring than that solemn pledge that the Prime Minister gave during the last election campaign. I think it is a good thing for governments to honour their election commitments, so it is good that the government is seeking to implement these, but it does put into stark relief that massive unprecedented election commitment not to introduce a carbon tax.

The bill that is before us seeks to extend the existing work bonus to enable people of age pension age or qualifying age who take up paid work, including occasional or variable work, to get more of their pension when they are working. The coalition raised in the past the issue of pensioners who worked in seasonal employment as Santas at Christmas time or as school exam supervisors and who had their pensions cut due to the receipt of short-term income. One case in Canberra has become quite well known. A man worked for a few weeks as a department store Santa Claus, having his photo taken with children, but, because of the increase in his income over that short time, he was then penalised in his pension. It is now readily conceded on all sides of the chamber that legislation should be encouraging people to work, not the opposite. The coalition have welcomed the changes to the work bonus.

The bill also contains measures affecting family tax benefit part A. These amendments were taken from the recommendations of the Henry review. The Henry review put the case that family payments should be the main form of assistance for children aged up to 18 years or until the completion of secondary school in the year a person turns 18. These changes will raise payment rates for each eligible child aged 16 to 19 years so that they are the same as for those aged 13 to 15 years. This means that when a child turns 16 the family will not experience a drop in assistance. At present most low- and middle-income families experience significant reductions in government assistance once their child turns 16. These amendments will have an effect on rent assistance as the increased rates for older children will make them eligible to be considered for rent assistance. At present rent assistance cannot be claimed for children aged 16 or over. The increased FTB part A payment for 16- to 19-year-olds in school or training will be $781 per year higher than the rate of youth allowance paid for 16- and 17-year-olds. The bill will position FTB part A as the main form of help offered to young people undertaking secondary or vocational education.

The matched savings scheme was introduced by Labor in 2009. It matches, dollar for dollar, savings up to $500 for people on compulsory income management. At present the MSS starts automatically for anyone on compulsory income management who starts a money management program. The changes proposed here will shift the onus onto the individual to claim for the MSS. Labor's matched savings scheme does have some early indications that it will not achieve the desired effect. The Australian reported on 16 March this year:

Between July 1 and December 31, 102 people entered the scheme, and of these 53 completed the money management course, 36 were still
doing it and 12 had dropped out. To date only one person has successfully completed both requirements and received a full matched savings payment.

It was only one at that time. I understand there have been a few more since then. But as the President of the National Welfare Rights Network, Maree O’Halloran, was quoted as saying:

The Matched Savings Account appears to be yet another one of the government’s income management-linked policies that, it seems, is untried, untested and unpopular.

This bill also represents a lost opportunity to do some justice towards rural and regional students with respect to the youth allowance issue. This legislation amends the Social Security Act 1991 to preclude students aged 16 to 17 who are in full-time secondary or vocational education from receiving youth allowance unless they are considered independent, are living away from home or were receiving youth allowance immediately before beginning their course to ensure that youth allowance recipients are not adversely affected if one of their siblings remains in or transfers to the FTB system as a result of the changes to the FAA.

When this bill was before the House, Labor had the opportunity to admit that their position on Youth Allowance was wrong and support the urgent introduction of legislation to reinstate the former workplace participation criteria for independent youth allowance to apply to students whose family home is located in inner regional areas. Labor changed the criteria for youth allowance last year, requiring inner regional students to work 30 hours a week for 18 months over two years. Not only are jobs offering these hours difficult to find in rural communities but some students are having to defer tertiary studies for up to two years. Trying to balance these hours with study is very difficult. The coalition are fighting to reinstate the former, fairer criteria for inner regional students, but to date our efforts have not been successful.

The coalition will not be opposing this bill. However, I would like to note again that, whenever Labor claim to be honouring election commitments, as they are here today, it will always be overshadowed by that great broken promise not to introduce a carbon tax.

**Senator McLUCAS** (Queensland—Parliamentary Secretary for Disabilities and Carers) (09:45): This Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Election Commitments and Other Measures) Bill delivers on three of the government’s important election commitments: improving support for families, improving the delivery of the baby bonus for new parents, and better supporting pensioners who work. There is also a schedule that I am particularly interested in, and that is scheduled 4, which provides some amendment to payments for those people who were affected by thalidomide, a group of people that I have been associated with for a period of time. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

**Third Reading**

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

**Senator McLUCAS:** I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
Tax Laws Amendment (2011 Measures No. 2) Bill 2011
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator CORMANN (Western Australia) (09:47): The coalition will support the Tax Laws Amendment (2011 Measures No. 2) Bill 2011. This bill makes the following changes to taxation laws: it adds two organisations to the list of deductible gift recipients, namely, the Charles Perkins Trust for Children and Students and also the Roberta Sykes Indigenous Education Foundation. It also allows regulations to impose rules on self-managed super funds regarding personal use—collectables, paintings and so on. It will allow the use of tax file numbers as identifiers to locate super accounts and facilitate consolidation of accounts, while making changes to the way Australian taxes, fees and charges are made exempt from the GST.

I will just make a few comments in relation to some aspects of this bill, specifically in relation to changes to personal-use asset rules for self-managed superannuation funds. This provision allows the government through regulation to impose rules on self-managed super funds investments in personal-use assets such as collectables and artworks. The sole-purpose test of the S(S) Act requires that assets of a superannuation fund be held for the sole purpose of generating retirement income. The super system review, also known as the Cooper review, recommended that self-managed super funds should be prohibited from investing in personal-use assets and those held should be disposed of within five years. The review found that personal-use assets lent themselves to personal enjoyment and therefore failed the sole-purpose test.

The government announced on 3 July 2010 that it did not support the review's position but that it would tighten the requirements around investment in personal-use assets. These amendments allow the government by regulation to impose rules relating to investment of personal-use assets by self-managed super funds. Those rules can cover: artwork, jewellery, antiques, artefacts, coins or medallions, postage stamps or first-day covers, rare folios, manuscripts or books, memorabilia, wine, cars, recreational boats, memberships of sporting or social clubs, or assets of a particular kind if assets of that kind are ordinarily used or kept mainly for personal use or enjoyment, not including land. The coalition are of the view that the approach proposed by the government reflects a sensible balance. We are also aware that it is supported by the self-managed super fund industry body, SPAA.

In relation to the proposal to use tax file numbers as identifiers to locate super accounts and facilitate consolidation of accounts, this is of course part of the so-called 'super stream' proposals that came out of the Cooper review. The coalition very strongly supports the super stream related recommendations in that they will, through increased efficiencies, deliver real increases in value to superannuants and retirees across Australia. This provision allows superannuation fund trustees and retirement savings account holders to use tax file numbers to locate accounts and facilitates consolidation of multiple accounts. There are current restrictions on the way superannuation funds can use tax file numbers. In particular they are not permitted to use tax file numbers to locate accounts for the purpose of consolidation. It does not replace account or membership numbers but removes the requirement that super funds use other methods of searching for multiple.
funds before using tax file numbers. An individual can still choose not to give their tax file number and there are no changes to the consequences for failing to do so. It is important in order to maximise individual retirement savings that smaller amounts are consolidated as early as possible. I pause here to say that, while we congratulate the government on having acted on this recommendation, the coalition are very disappointed that Minister Shorten has continued in his persistent failure to act on the Labor Party pre-election commitment to require the Productivity Commission to design a more open, transparent and competitive process for the selection of default superannuation funds under the modern award system. We have had a case study publicised in the media in recent days which clearly demonstrates the inevitable consequences of the type of closed shop anticompetitive process that was instituted by this government. Before the election, the government recognised that and said they would fix it. But the current minister—I would argue because he has a serious conflict of interest—is highly reluctant to act on that. The direct consequence of the minister's failure to act in relation to the selection of default superannuation funds under the modern award process by Fair Work Australia sees hundreds of thousands of Australians channelled into underperforming super funds, which means that the retirement savings of those Australians will be smaller than they otherwise would be. That is a direct result of the minister's failure to act.

Under pressure, the minister said he might start to look at this in 2012. The coalition says that is just not good enough. If a process is manifestly closed shop, anticompetitive, not open, not transparent and not competitive—and we know that it is not because the government recognised that before the election—if there is a process which is so broken that it leads to outcomes like the ones that were publicised in the media last week, it should be fixed immediately. There is no excuse for the minister not to act, other than that he wants to protect the closed shop arrangements for as long as he can get away with it so that more and more Australians are channelled into underperforming funds.

This comes on top of the minister's reluctance to act on a whole series of other Cooper review recommendations designed to improve the transparency and corporate governance arrangements in the superannuation industry. Those recommendations include having independent directors on superannuation boards and requiring directors who want to sit on multiple superannuation boards to make a declaration to APRA, the regulator, that there is no foreseeable conflict of interest. These are the sorts of recommendations that go directly to the confidence that working families and retirees across Australia can have in the superannuation system. Only if we get the corporate governance and transparency arrangements right, only if we continue to ensure that our superannuation industry is as efficient, competitive and transparent as possible, will we have the assurance that the returns for families and retirees across Australia will be maximised.

I call again on Minister Shorten to reflect on his duty as a minister to act not in the vested interest of the union movement or other sections of the superannuation industry but in the public interest, in the best interest of working families and retirees across Australia. I urge the minister to have another look at the urgency of sorting out some of these issues, which are getting worse under his watch.
In this context, I also point to the current developments in Victoria, where merger talks between two superannuation funds are close to collapsing—they might well collapse in the next few days—on the basis that union representatives for one of the super funds have not been able to get a guarantee that there will be a continuation of union nominated positions in the merged entity and also because they are not happy to go along with the proposal for democratic elections of super fund boards in the future. Super fund trustees are required to act in the best interests of members in making judgments on whether or not a merger should go ahead. If, as has been reported, the merger in Victoria is going to collapse on the basis that some current super fund trustees have not been able to obtain a guarantee that there will be union nominated positions in the merged entity, that is not a decision, on the face of it, made in the best interests of members. It looks to me like a decision made on the basis of the self-interest of the current super fund trustees and the bodies they might think they are representing.

The provision in the legislation in relation to tax file numbers being able to be used as identifiers to locate super accounts and facilitate consolidation of accounts is a good step as part of a broader superannuation reform agenda, but there is a lot of unfinished business in this legislation if we are committed to ensuring that our superannuation industry is as efficient, transparent and competitive as possible. I have touched on a few of the issues. There are quite a few more. I suspect that in the weeks and months ahead there will be serious debate and serious focus on the minister's and the government's failure to act on some of these issues despite clear and emphatic pre-election commitments.

This bill also deals with exempting Australian taxes, fees and charges from the GST. That is a rather straightforward proposition which we support. The bill makes various other amendments to tax laws which do not require any further discussion at this point in time. With those few words, I again confirm that the coalition will be supporting this bill.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (09:58): I rise today on behalf of the Australian Greens to support Tax Laws Amendment (2011 Measures No. 2) Bill 2011. I want to make some comments in particular in relation to schedule 2, which allows regulations to be made setting the rules for self-managed super funds investing in personal assets and collectibles, including art. The Australian Greens believe that artworks and other collectibles must continue to be legitimate investments for self-managed superannuation funds.

We were particularly distressed when the Cooper review into the superannuation system made a recommendation that self-managed superannuation funds no longer be allowed to invest in personal assets and collectibles, including art. The art industry in Australia was rightly concerned that such a blanket ban would adversely affect the art market in Australia. The Cooper review's recommendations would have had a considerable negative impact on the art market and would have been particularly detrimental for Indigenous artists. Superannuation investments are worth almost $100 million per year to the art industry according to the Save Super Art campaign, and the recommendation by the Cooper review to dispose of currently owned art and the cessation of future investments means that the art industry would potentially face considerable instability and the income opportunities for artists would have been put at risk. The Indigenous art market, as I indicated, would have been greatly impacted.
by the Cooper review recommendations because, as we are all aware, there is a significant global market for Indigenous art, making it attractive to self-managed superannuation funds and therefore creating an incentive for buyers with around 60 per cent of Indigenous art being bought through the self-managed superannuation funds.

This is a really critical issue. It is well-known in Australia that we value the arts, but we fail to support them. We support them in fairly small ways, with government grants, but being an artist in Australia is not a lucrative profession for most. We are all aware of how artists are supported in other countries. While I was in Copenhagen for the climate talks, I went to an artist village in the city. It had been built after the Second World War. Basically they built an area for artists to live where they were provided with low-rent accommodation providing they were engaged full-time in creating art. There was recognition that the Danish people value the contribution to the community and to the culture by the artists involved. Now it is quite a fantastic little area of the city because artists, over time, have contributed to it by creating sculptures and by painting various murals around. It really is a beautiful part of the city. I thought what a great contribution, what foresight the government had to build this village to support artists in this way because we know so many artists struggle to make a living from their art.

The same thing goes in this country. Most of us would agree that the capacity that Indigenous communities now have to make money from their artwork has been one very significant step forward for Indigenous people to be able to get income into communities where that previously had not occurred. The Greens in particular are cognisant of how important the art community is in Australia in reflecting to ourselves who we really are as a nation. We get told all the time how important the economy is, but it is the health of the society which we as a community ought to be concerned about and it is artists who pose the hard questions. You only have to go down and have a look at the new Indigenous art galleries at the National Gallery—they are quite fantastic; for those of you who have not been, I thoroughly recommend going—to see there are a number of confronting pieces in that exhibition which really challenge all of us to think about the way we have engaged with Indigenous communities and which challenge us to think about how serious we are about reconciliation and so on. It is incredibly important when thinking about something like changing the regulations for these self-managed superannuation funds that, in a desire to enforce the absolute test that the purpose of the investment is for superannuation income, we do not undermine the income of the arts community around the country. There is a very strong recognition that the ban on investing in art will ultimately have resulted in harm to artists around the country because it would have eliminated the incentive to buy artworks and therefore decrease the market and therefore the returns to our visual artists in particular.

During the election campaign the Australian Greens joined with the Save Super Art campaign, calling on the government to reject the recommendation of the Cooper review and allow superannuation funds to continue to invest in art. The Save Super Art campaign was supported by numerous organisations, including the Australian Artists Association, the National Association for the Visual Arts and numerous art galleries. To the government's credit, it listened to the concerns of the campaign, it listened to the concerns of artists around the country. You can imagine what would have happened if the Cooper
review recommendation had been taken up that the current owners had to dispose of their art straight away and cease any future investment. There would have been a complete collapse in the value of a lot of the works that would have been forced onto the market all in one burst. I am glad the government listened to those concerns and announced, again during the election campaign, that the government would not implement a ban on investing in art and other collectables but would move to clarify the rules surrounding such investments. The Greens do appreciate the need for investments by superannuation funds to comply with the sole purpose test underpinning the superannuation investment regime. We do understand that the government is currently consulting on the draft regulations that will be made under the changes that will occur when this bill passes the parliament.

We do not want to presume the outcome of those consultations going on in the community at the moment, but we do know that there remain concerns about the restrictions that are being imposed on collecting art and other personal assets. One of the concerns raised by the Australian Artists Association includes the additional costs associated with storing art off the premises of parties related to the super fund, and the restrictions on leasing art, even when that art is leased at commercial rates to related parties. Again the issue here is to make sure it is a genuine superannuation investment. If you have made that investment and then you cannot have the enjoyment of that for yourself because it is regulated that you need to have it off premises or whatever, or if you lease it to a related party at a commercial rate, I understand that is still going to be a matter of grave concern to people in the arts community. I think that that might well constitute a disincentive on the part of self-managed superannuation funds to invest in art. I think artwork is different from other personal assets. We continue to talk these issues through with the government to make sure that the integrity of the superannuation system is maintained but also to ensure that art can continue to be a practical investment for superannuation funds and that such investments can continue to support our art industry. I want it very clearly on the record that that is the perspective of the Greens.

We must do everything we can to support artists out there now—artists who are relying on the fact that self-managed superannuation funds can collect art—to maintain the art market and provide an income. As I indicated before, Indigenous communities in particular are reliant on this. We have worked hard on the resale royalty scheme to start generating income for communities. In that context, we have argued strongly that there needs to be government funding to assist community art centres—and Indigenous community art centres in particular—to be able to build capacity to handle all of the administrative work that is going to have to be undertaken in terms of the resale royalty regime and so on.

We do not have a history or a culture of philanthropy in Australia when it comes to the arts. Unlike other countries, where you have wealthy benefactors who put huge amounts of money into the arts in all sorts of ways, we find symphony orchestras and leading artists struggling. We do not have the culture, which does exist in other places, that takes on, if you like, patronage to emerging artists, supports them and creates opportunities for them. In other countries too, governments take a much more prominent role in supporting the arts than we have in Australia.
Some people argue that perhaps the community sees this as elitist, but I would question that. When I go around Australia I see the numbers of people who go to local exhibitions and local theatre. When an orchestra or the Australian ballet, for example, come to regional communities, they are patronised with great enthusiasm. An example I would put on the record here is the Burnie Gallery, on the north-west coast of Tasmania. They are a fantastic regional gallery. They have a large number of events and exhibitions, which are widely patronised and highly valued in that part of Tasmania.

We have a thriving arts community in the state of Tasmania. But we do not have a community that is particularly wealthy, so we do not want to put disincentives in the way of people who want to support local artists through self-managed superannuation funds. We do not want to put a disincentive in the way of Indigenous communities to have ongoing benefit from the artwork which has been a significant contributor to improved income in remote and regional communities throughout Australia.

With those remarks, I support the bill. I look forward to engaging with the government further as the regulations are developed in relation to covering personal assets and collectables under self-managed superannuation funds.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:12): I would like to thank senators who participated in this debate, particularly Senator Milne. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Marshall): No amendments to the bill have been circulated. I shall call the parliamentary secretary to move the third reading, unless any senator requires that the bill be considered in Committee of the Whole. There being no such indication, I call the parliamentary secretary.

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

Bill read a third time.

Tax Laws Amendment (2011 Measures No. 3) Bill 2011

Second Reading

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

Senator CORMANN (Western Australia) (10:13): The coalition will not oppose the Tax Laws Amendment (2011 Measures No. 3) Bill 2011. This bill makes the following changes to taxation laws. It provides a 12-month GST-free export period for new recreational boats from 1 July 2011. The measure is designed to assist Australian exports of recreational boats and amends the Income Tax (Transitional Provisions) Act 1997 to overcome a technical problem with the imposition of general interest charges in certain circumstances.

In relation to the provision of a 12-month GST-free export period for new recreational boats from 1 July 2011, the intended effect of the new provision is to provide a 12-month period within which new recreational ships can be exported from Australia as a GST-free supply. Under the existing law, a purchaser or the supplier must export the ship from Australia within a specified 60-day period, unless the period is extended by the commissioner, in order for the supply to be treated as a GST-free supply. Introducing this 12-month export period to apply to the supply of a recreational boat enables a purchaser of a boat to gain experience operating the boat in Australian waters
before having to remove it from Australia. Sailing or motoring the boat out of Australia is expected to be the most common means of exporting, although there is no requirement for the boat to be exported in this way. In order for the supply of the boat to be treated as a GST-free supply there are two tests that must be satisfied. The ship must be a new recreational ship; it cannot be a substantially reconstructed boat, and it cannot previously have been sold, leased or used since the completion of its construction. And the ship must not have been used for any disqualifying activities, such as carrying out a business. As I have mentioned, the coalition will not oppose this particular amendment.

Furthermore, this bill also amends the Income Tax (Transitional Provisions) Act 1997 to overcome certain technical issues with the imposition of general interest charges. The tax law imposes a general interest charge for the late payment of income tax and shortfall interest charge liabilities. The Tax Laws Amendment (Transfer of Provisions) Act 2010 rewrote and transferred the relevant general interest charge imposition provisions for outstanding amounts of income tax and shortfall interest charge liabilities from the Income Tax Assessment Act 1936—the ITAA 1936—to the Income Tax Assessment Act 1997. The purpose of this rewrite was to remove any ambiguity in the provisions and, again, the coalition will not oppose it.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:15): I would like to thank Senator Cormann for his contribution in the debate, and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Marshall): 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 parliamentary secretary.

Senator FARRELL: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Tax Laws Amendment (2011 Measures No. 4) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CORMANN (Western Australia) (10:16): The coalition will not oppose the Tax Laws Amendment (2011 Measures No. 4) Bill 2011.

This bill makes a number of changes to taxation laws. Schedule 1 sets the gross domestic product adjustment for pay-as-you-go instalment taxpayers at four per cent for the 2011-12 income year instead of eight per cent. This will allow taxpayers using this methodology to smooth their tax burden over the 2011-12 and 2012-13 tax years.

Schedule 2 removes the ability of children under 18 years of age to use the low-income tax offset to offset tax due on their unearned income. Schedule 3 allows a percentage of insurance costs for total and permanent disability policies that can be claimed as deductions by superannuation funds to be specified in regulations. Schedule 4 excludes from the reportable employer superannuation contributions definitions of certain employer contributions to superannuation made
pursuant to a requirement that employees cannot influence.

As I have mentioned, the coalition does not intend to oppose this bill, and with those few words I conclude my contribution.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:18): I would like to thank Senator Cormann for his contribution to the debate, and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Marshall): 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 parliamentary secretary.

Senator FARRELL: I move:
That this bill be now read a third time.

Question agreed to.

Bill read a second time.

Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2011

Second Reading

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

Senator CORMANN (Western Australia) (10:18): The coalition supports the Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2011. This bill increases the Medicare levy and the Medicare levy surcharge low-income thresholds for individuals and families in line with increases in the consumer price index. Similar bills have been introduced by the previous coalition government and the current government in every year since 1996-97. The bill amends the Medicare Levy Act 1986 to increase the Medicare levy low-income thresholds for individuals and families. The dependent child student component of the family threshold will also be increased. These increases are in line with movements in the consumer price index. The bill also increases the Medicare levy low-income threshold for pensioners below aged pension age so that they do not have a Medicare levy liability where they do not have an income tax liability.

The bill further amends the A New Tax System (Medicare Levy Surcharge–Fringe Benefits) Act 1999 to increase the Medicare levy surcharge low-income threshold in line with movements in the consumer price index. The provisions maintain the thresholds for low-income earners, and not to provide this indexation would, in effect, be a tax increase for low-income earners and pensioners. As such, the coalition supports these changes.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:20): Once again, I would like to thank Senator Cormann for his participation in the debate. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Marshall): 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 parliamentary secretary.
Senator FARRELL: I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

International Tax Agreements Amendment Bill (No. 1) 2011

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

Senator CORMANN (Western Australia) (10:21): The coalition supports the International Tax Agreements Amendment Bill (No. 1) 2011. Schedule 1 to the bill amends the International Tax Agreements Act 1953 to modify and streamline its structure. The act will be shortened by omitting almost all of the schedules to the act and instead incorporating treaties by reference to other accessible resources, principally, the Australian Treaties Series online database of treaties. This will substantially reduce the size of the act, and is a sensible housekeeping measure. Schedule 2 to this bill amends the International Tax Agreements Act 1953 to give the force of law in Australia to new taxation agreements with Aruba, Chile, the Cook Islands, Guernsey, Malaysia, Samoa and Turkey. The Aruba, Cook Islands, Guernsey and Samoa agreements cover the allocation of taxing rights and transfer pricing adjustments. The Chile, Malaysia and Turkey agreements cover the avoidance of double taxation and tax evasion. The legislation is representative of Australia's commitment to international agreements to avoid double taxation, codify tax allocations and combat international tax avoidance. As such, the coalition supports this bill.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:22): I once again thank Senator Cormann for his contribution to this debate and commend the bill to the Senate.
Question agreed to.
Bill read a second time.

Third Reading
The ACTING DEPUTY PRESIDENT (Senator Marshall): 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 parliamentary secretary.

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

Acts Interpretation Amendment Bill 2011

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

Senator BIRMINGHAM (South Australia) (10:24): My understanding is that the Acts Interpretation Amendment Bill 2011 is a bill to modernise and reorder the Acts Interpretation Act 1901 and to make certain amendments to clarify potential ambiguities. The bill seeks to achieve those objectives by co-locating the definitions currently scattered throughout the act, placing the act's provisions in a more logical order, providing that an action by a minister other than the minister who is authorised to perform that action is not invalid merely on that basis and inserting a new section to confirm for the avoidance of doubt that the common law de facto officer doctrine applies. This will ensure that, if an officer has been invalidly appointed, acts performed by the officer in that position are not automatically invalidated. This doctrine was affirmed by
the High Court in Cassell v The Queen (2000). The bill specifies that everything in an act that is enacted by the parliament should be considered part of an act, allowing meeting participants to be in different locations and to participate using technology such as videoconferencing. Lastly, it adjusts the definition of 'document' to include things like maps, plans, drawings and photographs.

My learned colleague Senator Brandis advises me that in 1993 the House of Representatives Standing Committee on Legal and Constitutional Affairs published a report on the drafting of Commonwealth legislation titled Clearer Commonwealth law. One of the committee's recommendations was that the Attorney-General's Department and the Office of Parliamentary Counsel should publicly review and rewrite the Acts Interpretation Act. In response the Attorney-General's Department and the Office of Parliamentary Counsel jointly issued a discussion paper entitled Review of the Commonwealth Acts Interpretation Act 1901 in 1998. Following consultation on the discussion paper, a number of recommendations were made to improve the usability and readability of the Acts Interpretation Act.

As is clear from the history, the amendments to this legislation have been a bipartisan project over several years and several governments. The act is an important part of the machinery of Commonwealth legislation to which recourse will often be had when seeking to resolve ambiguities or divine the technical meanings of acts and regulations. Accordingly, the coalition supports the bill.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:27): I thank Senators Cormann and Birmingham for their contribution to the debate. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Marshall): 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 parliamentary secretary.

Senator FARRELL: I move:
That this bill be now read a third time.

Question agreed to.

Bill read a third time.

BUSINESS

Rearrangement

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (10:28): I move:
That intervening business be postponed till after the consideration of government business order of the day No. 12, the Product Stewardship Bill 2011.

Question agreed to.

BILLS

Product Stewardship Bill 2011

Second Reading

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

Senator BIRMINGHAM (South Australia) (10:28): It is a pleasure to speak on the Product Stewardship Bill 2011. This bill establishes a national framework to support voluntary co-regulatory and regulatory product stewardship and extended producer responsibility schemes to provide for the impacts of a product being responsibly managed both during and at the
end of its life cycle. Through these measures it is hoped, including on this side of the chamber, that the environmental, health and safety impacts of products, particularly those impacts associated with the disposal of products, will be more effectively managed.

The commitment to establish this national framework, underpinned by the legislation before us today, was made by the government in its November 2009 National Waste Policy: Less Waste, More Resources statement. This National Waste Policy has been endorsed by all Australian governments at state and territory level, through both the Environmental Protection and Heritage Council at the time, in November 2009, and COAG in August 2010.

The coalition fully supports the principle of product stewardship being, as it is outlined in the National Waste Policy:

… the shared responsibility for reducing the environmental, health and safety footprint of manufactured goods and materials across the life cycle of a product.

The bill itself offers a subtly different definition from the National Waste Policy, namely that it is:

… an approach to reducing the environmental and other impacts of products by encouraging or requiring manufacturers, importers, distributors and other persons to take responsibility for those products.

I know this has been a long work in progress and work that has involved certain sectors of industry along the way. I am well aware that some sectors of industry are particularly enthusiastic to see this legislation passed. I especially note the national TV and computer sectors, who have a proposed national TV and computer product stewardship program that we would expect, from the advice that both industry and government gave us during the negotiation phase, to be one of the first out of the starting blocks. This program already has members representing 70 per cent of total imports of computer brands into Australia and 80 per cent of sales in Australia. The TV and computer scheme obviously is of particular importance as we move through the phases of the switch over from analog to digital signals and because of the increased volume of the already significant supply of electronic waste that those industries will generate.

Importantly, the coalition is particularly supportive of the bill providing for voluntary product stewardship schemes, as set out in part 2 of the bill. These sit alongside the requirements and opportunities for co-regulatory and mandatory product stewardship schemes outlined in the bill. Part 2 of the bill establishes a mechanism to encourage and recognise product stewardship without the need to regulate and also to provide assurance to the community that any voluntary product stewardship scheme is operating to achieve its stated outcomes, and it authorises the use of product stewardship logos in connection with these arrangements.

The Global Product Stewardship Council, an independent, non-profit organisation dedicated to understanding and advancing the principles of product stewardship, says that in its experience, as reinforced by overseas participants in the International Product Stewardship Summit, Australia has had greater success with voluntary programs than many overseas jurisdictions have. It also says:

Stakeholders are more likely to collaborate on and effectively implement voluntary and/or regulatory approaches than where approaches are in unilaterally mandated.

And that:

Approaches requiring greater levels of regulation should be pursued only after market-based, voluntary and co-regulatory approaches have been clearly shown to be relatively ineffective in achieving desired outcomes.
These are principles that the coalition would support and would urge and expect the government to keep in mind during its application of the powers that this legislation provides for. We do expect that where industries are able to deliver effective voluntary schemes then that is exactly what all sides of politics in this country would like to see.

The peak body for Australia's lighting industry, Lighting Council Australia, have several months experience in administering their own voluntary product stewardship scheme. They say:

The industry ownership bestowed by a voluntary or co-regulatory approach should lead to better outcomes among industries prepared to assume such responsibility. To reduce costs on both industry and government, all efforts should be made to encourage voluntary rather than regulatory approaches.

However, this bill does provide for all three—voluntary, co-regulatory and mandatory—schemes. There is a place for all three, particularly in terms of the capacity to bring in recalcitrant parts of industries to ensure that the bill has a universal effect. Under the bill, accreditation of voluntary schemes will be on a cost-recovery basis through a fee for service.

I will spend a moment addressing some of the concerns that have been highlighted during consideration of this legislation. A Senate inquiry was held, as is customary, and I thank those who participated in that inquiry: the witnesses; the committee staff, as always, for their detailed report; and my colleague Senator Fisher, who engaged particularly effectively in this inquiry to examine some of the issues and concerns that industry and other groups had. We heard a range of concerns, some of them relating to the consultation approach, some of them relating to the expected effectiveness of the scheme and some of them relating to the potential for industry to be roped in or surprised by its inclusion in the scheme.

In many ways, we heard extreme views—from those who feared that all industries may suddenly find themselves subject to a mandatory scheme, at one extreme, and those who believed that the legislation was ineffectual and would achieve absolutely nothing at the other extreme. Those two extremes perhaps suggest that there is a middle way, and the legislation maybe has found that middle way. Nonetheless there were specific concerns raised about a range of factors, in particular concerns about the criteria as well as industry concerns about an element of surprise that theoretically could exist for industries to be roped in under the scheme.

I am very pleased that we have been able to work through this legislation and issues such as the criteria. A range of amendments standing in the name of the government, the Greens and the opposition have been circulated in the chamber. These have been worked on in a collaborative manner. I thank Senator Ludlam and Senator Farrell for their work, as well as the officers of the department who have worked with Senator Farrell and all parties to ensure that we can come up with some sensible amendments that we hope go some way to appeasing some of the concerns. Importantly, the amendments that will be moved will provide for a new definition of the product stewardship criteria—a definition that is, I think, less open-ended than the definition provided for in the bill as it stands and that ensures that criteria, though I suspect still relatively easy to meet for industries that genuinely should be included in such a scheme, are at least a bit more of a hurdle to ensure that you could not come up with a scenario where almost any product of any industry could fit or meet the criteria as they were previously drafted.
We have also put in place some provisions that will ensure that there is a degree of forewarning about products that the government is looking at or considering. So the government will, under the amendments proposed, be publishing lists of products being considered for accreditation or regulation under the act. There will be a committee established—a review mechanism—to ensure that industry and key players in this sector all have some degree of input. These are important changes that we believe will provide at least for a greater level of involvement and consultation and hopefully a stronger outcome of industry confidence and participation in this scheme.

As the government confirms in the explanatory memorandum for this bill, the product stewardship criteria are only one factor in determining whether regulations, co-regulatory or mandatory, can be made with respect to a class of products. There are two other considerations in addition to the criteria. One is that the bill requires that the minister be satisfied that making the regulations will further the objects of the act, and again that is a factor that has been reinforced time and again during discussions and deliberations of the committee and behind closed doors about how this bill will function.

Second, and I think particularly important, is the requirement—of which the government assures us throughout the explanatory memorandum and in the parliamentary secretary's second reading speech—that, as a matter of government policy, the usual regulatory impact assessment requirements would also apply. This is very important. This is not a factor that is detailed in the bill. It is, however, a factor that has been used time and again as reassurance. I would invite the parliamentary secretary, when he makes some remarks in this debate, again to provide that assurance from the government as to what will underpin that regulatory impact assessment process so that this debate has those issues clearly on the record, especially given that the website of the Office of Best Practice Regulation within the Department of Finance and Deregulation simply explains that a regulatory impact statement is required under the Australian government's requirements. That is one of those nice circular statements. We, of course, would just like, for the sake of conclusion in this debate, to ensure that the government's expectations and understanding of how that regulatory impact statement arrangement will work in this legislation are made clear so that all those who may be dealing with it in years to come have a clear record to refer back to in that regard.

Lastly, I just raise another matter that I invite the parliamentary secretary to respond to and that I have foreshadowed with him. Very late in the inquiry into this bill, the Senate committee received a late submission from the Law Council of Australia—the Intellectual Property Committee of its Business Law Section—concerning the creation of product stewardship logos under the voluntary product stewardship provisions. As the committee did not have an opportunity to consider in detail the issues raised but simply drew it to the government's attention, I would invite the parliamentary secretary to provide advice on how the government has considered that issue and what advice he has received from the Attorney-General's Department or others about its relevance.

In closing, I once again express my thanks to all parties for their cooperation on this and restate the coalition's commitment to this scheme, to the principle of product stewardship and, importantly, to our belief that wherever possible these should be schemes driven and owned by industry to
make sure that they have genuine stewardship of their products throughout the life cycle.

Senator LUDLAM (Western Australia) (10:42): I also rise to make some remarks on the Product Stewardship Bill 2011 on behalf of the Australian Greens. This is framework legislation that arises from COAG agreeing that the federal government and the states and territories should together establish a national framework to support voluntary, co-regulatory and mandatory product stewardship and extended producer responsibility schemes to responsibly manage the enormous quantities of waste that Australians are generating. This national approach is the kind of policy infrastructure that is necessary to separate contaminating products and valuable products and massively reduce our landfill.

Facts and figures about how we currently handle our waste stream make the case as to why this measure is well and truly overdue. As I have said in committee hearings time and again, on this issue and on related issues that I will touch on, this is a policy portfolio for patient people. This really seems to have taken an inordinate amount of time to come to fruition, and I would like to congratulate the parliamentary secretary for steering us through these final phases, because this is genuinely well overdue. It is often very difficult to detect a sense of urgency amongst policymakers where waste is concerned, because of course historically it has been cheaper to simply dump our trash on a pile than to do something about the extraordinary waste of resources and, of course, the contamination at landfill sites, greenhouse gas emissions, water pollution and so on that result—the hidden costs of the enormous profligacy of our consumer society. So it is good to at last be able to say that we can detect the faint stirrings of urgency. Australia uses over 12 billion beverage containers a year, for example. Only about half of those are recycled. Most of the remainder wind up as litter or in landfill. More than four billion plastic bags are given out at supermarkets. Barely any of those are recycled. Four million tonnes of packaging is used and discarded every year. Australians accumulate 18 million used tyres every year. Approximately four million tyres are landfill filled every year, despite each tyre containing recyclable quantities, up to 1½ kilograms, of steel, half a kilogram of textile and seven kilos of rubber. And instead of responsibly dealing with our tyres, roughly 11 million, or about 60 per cent of them, are exported to Vietnam and China, where they are recycled—if you could call it that—under appalling labour conditions with really quite harmful environmental and public health impacts. In a portfolio where the crossbenches and the opposition support the moves that the government is making, I might call Senator Birmingham's attention, before we go too much further down the track of celebrating the importance of the RIS process, to the fact that this is one instance where a regulatory impact statement was undertaken. Through a process of arcane number-crunching, the economists decided that it was not worth bothering setting up any kind of product stewardship framework for tyres, so now we dump them in countries in our region where they are burnt and 'recycled', with enormously harmful consequences for host populations. So I think we need to be extremely cautious before we simply hand over the kind of policy-making decisions we are elected to provide to people with spreadsheets who will just plug a formula in and then two years later a result will fall out that says, 'Don't bother.' That is what happened in the instance of tyres.

Mobile phones, of course, are another nightmare. We have about 24 million in circulation in Australia as at 30 June 2010 in
the hands of 70 per cent, or thereabouts, of Australians. They get replaced very often. I am convinced somewhere within each mobile phone there is a piece of software that says, 'Just before the next model is due to hit the market, this one will start getting flaky and then drop dead.' Again, that is a part of our consumer society that we need to draw attention to. We are getting very used to just taking these devices on and then, 20 minutes after they have been released, we feel like we are falling off the back of the curve and we turf them, and they wind up in landfill. Eighteen months to two years is the speed of product turnover in mobile phone markets. There are about 16 million old handsets in cupboards and drawers in Australian homes. Each one of these phones contains substances that we could contemplate as either being extremely hazardous, such as cadmium, lead, nickel, mercury, lithium, arsenic, or being valuable, such as metals like gold, silver and copper and plastics that can be shredded and reused as well.

The MobileMuster is a voluntary scheme, and here again is one example of why we had better be careful before we simply assume that the best solution across the board is for industry to just take care of these things itself. I appreciate the efforts of the people behind the MobileMuster. They have got 3½ thousand collection points around Australia and people can recycle their mobile phones by post. But the fact is—and the minister might like to contradict this figure, but it is the figure I have—we have about a five per cent recovery rate in that voluntary scheme. That is another way of saying we have a 95 per cent non-recovery rate of phones that find themselves in landfill or just wind up in drawers for all time, not being recycled and that material lost to us.

From November 1998 to 30 June 2010, 724 tonnes, including five-and-a-bit million handsets and batteries, were junked. Quite a bit of that can be recycled from the old mobile phones. The nickel in the batteries can be recovered, as can the gold and silver in the circuit boards, and the handset housings and casings can be used to make fence posts, pallets and other things that we make with recycled plastics. I was interested to read in the MobileMuster annual report that one tonne of mobile phone circuit boards can yield the same amount of precious metals as 110 tonnes of gold ore or 123 tonnes of silver-bearing ore and 11 tonnes of copper sulphide ore. So these things are valuable and we need somehow to figure out how to recover that material, and this obviously goes further than just what happens at the end of life. We need to look at the design and manufacture of these devices in the first place so that they are designed to be more easily disassembled. As one of the witnesses to the committee said, even if all the mobile phones that are being stored came out for recycling, MobileMuster does not have the infrastructure to take hold of those and recycle them. I will return to this as an interesting example where the industry has taken on itself to try and do the right thing, but it has not been sufficient, you would say, to actually come to grips with the overall scale of the problem.

Where there is better news is in the area of televisions, computers and so on, involving Product Stewardship Australia and the Australian Information Industry Association, which Senator Birmingham touched on. There we have industry peak bodies that have taken the lead based, I understand, on moves overseas. We are in a global market here and other countries are moving ahead. This is one quite clear-cut example where you can say industry has led from the front in requesting that the government take on and regulate for the entire industry so that people who want to do the right thing are not being
competitively disadvantaged by free-riders. It looks as though we are in the process of getting that one right. There were 16.8 million televisions, computers and peripherals that died in 2008. Eighty per cent of those went to landfill; about 10 per cent were recycled. As the digital switchover occurs, as the NBN rolls out, and we know we are undergoing an enormous face of technological innovation in Australia at the moment, that pile of electronic or e-waste is only going to grow into a mountain. That is why it is good to notice that a focus on TVs and computers is welcome as the first scheme, otherwise we would be debating effectively empty legislation—a container bill with nothing in it. But we know that we do have an example of how this framework legislation will be used, and that is welcome.

If we do not get going with that properly, e-waste in Australian landfill will triple by 2020 and be close to 700 million items. That is an extraordinary waste of this material that we all know can be quite transitory as product cycles accelerate. As it is, there are 18 million TVs and 70 million computers and peripherals in landfill or on their way to landfill. These constitute about 38 per cent of current e-waste items in landfill. We know that we need to deal with items like fluorescent tubes, some of which contain mercury, and items like batteries that find their way into landfill and then pose enormous problems with water contamination as water percolates through the landfill piles and into local watertables. There is a good news story here about how many jobs, for example, would be created if we dealt responsibly with our waste. The Boomerang Alliance stated that a national recycling scheme for all e-waste would create 5,100 new jobs by 2015. That includes 1,440 direct jobs in the recycling of e-waste and another 3,660 indirect jobs. As Senators will know, I have been pushing for quite some time for a national container deposit scheme to handle the 12 billion beverage containers that are used in this country. If we put monetary value on those containers, we would see many fewer of them end up in our waterways, parks and bushland. So, just as we propose to tax carbon emissions so that the market suddenly sees a price signal on something that we do not want to throw away, we would be placing a tiny premium on the beverage container to give them an economic value. That, in effect, would reduce our greenhouse gas emissions by nearly one million tonnes of CO₂ per year. That is the equivalent of switching 135,000 homes to 100 per cent renewable energy. All that is based on is the 50-odd per cent of beverage containers that at the moment find their way into streams, the side of the road and landfill, the stuff that we buy, use and discard when we are away from home where recycling rates are obviously very poor. It is about bringing those into the system and recovering those materials—a million tonnes of CO₂ per year.

It would save enough water to permanently supply more than 30,000 Australian homes. Because we would no longer be discarding the stuff, we would be getting those materials back. It would deliver air quality improvements equivalent to taking 56,000 cars off the road and create approximately 1,000 direct jobs. Our beverage containers made up, we are aware, of about 60 per cent of all glass items, 47 per cent of metal items and about a third of plastic items during the 2010 Clean Up Australia Day. Nine out of the top 10 items collected on that day were packaging materials which made up about 80 per cent of all waste collected. This is a huge volume of material at the moment simply going to waste.

There is broad, consistent and very high support in the community for a container
deposit scheme. There is a demonstrated willingness to pay. The study was done twice, and now we are buried in the swamp of a regulatory impact statement process being undertaken by the Commonwealth on container deposits that simply has this proposal buried in quicksand. It is not good enough. At best, we think this could result in a scheme being implemented in four years time. Thanks to this analysis paralysis, we have to get faster and better and develop a sense of urgency when something is so obviously a good idea. For every 12 months that we drag our heels on this, another 12 billion beverage containers are used.

On 25 January this year, Northern Territory Chief Minister Paul Henderson put out a blazing press statement calling on the beverage industry to stop their misleading campaign against the cash for containers legislation. It is one of the sharpest pieces of language I think I have ever seen come out of a Premier’s or Chief Minister’s office where he said that the beverage industry should simply stop wasting its money on deceptive advertising to stop it. How different the situation is when we have got the industry peaks in the case of e-waste, computers and TVs backing a scheme and demanding coherent legislation for their sector and of course things are moving. The case of the beverage industry could not be in starker contrast where they have dug their heels in and progress has been painfully slow because of the deceptive conduct of the beverage and packaging industries. I still do not completely understand why the hostility is so stark.

I have put these figures on the record to make the point that national approaches to our national waste crisis are very much needed. We have historically had a very weak response to this issue in Australia. We have got litter campaigns which are valuable: they marshal volunteers and get people out to pick material up. We have got industry-led voluntary programs that are limited in extent and need some kind of coherent framework and approach.

The main industry government program is of course the Australian Packaging Covenant, which sounds great but it does not really deliver as much as industry seems to think, despite what we continually hear about in the course of various pieces of committee work that have contributed to this debate. We acknowledge the benefits of the APC, but I do not think they are as great as some in industry believe that they are.

We still have very serious concerns at the extent to which voluntary schemes are emphasised at the expense of mandatory schemes in this bill. I know there is some kind of reflexive opposition on the coalition side to forms of mandatory regulation where a voluntary industry scheme might serve us better. We believe that the amendments that have been jointly negotiated between the Greens, the government and the opposition will sharpen the distinctions between the three kinds of schemes that this bill seeks to bring into force.

We know that if a voluntary program has sufficient resources and organisational capacity then infrastructure can be developed and the outcomes can be very strong. What this bill, I think, will do with a bit of goodwill—and I am happy if the minister wants to confirm this—is put some teeth into the voluntary schemes. Let's hear what the targets are and, if they are not being met, then let's review them and assess whether a scheme should maybe shift from being voluntary to co-regulatory. If a co-regulatory scheme is letting us down, then let's assess if those targets are failing to be met; let's move it up to a mandatory scheme.

Co-regulatory programs work when the industry wants them to, and I am very happy
to give credit where it is due to the television and computer industry who obviously want to do something about their waste, as I say, driven by international imperatives to bring our extraordinary waste production under control.

We have worked with the government to ensure that the bill does not use federal powers to extinguish good state schemes. I would hate to see, for example, a defective container deposit scheme get up that squashed the good work that has been done in South Australia over the last 30 years or the initiative taken by the Northern Territory. We will be asking the government, when we drop into the committee stage, to clarify how that is going to work.

We have also worked constructively to address an issue that came up during the committee inquiry into the bill regarding the need for the minister to have some guidance and input from experts to help identify priorities and monitor progress and next steps. I think that is something that every single witness who came before the committee said should happen and I am glad that we have government and, I think, opposition support for those amendments by the Australian Greens to set the priorities. Such an advisory panel existed to guide the New South Wales product stewardship legislation. The independent committee in New South Wales was made up of experts, non-government organisations and industry reps. That was involved in establishing a list of priority products so that industry knew where the system was going and the prioritisation process was transparent for the community. That advice was offered on an ongoing basis.

We will also, when we get to the committee stage, make amendments to the objects clause of the bill that we think is very important, and I will discuss that shortly. I would like to thank the committee for its excellent and very useful report that provided a very useful distillation of the waste crisis in our country. We perhaps take our committee staff here for granted from time to time because of how regularly they astound us by their professionalism and efficiency but this report, I think, actually stands out. I would also like to thank the non-government organisations who work very hard in an, I suppose, unglamorous area of waste policy. It is work that is nonetheless extraordinarily important for the larger project of creating a genuinely sustainable Australia, for cleaning up our act, for cleaning up our fouled waterways, our parklands and our wilderness from rubbish and for recovering those valuable materials that go to waste.

I would also like to acknowledge my colleague in Victoria Colleen Hartland MLC, who I think today is reintroducing in the Victorian parliament her bill on container deposits because she shares the frustration of many people in this place that the Commonwealth has simply decided to bury a national container deposit scheme under endless reviews and analysis. Colleen my colleague in the Victorian parliament and her office have done an enormous amount of work in building support in Victoria for a state scheme. I still think that a national scheme is the right way to go and I suspect that industry would prefer a coherent set of regulations that applied across the country, but I really strongly commend Colleen Hartland MLC for bringing her bill forward to simply get on with the job of getting containers out of waterways and verges and into recycling centres where they belong.

One of the great benefits of a container deposit scheme is that it would mandate and fund the creation of a network of neighbourhood recycling centres. Once you get those up and running for beverage
containers initially they become the drop-off point for batteries, fluorescent tubes and other objects that we might find intractable that simply end up in landfill.

I would again like to congratulate the Parliamentary Secretary for Sustainability and Urban Water, for the constructive way in which he has approached this bill. It is always good to get an exposure draft of a bill so that you can see where a particular area is headed. I would like to thank all sides for the constructive spirit in which negotiations were entered into for this bill. It is a rare bit of good news. I would like to see this, very strictly speaking, as the first step of many. This simply sets us up with a framework which will be free to succeed or fail depending on the amount of effort and energy that is put into it. I look forward to discussing some of these matters in greater detail in the committee stage and indicate that the Greens are happy to support the bill.

Senator FISHER (South Australia) (11:02): Now you would not necessarily know it from the title of the Product Stewardship Bill but, yes, this bill is largely about waste and largely about the management of it. So why have we wasted so much time in getting to this point? Why have we wasted so much time when the Howard government supported the concept of a national scheme to reduce the impact on the environment and on health and safety of products and substances during their life and then at the end of their life? The Howard government supported that principle and that concept yet it is some years upon years later that we finally find ourselves in this place in the noncontroversial section of the legislative consideration hopefully poised to give passage and implement such a scheme.

Why has it taken so long? Why have we wasted so long in working out what to do nationally with our waste when, for example, the television and computer industry, largely composed of manufacturers and importers wanting to do the right thing, has recognised that we still use TVs with hazardous substances in them and we need to take TVs and computers off the footpath and get them out of landfill? That industry is one that has been working for a long time towards an industry resourced national scheme. The unnecessary distress caused to that industry and its largely well-meaning and hardworking people, when it needs some legislative enablement to get its scheme up and running before the end of this year, because this government has left its run until the 11th hour is indeed regrettable.

We know that we are about to be at a happier place in terms of the bill. Thanks to the departmental officers, and Ms Kelly Pearce and Dr Wright in particular, for their constructive engagement with us as members of the opposition, under of course the fine tutelage of the Parliamentary Secretary for Sustainability and Urban Water, Senator Farrell. Thank you for your consideration of our views but also those views of industry. Taking so long in the gestation of what to do with our waste, the government claimed it had extensively consulted with industry last year culminating in the putting out of the discussion paper, which the government tried to say resulted in a whole lot of submissions as the precursor to this bill. The problem is that the government dumped—talk about waste—this bill in the House of Reps in March this year without having the forethought, the preparedness to release an exposure draft of the bill. It dumped the bill on the House of Reps in March and then thankfully, it decided to refer it to a Senate committee for inquiry.

But having referred a bill of that sort to a Senate committee inquiry without the benefit of an exposure draft, the man in the street would not know what product stewardship is
when it is at home. Most people would not know. The man in the street would not know it if he fell over it. So it was all very nice for us to get excited as members of the Senate committee and say, 'Whoopie, we are having an inquiry into this bill, so it will all be sorted.' The trouble is even some of the stakeholders involved in the process through government last year were caught unawares by the inquiry and indeed the relevance of this bill to them and their industries. Product stewardship has existed as a term, no doubt, in the industry, bureaucratic and probably government vernacular for quite some time but, as I say, the normal man or woman in the street would not know it if they fell over it. The Senate Environment and Communications Legislation Committee inquiry heard from a range of witnesses, who did realise that product stewardship had some consequences for them and their respective industries. They drove home mainly two messages: firstly, that the criteria that a product or substance has to meet before being able to be subject to the voluntary co-regulatory or mandatory regime set up by the bill were so wide you could drive a truck through them—the department did a very brave job giving evidence and suggesting that the criteria were filters, but in my warped interpretation of the English language filters reduce things that come through the other end and the trouble with these criteria is they do none of that—and, secondly, the bill gives industry no practical place to start. It potentially says that every product and every substance under the sun—indeed, every product on the supermarket shelf, so said witnesses—is potentially subject to this bill. Those in industry want to do the right thing, but they know not where to start as the bill gives no suggestion—in the language of some witnesses, 'Pick the low-hanging fruit; please suggest where we might start.' It leaves industry swinging in a stewardship wasteland.

Thankfully, following the Senate inquiry, as I said, the government has taken quite some note of the Senate committee's report and that has resulted in discussions taking place. It also resulted, very importantly, in belated consultations with industry stakeholders including between the government and industry stakeholders. For example, the Australian Chamber of Commerce and Industry became far more involved in consideration of the bill and was able to contribute constructively in where we find ourselves today.

In looking forward to supporting the bill and supporting a range of amendments that have been tabled and circulated, I also hope that the government will learn some lessons from this process. This should be and will be not only a bipartisan but a tripartisan or a quadruple-partisan policy. It is a good thing, but just because something sounds good does not mean that it will do good unless you make sure that you implement it the right way. That means—please, government, and please, Senator Farrell—that the message for your colleagues is explain things to the people, to the stakeholders, consult with the stakeholders and do as the Prime Minister says: let the damn sunshine in. We are all deprived of vitamin D these days, did you know? Let the sunlight in; do not leave it to the last minute to consult with those who could help you achieve a constructive outcome.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:10): I thank all the contributors to this debate on the Product Stewardship Bill, particularly Senators Birmingham, Fisher and Ludlam. I noted the complimentary remarks from Senators Fisher and Ludlam, but really the credit should go
to my staff and also to the people from the department, Diana Wright and Kelly Pearce, who have worked so hard to ensure that this legislation passes the parliament. It is reassuring that we have had such strong support and such strong cooperation from the opposition and the Greens so that we get a more effective and consistent approach to reducing the impact of products and hazardous substances in products on the environment and on human health.

Senator Birmingham raised a couple of issues, which I would like to specifically address. The first related to the regulatory impact statement. The bill sits within a strong governance framework that encourages consultation and evidence-based decision making. Before any decision to regulate a product can be made, a regulatory impact analysis is required. As explained in paragraph 19 of the explanatory memorandum, this is both government and COAG policy. The regulatory impact analysis is a robust process that articulates the problems to be addressed. It assesses not only the economic but also the social and environmental benefits and costs in taking action to address a particular problem. There is no preconception that a particular solution like product stewardship is the best approach; a range of options is considered.

The impact analysis process typically involves significant consultation. For example, the television and computers consultation regulatory impact statement was released and public meetings were run—also a requirement to publish the results of this process. Once a decision to regulate is made, taking into account the impact analysis in section 17, the Legislative Instruments Act requires consultations on the regulation.

Senator Birmingham raised the letter that the Law Council sent to the committee. The letter raised the issue of use of the logo to support accreditation of voluntary schemes and, in particular, the interaction of the bill with the Trade Marks Act. In essence, the Law Council’s concern was that the bill duplicates elements of the Trade Marks Act dealing with what are known as certification trademarks. These provisions in the Trade Marks Act allow, for example, a body like the Heart Foundation to register the Heart Foundation tick and certify that certain goods meet the Heart Foundation’s standards. I have sought advice from my department and, through the department, from IP Australia on this matter. I am advised that the bill complements rather than duplicates the Trade Marks Act provisions. In fact, it is anticipated that the product stewardship logo would be required as a certification trademark under the Trade Marks Act, which I hope answers Senator Birmingham’s question. Without any further discussion, I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator LUDLAM (Western Australia) (11:14): The first amendment that the Australian Greens will move on sheet 7078 is a very simple addition to the objects clause in the Products Stewardship Bill 2011 to make explicit that the scope of product stewardship legislation should rightly be:

(c) to contribute to reducing the amount of virgin resources used in products by preferencing recyclate.

I would have thought that was a reasonably commonsense thing to insert in a bill such as this to make absolutely explicit what this is about.

This bill seeks to do a number of things. In respect of the recovery of material and taking this material out of landfill, what we are trying to do here is then plug that
material back into product cycles. I think there is a very well understood principle of industrial ecology or cradle-to-cradle product cycles, which says that if you are recovering valuable materials you want to then close those loops and plug that material back into the product cycle so that you are actually reducing the impact of manufacturing in the first place on the raw materials and on the virgin materials that we mine, chop down, refine and so on. So we wish to put a clause into the objects section of the bill because we believe a very important part of the whole enterprise of recycling and encouraging responsible products stewardship is that it reduces the amount of materials being drawn on to create the product in the first place. While the bill will not have a huge impact on the front end of creating the products, and I understand that is not specifically its intention, it is mostly focused on the end of pipe—it is focused on waste and what falls out of the system.

One overall, quite obvious and uncontroversial aim I would have thought of doing this work is to impact on the way these products are made in the first place. That is obviously a piece of legislation for another day and, if anything, that is even more complex than what we are contemplating here. But I do not think that there is any harm at all—quite the reverse—in inserting a clause into the objects of the bill that at least tips the hat and acknowledges the fact that as we are in the business today in this parliament of recovering materials in the first place, that those materials then be used at the front end. We are trying to encourage recycling. We believe that it should have an intent of impacting on the way that products are made in the first place, so we can take the first tentative steps in Australia towards a closed-loop economy or closed-loop product cycles.

I am happy to speak more on this perhaps once I have heard the views of the opposition and the government on this amendment, and I move Greens amendment (1) on sheet 7078:

(1) Clause 4, page 7 (line 30), at the end of subclause (3), add:

; and (c) to contribute to reducing the amount of virgin resources used in products by preferencing recyclate.

[objects]

Senator BIRMINGHAM (South Australia) (11:19): This amendment by the Greens to add clause (c) to the objects of the Product Stewardship Bill 2011 is certainly a well-intentioned amendment and the spirit of the amendment is in some ways difficult to disagree with. Certainly it is a statement that we would hope would be an outcome ultimately of product stewardship schemes in the operation of this act and that there would eventually be, as a result of product stewardship schemes, a reduction in the amount of virgin resources used in product through a higher use of recycled materials. That is something we would hope and expect. This bill will provide for product stewardship schemes that will see, we would hope and expect, an increase in the amount of materials recycled at the end of product, and obviously those products or those materials will be recycled into some other products and will be a substitute for virgin resources.

However, we do not see that there is a need to add this extra part to the objects of the bill, and we do not see that there is a need for a couple of reasons. The objects as they currently stand certainly do not exclude this as a point of consideration. Subclause (1)(a) of the objects is to reduce the impact that products have on the environment throughout their lives and subclause (1)(b) is to reduce the impact that substances contained in products have on the environment.
and on the health and safety of human beings throughout the lives of those products. Neither of those subclauses exclude, I think, what Senator Ludlam is attempting to achieve by virtue of paragraph (c). Indeed, both are relatively broad.

I would make the additional point that of course there are some circular aspects of this act in terms of the way products are accredited for their application. To have a scheme accredited, to have a product stewardship scheme applied, there is a criterion where the minister deems that doing so will meet the objects of the act. That means, that in addition to the product stewardship criteria, which we will debate in a second, the objects are one of the two tests. Obviously, if you inserted paragraph (c) to the objects, there would be a new, additional test for consideration. I suspect that this would not be Senator Ludlam's intent, but it would be possible that, in the way the bill is written at present, all objects would have to be met for something to be accredited, and that would mean that paragraph (c) would have to be met along with paragraphs (a) and (b).

That may not be the case for some schemes that people would wish to accredit. In fact, in particular, when we were working through the product stewardship criteria, we found the importance of issues around hazardous substances and the need for this bill to comply with Australia's international obligations in the treatment of hazardous substances. These are not necessarily substances that will be recycled, and certainly not substances that will be recycled in a manner that would displace the use of virgin resources in making other products. This is simply a way of ensuring that a scheme is in place for the safe and sound management of hazardous substances. I think there is a potential risk that by inserting the proposed paragraph (c) as one of the objects we could create a trip-up within this legislation that would impede its effective operation.

For the reasons that we think the intentions are good but they are by no means excluded by the existing objects and we think there could be some inadvertent issues with the operation of the bill were it to be passed with this amendment, the coalition will not be supporting the amendment. But we hope and expect that, as I said, the sentiments in the amendment are an actual outcome of the operation of this legislation.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:24): I indicate that the government is not supporting this amendment. We have had extensive negotiations with both the Greens and the opposition and we are of the view that the amendment is already implicit in the objectives concerning the promotion of recycling and the reduction of waste. For that reason, we will not be supporting this amendment.

Senator FISHER (South Australia) (11:25): In addition to the shortcomings identified by Senator Birmingham, I will identify a couple of further ones within this very well-intentioned amendment moved by Senator Ludlam. I am sure that the Greens, and Senator Ludlam in particular, know what is meant in the amendment when it refers to reducing the amount of virgin resources used in products by preferencing recyclate, but neither 'virgin' nor 'recyclate' are terms that are defined in the bill. That would
add additional uncertainty and potential unintended consequences, as Senator Birmingham outlined. The amendment is very well intentioned, but we will oppose it.

Senator LUDLAM (Western Australia) (11:26): You know you are in trouble when you get called 'well intentioned'. That was when my heart sank. I thought perhaps there would be a last-minute change of heart. I would be delighted to work with coalition senators on definitions. Senator Fisher is correct that these are not terms of art—they are not defined in the bill. They are concepts that are very clearly understood in the industry, in the waste management sector in particular. If Senator Fisher feels that some definitions would improve the drafting, I would be more than happy to work up some language to make her happy.

I want to draw the chamber's attention back to when this issue was addressed by the committee as it was evaluating this bill. A number of organisations, particularly Keep Australia Beautiful New South Wales and the Total Environment Centre, raised significant concerns with explicitly mentioning this. I suppose I have to disagree with both the comments of Senator Birmingham and the parliamentary secretary that these objectives are implied in the existing objects of the bill, because of course the existing objects of the bill refer principally to what happens at the end of life of the materials that we are discussing. They are silent, as they are on many other issues, on the implied consequences of creating new product streams, new resource streams, of material that we are capturing rather than simply throwing away.

For example, Keep Australia Beautiful New South Wales highlighted that one of the ongoing trends in the production of modern goods is their reducing life span. I addressed this in my speech on the second reading in the context of mobile phones. Quite an important part of the enormously increasing waste volumes that we are subject to and are trying to come to grips with here today is this concept of planned obsolescence, the throwaway or consumer society, where it is seen as a very good marketing strategy to get your customers to throw goods away so that they have to buy the new ones that you have produced. That is directly at odds with all sane objectives for creating a sustainable society. It would not matter so much if they were contemplating goods that were essentially biodegradable, completely harmless and made from recycled materials in the first place, but of course, in the instance of mobile phones and so on, that is absolutely not the case. Mobile phones are packed with toxic materials, valuable metals and so on that we would seek to recover. We would seek not to stockpile them in a warehouse but to reuse them. Keep Australia Beautiful New South Wales made the point very clearly that modern consumers will simply throw a product onto a kerb side for council to clean up and buy a brand-new one because the parts are too expensive or too difficult to find. We know in the field of consumer electronics in particular that things that are made these days are designed not to be repairable; when something goes wrong you are supposed to turf it. That is quite a troubling feature of our consumer society. Keep Australia Beautiful highlighted in their submission that when you produce any type of product, there is a set amount of energy and resources that are used and the longer the product is used, the better return on the embodied energy and input of resources. If you can make something last twice as long, its impact, its footprint if you will, is obviously half as heavy. They recommended that the objects of the act be amended to ensure that the lifespan of a product be
considered for its impact on waste streams in the environment.

As you will see from the language that we have proposed, we did not quite go there. But we did simply want to insert a paragraph that acknowledges the importance of closing those loops. The Total Environment Centre, who have done an enormous amount of valuable advocacy on this issue over many years, argued more strongly for language that we effectively lifted and proposed—that is, that we should be making a contribution to reducing the amount of 'virgin resources used in products by preferencing recyclate'. It does not go as far as to raise the concerns that Senator Birmingham spoke of—that is, that various products streams will find themselves at odds with this object of the bill if all you were seeking to do, for example, is simply to remove hazardous waste for which you have no further use. It is a contribution to reducing the amount, and I do not think we would face the problem of particular product streams falling foul of the object of the bill when it is worded as generally as that.

The committee report says:
The TEC argued that in addition to the benefit of limiting the amount of new resources used in creating a product, expanding the objects of the Act would have the effect of encouraging the domestic recycling industry …

This is something that is tremendously important that is continually missed in the processes of doing the regulatory impact statements. TEC told the committee:

You create a market for the recyclate and that leads to very significant economic benefits. The fact is that for every tonne of waste that goes to landfill there is one job, but if you take it right through the whole processing and manufacturing system and include that recyclate in a product you create nine jobs.

That is modelling that the Total Environment Centre and some of their colleagues in the waste management industry have been promoting for many, many years—that is, it is more labour intensive but less capital intensive to simply close some of these product loops in the first place.

The committee noted those concerns and came to the view, as I think the minister has stated, that the objects of the bill, while silent in this particular aspect, imply that we should reduce the impact of these virgin resources and instead be preferencing recyclate, for both environmental reasons and sound economic reasons. If you can plug these materials back into product cycles, then again you have created an economic value for them that the market will see, will take note of and will overall reduce the footprint of material cycles. I invite the coalition, if they will, to sharpen the definitions of the materials that Senator Fisher observed are not terms addressed or acknowledged specifically in the bill, and I commend this amendment to the chamber.

Question negatived.

Senator BIRMINGHAM (South Australia) (11:34): I move opposition amendment (1) on sheet 7081:

(1) Clause 5, page 8 (lines 1 to 34), omit the clause, substitute:

5 Product stewardship criteria

The product stewardship criteria are satisfied in relation to a class of products if:

(a) the products in the class are in a national market; and

(b) at least one of the following applies in relation to the products in the class:

(i) the products contain hazardous substances;

(ii) there is the potential to significantly increase the conservation of materials used in the products, or the recovery of resources (including materials and energy) from waste from the products;
(iii) there is the potential to significantly reduce the impact that the products have on the environment, or that substances in the products have on the environment, or on the health or safety of human beings.

Note: Whether the product stewardship criteria are satisfied in relation to a class of products is relevant for determining whether:

(a) to accredit a voluntary arrangement in relation to that class of products (see subsection 13(3)); or

(b) regulations can be made under this Act in relation to the class of products (see sections 19 (co-regulatory product stewardship—liable parties for class of products) and 39 (mandatory product stewardship requirements)).

This amendment seeks to replace section 5 of the bill. Section 5 outlines the product stewardship criteria and was a section that was the subject of intense debate and concern during the Senate committee inquiry into this bill. As drafted, section 5 'Product stewardship criteria' states that the criteria are satisfied in relation to a class of products if two or more of a range of paragraphs apply. Those paragraphs are, in some cases, quite broad when compared to the objects of the bill that we have just been discussing. These criteria, as drafted, include a statement that 'the products are in a national market' and a statement:

... taking action to reduce those impacts will offer business opportunities that would make a contribution to the economy.

They would have been two criteria in the bill that would be satisfied, and obviously for those who looked at it and thought this was an extremely broad way to apply criteria and a way that did not necessarily ensure that criteria were applied to ensure that the overriding intention and objects of this bill, which of course are to reduce environmental impacts, to better conserve materials and to ensure an increase in recycling, were the core criteria that had to be met with regard to the legislation.

As I did in my second reading debate speech, I thank the government in particular as well the Greens for working with us on redrafting these criteria and coming up with a tighter, neater form of criteria for the bill, which I believe the amendment does. The amendment provides that products will meet the criteria. Firstly, they must be in a national market and, secondly, they have to meet one of three other criteria. The first, namely that they contain hazardous substances, relates to some of the issues I discussed in regard to Senator Ludlam's amendment. Of course there are chemical substances that we do wish to better regulate and better manage the treatment of, either by Australia's own initiative or as a result of compliance with international obligations, and this legislation could provide a framework to do so. The other two criteria relate very specifically to the objects of reducing environmental impact, achieving better re-use of materials or conservation of materials and minimising the impact or use of those virgin materials that we were just discussing. The other two parts a product category would have to meet have been drawn from the words used in the original section 5 to ensure that we have not thrown the baby out with the bathwater in regard to all of the good consultation that the government did with industry and others with regard to working through the types of words and phrases. But they do ensure that products regulated by this legislation will have to significantly increase the conservation of materials or significantly reduce the impact that the products have on the environment or on health or safety.

So we have very clear tests now. There are essentially three ways for a scheme to be accredited under this legislation: the products contain hazardous substances; there is the
potential to significantly increase the conservation of materials used in the products, or increase the recovery of resources from waste from the products; or there is the potential to significantly reduce the impact that the products have on the environment, or that substances in the products have on the environment, or on the health or safety of human beings. These are three very distinct criteria. Under the amendment, one of them will have to be met. I know that it does not totally satisfy all of the concerns of industry or of those who wanted a very prescriptive criteria standard to apply, but I think it provides a far more certain criteria framework, a very clear test that has to be met. In applying that test, the parliament can have far greater confidence that this bill and the operation of this bill and the application of regulations under this bill will actually achieve what we all believe to be the objects of introducing a product stewardship bill.

I commend the amendment to the chamber. I thank in advance the other parties for their cooperation. This amendment works in tandem in a sense with some other amendments that form part of a package that we have all agreed upon to ensure better operation of this bill and of course to ensure the passage of this bill. I will be happy to address any other issues that may be raised by Senator Ludlam or the parliamentary secretary.

Senator LUDLAM (Western Australia) (11:40): I indicate at the outset that the Australian Greens will be supporting this amendment. When it was first proposed, or perhaps when some of the arguments were being tested during the committee process, I had some strong concerns about where the coalition was heading. Senator Fisher, I think, raised on a number of occasions the idea that ultimately product stewardship frameworks could be applied to nearly anything at all. Senator Fisher and other coalition MPs at the time were stating that with a sense of horror, as though it would be a terrible thing if many products which are familiar and in everyday use were to be discarded and then find their way into this framework legislation at some stage. I fail to see why that would necessarily be a bad thing.

The coalition, however, argued in their additional comments that the product stewardship criteria be reworked. I will acknowledge that every witness, with the exception of the department, who came in front of the committee said it is very difficult to detect where the government is heading with this. No priorities have been set. We have no idea whether this is intended to cover the field. How do we know that you are going to go after what some described as the low-hanging fruit or whether you are going to tie us up in going through regulatory impact statements and so on for products that are not necessarily at the top of the list for a product stewardship scheme?

So we are convinced that there are grounds for this. We welcome this amendment. I acknowledge that we fought for a little while over the term 'significantly'. I think if that ends up being addressed as too harsh a test by the government—and I invite the parliamentary secretary to address this issue specifically—we may end up finding that nothing finds its way into the scheme, if we are not careful. I know that that is not the government's intention. But I also acknowledge the way that some of the witnesses put this; we are in effect taking it on trust that the political will is there to move products into this framework so that we can actually start to reduce waste volumes in a serious way.

We support criteria that capture all of the potential products that might be appropriate
for a scheme like this. I understand the opposition's intention is not to needlessly exclude products that we could usefully pull out of landfill or off the side of the road. They need to have clear meaning. I think it was successfully argued by coalition senators that indeed nearly anything at all could have found its way into this framework. That contributed to the unease expressed by people in industry and by non-government organisations that work on improving waste policy—opposite ends of the spectrum. There was no sense at all about where the government was going to take this.

In evidence given to the committee, Mr Jeff Angel from the Total Environment Centre was asked whether ministerial discretion would set appropriate boundaries or whether in fact this framework would end up applying to every substance and every conceivable product. He said:

What in this bill makes it apply to everything? On paper everything; in practice potentially nothing, as I have outlined.

We could set this framework up and, if it were not for the good work that is being done in the e-waste area, I would be very sceptical as to the value of this bill at all. Mr Angel went on to say:

So it will be somewhere in the middle, or somewhere closer to not very many.

That is: not very many product streams are going to find their way into this framework. He continues:

Knowing how government processes work, how government regulatory assessments work, how industry negotiates and how we have had to work on the various committees, in reality it does not apply to everything. Frankly, I think it is the sort of fiction that puts the bill in a completely wrong perspective and light. What legislation makes everything happen unless it says that everything is going to come under it? It is a discretionary exercise and discretion in ministerial and government terms is very bounded.

That is from the point of view of groups like the Total Environment Centre, which are obviously concerned to see the maximum value and the maximum benefit gained. In some contexts, that might mean that a very wide variety of products wind up in this scheme.

The Australian Food and Grocery Council took a slightly different perspective on it during the same hearing, but effectively arrived at the same conclusion. Mr Mahar from the Australian Food and Grocery Council said:

... based on the broad interpretation. While we support that, our concern is that it leaves too much scope opportunity for secondary regulations to be made in relation to a range of products that are not necessarily compatible with product stewardship schemes or do not lend themselves to arrangements, mandatory or otherwise, that can be implemented under that bill. In our view the criteria currently in the bill are too broad, too wide and too numerous to allow any certainty for business.

Somewhere between those two perspectives there is a range of views that I think all witnesses were very consistent on, which said, 'We need a process here for a prioritisation,' and the coalition, I think, took the view that one way of guiding the government's discretion in that area is to narrow the range of criteria to which this kind of scheme can apply. We think that that is entirely appropriate.

We will support this bill, but I would seek for the minister, in his remarks before we close debate on this amendment, to address his understanding of the term 'significantly' as the government intends it to apply to the way that the criteria will be used.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:46): I indicate that we support this amendment and that it was part of the extensive negotiations that occurred
between the various parties which resulted in a consensus about the legislation.

Just on the issue that was raised by Senator Ludlam: the criteria, as amended, do tighten the test for the coverage of a product, whether it is voluntary or regulatory. We would expect that there would be sufficient discretion within the words, for example, 'potential to significantly increase the conservation of materials' to allow for most of what the witnesses referred to as the 'low-hanging fruit' to be covered. That answers your question, and I indicate that we support the amendment.

**Senator BIRMINGHAM** (South Australia) (11:47): Just to add to the issue: Senator Ludlam is right to highlight that in the discussions about these amendments we had a discussion about the significance of the word 'significantly'. Indeed, we did have some debate. In fact, when first drafted—

**Senator Fisher:** Significant debate!

**Senator BIRMINGHAM:** It was not a 'significant' debate, Senator Fisher, but nor was it an insignificant debate. It was a good moderate discussion.

When first drafted, we actually had inadvertently placed the word 'significantly' in, I think, part B(2) but not in part B(3) or vice versa. We then had to have the discussion as to whether to apply it as a test to both or to neither. In the end the coalition felt it is important to apply it to both. We would not want to see a situation where, especially, co-regulatory or mandatory schemes were put in place if there were only a marginal benefit. I guess that is where we would draw the distinction. We do not see that 'significantly' is a gargantuan test to leap over, but we see it as a way of making sure that we are not entering a realm where it is within the scope of this legislation to apply schemes that would only be of negligible or marginal benefit rather than of a reasonable or significant benefit.

In the end, once all of the low-hanging fruit—to borrow Senator Farrell's words—is picked, then if there is good argument and scope to revisit these definitions I am sure the parliament will be happy to do so. But I suspect it will be quite a period of time before that harvest and bounty is picked. These definitions, as applied, and the use of the word 'significantly' will ensure that we have consistency in the definitions and will ensure that where schemes are being applied they do actually make a difference; a tangible difference that people can see and that will therefore will help to improve the support and embrace of those schemes.

**Senator FISHER** (South Australia) (11:50): Obviously, in speaking in support of the amendment I look forward to it enabling the picking of more than just low-hanging fruit. Indeed, feeding into the low-hanging fruit part of the equation is probably best achieved by amendments which we will discuss shortly.

This is tightening the criteria so that they can indeed do as Dr Wright suggested was the government's intent during the inquiry into this bill—that is, to filter. The amendment ensures that the criteria now filter the flotsam and jetsam, if you like, of products and substances which otherwise could have been subject to this bill.

It was not quite the projection of mass hysteria implied by Senator Ludlam that came from some witnesses about the confusion that could result from the fact that the bill, in its current unamended terminology, could apply to every product and every substance. But there was significant concern, and for good practical reason. There is no point in having criteria or words in a bit of legislation if they are so wide as to cover everything and to be meaningless. Just as it...
is a waste to have words in legislation to that end, it is also a waste for any government, as would have been the consequence with the bill in its current terms, to potentially leave industry uncertain about the targets of a particular piece of legislation and the product stewardship regulatory regime which would result.

The government of the day will need the arms and legs of industry to get this cracking. You have only to look at the television and computer industries to see that. We are not going to get TVs off the footpath and out of landfill without the industry, be it in that case a co-regulatory scheme that is being proposed or be it in other sectors mandatory, co-regulatory and/or voluntary. Whatever the mechanism and whatever the means, the government of the day is going to be best placed to achieve its wishes with the cooperation, support and hard work of industry, and you had best get that, Temporary Chair Hutchins, as you would know from your hardworking days prior to coming to the Senate, from industry by getting them onboard on day 1 and getting them understanding and involved in the point that you are aiming at. So these amendments are good.

Senator LUDLAM (Western Australia) (11:53): I was ultimately persuaded by arguments that coalition senators raised on the use of the word 'significantly', and I will ask the minister in a moment about where he sees this process going from here. I visualise the fact that anything that would lead to insignificant recovery of materials or recycling would not be worth anybody's while, so we were happy that that test remains in there. But I wonder whether, for the benefit of the chamber but also for the industry and the various sectors that will be intimately affected by the operation of this when it becomes an act, we could be told where this is heading next. What are the priorities? What are the low-hanging fruit? Where is this whole process going? At the moment, we have been speaking, apart from the instances of TVs, computers and so on, mostly in the abstract. I am interested in knowing where the parliamentary secretary sees this process going once this legislation clears the parliament.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:55): There is the procedure that we are going to go through in a minute with some of the other amendments to advise industry about what future products will be included. We have set up a mechanism to deal with that. That was all part of the discussions that we had. There will be a number of products which I think are likely to come on the radar very soon. The first is tyres. I think fluorescent lighting and packaging will be issues that will come up in the very near future. Of course, our priority is to ensure that we get the TV and computer program up and running. That is going to be our immediate priority.

Senator LUDLAM (Western Australia) (11:56): I thank the minister for that answer. So as not to tie the chamber up, so we can move through the remainder of the amendments that we have, can the minister point me to somewhere on his website or the department's website—or indicate whether such a document exists as part of the COAG process—that has a list of what the various product types are. The parliamentary secretary named a couple at that point. Are they intended to be voluntary, co-regulatory or mandatory schemes? What recovery targets are anticipated for each of those product streams? When would they proposed to be met? I am not suggesting that the minister necessarily detail that unless he has that information at the table right now, but I would be very interested in knowing whether such a document exists in the first place and
whether the parliamentary secretary and the officers at the table would undertake to create such a thing.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:57): My understanding is that such a list does exist on the EPHC website. It is available there. But I will get that confirmed for you.

Question agreed to.

Senator LUDLAM (Western Australia) (11:57): by leave—I move Australian Greens amendments (2) to (4) on sheet 7078:

(2) Clause 6, page 9 (after line 9), after the definition of administrator, insert:
Advocacy Group means the Product Stewardship Advisory Group established by subsection 108B(1).

(3) Page 92 (after line 27), after clause 108, insert:

108B Product Stewardship Advisory Group

Establishment
(1) The Product Stewardship Advisory Group is established by this subsection.

Function
(2) The Advisory Group's function is to provide advice to the Minister:

(a) at the Advisory Group's own initiative—in relation to the performance of the Minister's function under subsection 108A(1) (products being considered for accreditation or regulation); and

(b) when requested to do so by the Minister—in relation to the performance of the Minister's functions under this Act.

Further provisions about the Advisory Group
(3) Schedule 1 contains further provisions about the Advisory Group.

Schedule 1—Product Stewardship Advisory Group

Note: See subsection 108B(3).

1 Membership of Advisory Group
(1) The Advisory Group consists of the following members:

(a) at least 5, and no more than 9, members appointed under clause 2;

(b) a Chair appointed under clause 3.

(2) The performance of the functions of the Advisory Group is not affected by reason only of the number of Advisory Group members falling below 6 for a period of not more than 6 months.

2 Appointment of members of Advisory Group (other than the Chair)
(1) An Advisory Group member (other than the Chair) is to be appointed by the Minister, by written instrument, on a part-time basis.

Note: The Chair of the Advisory Group is appointed under clause 3.

(2) A person must not be appointed under this clause unless the Minister is satisfied that the person has appropriate qualifications, knowledge or experience.

(3) Before appointing a person under this clause, the Minister must consult with:

(a) one or more groups from among each of the following:

(i) groups with technical and scientific expertise;

(ii) industry and business groups;

(iii) environmental groups;

(iv) consumer groups;

(v) groups representing local government interests; and

(b) State and Territory governments.

(4) An Advisory Group member appointed under this clause holds office for the period specified in his or her instrument of appointment. The period must not exceed 3 years.

Note: For reappointment, see the Acts Interpretation Act 1901.
3 Appointment of Chair of Advisory Group

(1) The Minister must appoint a person (other than an Advisory Group member appointed under clause 2) as the Chair of the Advisory Group, by written instrument, on a part-time basis.

(2) A person must not be appointed as the Chair of the Advisory Group unless the Minister is satisfied that the person has appropriate qualifications, knowledge or experience.

(3) The Minister may, by written instrument, appoint an Advisory Group member to act as the Chair:
   (a) during a vacancy in the office of Chair (whether or not an appointment has previously been made to the office); or
   (b) during any period, or during all periods, when the Chair:
      (i) is absent from duty or from Australia; or
      (ii) is, for any reason, unable to perform the duties of the office.

Example: The Chair would be unable to perform the duties of the office if required not to be present during a deliberation by the Advisory Group, and not to take part in any decision of the Advisory Group, under subclause 8(4) or (5) (disclosure of interests to Advisory Group).

(4) Anything done by or in relation to a person purporting to act under an appointment is not invalid merely because:
   (a) the occasion for the appointment had not arisen; or
   (b) there was a defect or irregularity in connection with the appointment; or
   (c) the appointment had ceased to have effect; or
   (d) the occasion to act had not arisen or had ceased

4 Remuneration

(1) An Advisory Group member is to be paid the remuneration and allowances (if any) that are prescribed by the regulations.

(2) The office of an Advisory Group member is not a public office within the meaning of the Remuneration Tribunal Act 1973.

5 Leave of absence

(1) The Chair of the Advisory Group may grant leave of absence to another Advisory Group member on the terms and conditions that the Chair determines.

(2) The Minister may grant leave of absence to the Chair of the Advisory Group on the terms and conditions that the Minister determines.

6 Procedures of Advisory Group

(1) The Advisory Group may determine the way in which it is to perform its function (including when and where it meets and procedures to be followed in relation to its meetings).

(2) However, subclause (1) applies subject to any written directions given to the Advisory Group by the Minister for the purposes of this subsection.

(3) The Minister must not give directions under subclause (2) about the content of any advice that may be given to the Minister by the Advisory Group.

(4) A direction given under subclause (2) is not a legislative instrument.

7 Disclosure of interests to the Minister

An Advisory Group member must give written notice to the Minister of all interests, pecuniary or otherwise, that the member has or acquires and that conflict or could conflict with the proper performance of the member’s functions.

8 Disclosure of interests to the Advisory Group

(1) An Advisory Group member who has an interest, pecuniary or otherwise, in a matter being considered or about to be considered by the Advisory Group must disclose the nature of the interest to a meeting of the Advisory Group.

(2) The disclosure must be made as soon as possible after the relevant facts have come to the member's knowledge.

(3) The disclosure must be recorded in the minutes of the meeting of the Advisory Group.

(4) Unless the Advisory Group otherwise determines, the Advisory Group member:
(a) must not be present during any deliberation by the Advisory Group on the matter; and

(b) must not take part in any decision of the Advisory Group with respect to the matter.

(5) For the purposes of making a determination under subclause (4), the Advisory Group member:

(a) must not be present during any deliberation of the Advisory Group for the purpose of making the determination; and

(b) must not take part in making the determination.

(6) A determination under subclause (4) must be recorded in the minutes of the meeting of the Advisory Group.

9 Resignation

(1) An Advisory Group member may resign his or her appointment by giving the Minister a written resignation.

(2) The resignation takes effect on the day it is received by the Minister or, if a later day is specified in the resignation, on that later day.

10 Termination of appointment

The Minister may terminate the appointment of an Advisory Group member:

(a) for misbehaviour or physical or mental incapacity; or

(b) if the member:

(i) becomes bankrupt; or

(ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or

(iii) compounds with his or her creditors; or

(iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or

(c) if the member is absent, except on leave of absence, from 3 consecutive meetings of the Advisory Group; or

(d) if the member fails, without reasonable excuse, to comply with clause 7 (disclosure of interests to the Minister) or 8 (disclosure of interests to the Advisory Group).

11 Other terms and condition

An Advisory Group member holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

[Advisory Group]

Our second set of amendments introduces a product stewardship advisory group. This in many ways goes to the same issues that we have been dealing with so far this morning. It is an idea that was raised by quite a number of those making submissions to the committee.

There were two broad categories of reasons why the Australian Greens felt that this was a valid suggestion and something that would materially improve the way that the bill operates. The first is the lack of priorities established in the legislation that I think we have already canvassed in some detail. Industry and community groups who follow this process have absolutely no idea where it is due to head apart from some very broad-brush issues that the minister outlined there. The second is that the minister, under the way that this act will operate, has very broad powers without any particular accountability mechanism or opportunity for input. So there is enormous discretion there to take issues on, to take various product streams on or not. Environment ministers obviously all get together within the EPHC and as an entity within the larger COAG process, which we find almost completely opaque because what goes on behind those closed doors can be very difficult to influence or even to know, in many cases, what the propositions are. Our amendments pick up the suggestions made by those in the sector who proposed that an advisory group would best comprise experts from industry groups, consumer advocates, community groups, environment groups and scientific groups who would be valuable in providing expert advice on new products that could
potentially come under the framework legislation. That not only gives the government some guidance as to where the industry, in the broadest concept of that term, thinks that this process should go but also provides the minister and the community with that advice, that you have the experts around the table when these decisions are being made.

The use of an expert panel was seen as providing forthright advice from outside the bureaucracy. This would be seen to strengthen the governance arrangements. This is nothing against the bureaucrats who have been managing this process to date, but we feel that diversity of opinion and having the experts in the room when the decisions are being made is a way of providing unfiltered advice to the government that can also generate and transmit a sense of urgency coming from the community for various things. For example, we are aware of media reporting a fortnight or so ago about four shipments of e-waste intercepted by Customs, presumably on their way to South-East Asia. That is not what the industry wants, it is not what people think is happening when their computers and televisions are picked up or they drop them off at a neighbourhood recycling centre, but it is still going on. For the government to be able to respond through this expert advisory group to changing circumstances or new information that arises, like the degree of a black market in e-waste shipping and dumping in some of our neighbouring countries, can guide the direction and help give a sense of urgency. WALGA, the Western Australian Local Government Association, said that a panel:

… would ensure that the most important products and those with the biggest potential to create an environmental impact were selected for product stewardship schemes.

As I noted, this is a way of prioritising that has support from industry right through to the community groups and so on.

An example of such an advisory committee being established to manage waste and determine priorities is the statutory Waste Advisory Board in New Zealand. That board is tasked with providing advice to the responsible minister on a range of issues, including:

- declaring priority products—
- it is not required to develop a priority list—
- making guidelines for product stewardship schemes
  … … …
- specifying criteria for the funding of waste minimisation projects
  … … …
- regulations on records, information and reports.

The committee's report details the New South Wales model established under that state's Waste Avoidance and Resource Recovery Act 2001 which established a non-statutory committee with expert, business and non-government representatives to assist the Director-General of the DCCW to develop the list of wastes of concern. I know that the department were probably pretty cautious about establishing this, and I am pleased that the committee process that we went through and the evidence that we received convinced all parties that advice to the minister is ultimately very useful. It convenes and facilitates engagement by the industry and it is effectively an opportunity for the government to get it right. I commend these amendments to the chamber.

Senator BIRMINGHAM (South Australia) (12:03): I indicate the coalition's support for this package of amendments which essentially establish the Product Stewardship Advisory Group. This ties in
with amendments that are to be moved by the government. We hope these amendments will together provide greater certainty for industry and for all those who are stakeholders within the operation of this act once it is passed.

We heard the concerns that Senator Ludlam outlined, that people were not sure that there was sufficient certainty about where things were going under the operation of the product stewardship scheme, the priorities for future schemes and whether they would be considered in the context of voluntary, co-regulatory or mandatory schemes, exactly how these things would work, how priorities would be set and how much forewarning there would be that an industry could be captured by such a scheme.

Whilst the government has been at pains throughout to emphasise that processes of the regulatory impact statement and otherwise will take some time, that the prioritisation work done by the Environment Protection and Heritage Council will take some time and that there should be in the normal operation of things a good period of time for anyone to become aware that their industry is under consideration, the expectation is that these things will always be done in a consultative and cooperative framework. You will get the best outcomes by involving industry along the way. All of those things aside and despite the assurances given, it was still thought to be beneficial to the transparency of the operation of the scheme for other stakeholders to have the opportunity to have input about the priorities and, for the certainty of industry, that within the legislation there was a framework for input and prioritising and that that framework ensured that there was some public awareness of it.

The amendments moved by Senator Ludlam to establish the Product Stewardship Advisory Group provide for a structure for that input, for advice to the minister and to the council and for prioritisation. The amendments to be moved by Senator Ludlam shortly require the publishing of products that are being considered for accreditation or regulation under the act. They tie in with this and will ensure that there is public awareness and certainty for all parties. Again, I express my thanks to the other parties for the cooperative approach in addressing the concerns that the Senate committee identified and indicate the coalition's support for these amendments.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:06): I indicate the government supports these amendments. Following on from what Senator Birmingham said, I thank the parties for the cooperative way in which they worked with the department to come up with this proposal.

Senator LUDLAM (Western Australia) (12:07): Before we move on, I want to put to the minister a question around an issue that I raised earlier, which is whether he considers the establishment of this advisory group as providing a mechanism for doing a couple of things: firstly, having the expert views in the room and, secondly, publishing lists of particular products or categories of waste that might soon fall under the scheme. As has been made very clear, we have three different ways of regulating different kinds of waste: voluntary schemes, where the industry goes ahead and sets up its own scheme, of which I guess the MobileMuster is an example; the co-regulatory scheme, where we see the industry working with government to establish a scheme that it can then be held to; and mandatory schemes—for example, with very hazardous materials where you do not want things left to chance.
In the broadest conception of this, if we get it right the first time and there is all the goodwill at the table and industry comes to the party and so on, the right products will be put in the right one of those three categories and all of a sudden, within a couple of years, we will see dramatic reductions in landfill; we will see dramatic increases in resource recovery and efficiency of recycling; we will see a huge reduction, for example, in greenhouse gas emissions from landfill as organic material is removed; and the scheme will be working as intended. My question to the minister is: at what point will assessments be made as to whether the targets for the various product streams—let us take the example of mobile phones—have failed to be met or are not strong enough in the first place and we still have huge volumes of material just heading out to landfill or being thrown away? What will the process be for re-evaluation of whether something should go from voluntary to co-reg or from co-reg to mandatory? What will be the levers that will drive take-up of higher recycling? What will be the penalties, for example, for missing a particular target? How does the minister envisage the advisory group driving those improvements in performance if, with a particular product or class of materials, we are still sitting here in five years time with, for example, five per cent recovery rates of mobile phones under a voluntary scheme? What will be the process of assessment whereby it is taken out of the voluntary space and, for example, we initiate a co-regulatory mechanism?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:09): Thank you, Senator Ludlam, for that question. I have the greatest of confidence that with the amount of effort that we have put into this legislation, and the amount of time that you and the opposition have put into it, we have developed a program which will ensure that we move forward in the direction that you certainly want us to head in. I cannot predict the future, but I do have the greatest of confidence that we will progress in the area of recycling and the areas that you are concerned about as a result of this legislation. If it turns out that it does not work in the way in which we hope or expect then obviously we will look at that and relook at it. But I think the effort that all of the parties have put into getting to this point will result in this legislation working in the way that we intend it to work. Obviously if it does not then the issue is going to have to be revisited, but I have the greatest of confidence that this legislation will do exactly what we intend it to do.

Senator LUDLAM (Western Australia) (12:11): The reason that I raise this issue is that it is good that the parliamentary secretary has this high degree of confidence that the system is going to work because there is goodwill—as we have seen, there is tripartisan consensus, in this chamber at least, that this is a scheme that needs to get up and go forward—but, when you say that the bill will act as intended, there are no targets; it is an empty framework. There are no levers, for example. I would seek to have the parliamentary secretary address specifically the issue that I asked about: what triggers or thresholds will be set, either legislatively or as part of the work of this advisory group, that would move a product category or product scheme from one tier to the next? At what point do we say a particular voluntary scheme is not working and needs to be tightened up? There is nothing in the bill—maybe you could point it out if I have missed it—that would require that kind of transition to a higher standard of performance if we are failing in one particular area.
Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:12): Thank you for the question, Senator Ludlam. The key inputs to the legislation, of course, are the advisory groups, the international agreements and the environment ministers council. If any one of those groups is of the view that the legislation is not working then of course it will raise that and we will deal with it on a case-by-case basis. We have the TV and computer program; that will be the first test. I am very confident that that will, particularly once we have written the regulations, demonstrate to the community that this legislation works. But there are processes by which organisations can raise any concerns about failing to meet the expectations of the legislation, and I am sure that that is what will happen.

Question agreed to.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:14): I table the supplementary explanatory memorandum relating to the government amendments to be moved to this bill. The memorandum was circulated in the chamber on 12 May 2011. I seek leave to move the government amendments together.

Leave granted.

Senator FARRELL: I move government amendments (1) to (15) on sheet AF202 together:

(1) Clause 9, page 13 (line 11), omit "(1) Subject to subsections (2) and (3), this Act", substitute "This Act".
[products for regulation]
[relationship to State and Territory laws]

(2) Clause 9, page 13 (line 15) to page 14 (line 23), omit subclauses (2) and (3).
[products for regulation]
[relationship to State and Territory laws]

(3) Clause 17, page 21 (line 17), after "that", insert "; and".
[products for regulation]

(4) Heading to subclause 19(3), page 25 (line 1), at the end of the heading, add etc.
[products for regulation]

(5) Clause 19, page 25 (line 8), at the end of paragraph (3)(b), add "; and".
[products for regulation]

(6) Clause 19, page 25 (after line 8), after paragraph (3)(b), insert:

c) if regulations made for the purposes of subsection (1) are not already in force in relation to the class of products:

(i) the class of products has been notified in accordance with subsection (3A) no later than 12 months beforehand; or

(ii) there are special circumstances justifying the making of the regulations without that notification.

[products for regulation]

(7) Clause 19, page 25 (after line 10), after subclause (3), insert:

(3A) For the purposes of subparagraph (3)(c)(i), a class of products must be notified by being included in a list or notice, published on the Department's website, of classes of products in relation to which the Minister is proposing to consider whether some form of accreditation or regulation under this Act might be appropriate.

[products for regulation]

(3B) If the Governor-General makes regulations to which subparagraph (3)(c)(ii) applies in relation to a class of products, the regulations must, when laid before both Houses of Parliament under section 38 of the Legislative Instruments Act 2003, be accompanied by a statement, prepared by the Minister, setting out the special circumstances mentioned in that subparagraph.

[products for regulation]

(8) Clause 36, page 41 (line 14), after "that", insert ", among other things".
[products for regulation]

(9) Clause 37, page 43 (line 28), omit "paragraph 39(c)", substitute "paragraph 39(1)(c)".
[products for regulation]
(10) Clause 39, page 44 (line 29), omit "Before", substitute "(1) Before".

[products for regulation]

(11) Clause 39, page 45 (line 13), at the end of subparagraph (c)(ii), add "; and".

[products for regulation]

(12) Clause 39, page 45 (after line 13), after paragraph (c), insert:

(d) if regulations made for the purposes of section 37 are not already in force in relation to the class of products:

(i) the class of products has been notified in accordance with subsection (2) no later than 12 months beforehand; or

(ii) there are special circumstances justifying the making of the regulations without that notification.

[products for regulation]

(13) Clause 39, page 45 (line 18), at the end of the clause, add:

(2) For the purposes of subparagraph (1)(d)(i), a class of products must be notified by being included in a list or notice, published on the Department's website, of classes of products in relation to which the Minister is proposing to consider whether some form of accreditation or regulation under this Act might be appropriate.

(3) If the Governor-General makes regulations to which subparagraph (1)(d)(ii) applies in relation to a class of products, the regulations must, when laid before both Houses of Parliament under section 38 of the Legislative Instruments Act 2003, be accompanied by a statement, prepared by the Minister, setting out the special circumstances mentioned in that subparagraph.

[products for regulation]

(14) Heading to clause 108, page 92 (line 1), omit "on Department's website", substitute "about arrangements".

[products for regulation]

(15) Page 92, (after line 27), after clause 108, insert:

108A Publishing material about products being considered for accreditation or regulation under this Act

(1) The Minister must publish on the Department's website, before the end of each financial year that starts after the commencement of this Act:

(a) a list of classes of products in relation to which the Minister is proposing to consider, during the next financial year, whether some form of accreditation or regulation under this Act might be appropriate; and

(b) the reason (or reasons) why the Minister is proposing to give that consideration.

(2) In preparing a list of classes of products as required by paragraph (1)(a), the Minister may have regard to any matter the Minister considers relevant, including:

(a) whether the product stewardship criteria are satisfied in relation to those classes of products; and

(b) whether one or more of the following apply in relation to the products in those classes:

(i) reusing, recycling, recovering, treating or disposing of the products involves a significant cost to the Commonwealth, or State, Territory or local governments;

(ii) the consumer is willing to pay for action that reduces the impact that the products have on the environment, or that substances contained in the products have on the environment, or on the health or safety of human beings;

(iii) taking action to reduce those impacts will offer business opportunities that would make a contribution to the economy.

(3) The Minister must cause to be tabled in both Houses of Parliament a list of classes of products published under paragraph (1)(a), accompanied by the reason (or reasons) in relation to that list published under paragraph (1)(b), within 15 sitting days after the day of that publication.

[products for regulation/criteria]

In the interests of time, Mr Temporary Chairman, I will not address them.
Senator BIRMINGHAM (South Australia) (12:14): Equally in the interests of time, I indicate that I addressed the primary substance of these amendments in my comments with regard to Senator Ludlam’s amendment. These are complementary to a number of the other things that we have done and particularly to the establishment of the advisory group. These amendments will provide for the publication of those materials that are being considered for accreditation or regulation under the act and in doing so will basically give industry and groups 12 months of forewarning that an issue is on the books and under consideration. The likelihood is the processes will end up taking much longer than that to get from beginning to end, but at least there is in a sense a minimum time frame in here, aside from special circumstances, that ensures there is some certainty and awareness. The coalition will be supporting the amendments.

Senator LUDLAM (Western Australia) (12:15): I will address some brief remarks to these amendments. I am a bit surprised that the minister did not see fit to at least briefly describe to the chamber what they actually do. There are a number here, and I am happy to address the issue of publication in advance. As Senator Birmingham has indicated, you would have to be not paying attention for a very long period of time to be caught out by the government’s intention to regulate in one of these product stewardship schemes; these things I think are agreed well in advance. All the same, the Greens certainly will not be opposing the listing in advance. That was one of the things that the committee recommended should happen to provide clarity. We would see that these amendments would work in concert with the creation of the advisory group, whereby, after the whole process has been gone through of setting priorities and hopefully establishing targets and at least implied consequences for failure to meet some of those targets, they would then make their way onto the proposed register to give everybody in the community and the industry clarity about where the process seeks to go. I do not think there is anything controversial about those amendments.

I should also acknowledge that the amendments the government is seeking to batch up here and move also affect the way that this legislation will interact with state and territory laws. As I said at the outset we know that, in the policy vacuum that effectively has been the Commonwealth response to waste management in recent decades, the states and territories have gone ahead and done their own thing in many areas. So one or two of the amendments that the government is seeking to pass here ensure, for example, that state laws that might be stronger or more effective than processes established at the Commonwealth level are not expunged or wiped out by the bill. The importance of this could be seen in the example of South Australia, where we have a container deposit scheme that is very much worth preserving.

The South Australian container deposit scheme has been operating since 1977 and it has been an inspiration for the rest of the country. We have seen that initiative now spread to the Northern Territory and, as I said earlier, Colleen Hartland MLC, my colleague in the Victorian parliament, is moving possibly as we speak to introduce a similar scheme in Victoria. In South Australia the service has expanded to include kerbside collection, expanded the range of containers to which deposits and refunds apply and increased the deposit to 10c. But that is a scheme that careless legislation by the Commonwealth could accidentally wipe out, if we were not careful.
South Australia now has a drink container recovery rate of over 80 per cent and there is a notable lack of litter on highways, on parks and on beaches. South Australians recycle over 1½ tonnes per person per year. The container deposit system in South Australia also benefits community organisations like scout groups that operate container collection depots. That is one of the areas where, again, we could accidentally do quite a bit of damage in here if we wipe out a scheme that has been operating successfully in South Australia. The collection depots that the Australian Greens seek in our national container deposit bill would be paid for by the operation of the scheme which would establish a network of neighbourhood recycling places. While they would start out as being just for beverages they would end up being used to collect a great deal more. Scout groups in South Australia, for example, earn $9 million a year from that recycling activity, and 92 per cent of South Australians report a high level of support for their container deposit system.

Today in the Victorian parliament, as I said, Colleen Hartland MLC is reintroducing her bill for a 10c refundable deposit on drink bottles, cans and cartons in Victoria. In 2009 her private member's bill passed in Victoria’s upper house, the Legislative Council, where it gained support from all opposition parties. The then government quite famously refused to debate the bill in the lower house, where they had an absolute majority. It is worth noting that the Victorian opposition MPs who supported her 10c deposit legislation in 2009 are now in government. The Victoria opposition MPs who supported her 10c deposit legislation in 2009 are now in government, so it will be very interesting to see the outcome now. What this means, of course, is that because of Commonwealth inaction in this space we now have developing a patchwork of different pieces of legislation. All of them, I suspect, will work very well, but nonetheless there will be different sets of regulations applying to industries differently in the states and territories when the Commonwealth could have taken a leadership position rather than simply burying the proposal for a national scheme.

In the Northern Territory, 10c deposit legislation passed unanimously. It did not end up getting party political; it ended up being the Northern Territory assembly versus the beverage industry, which was fascinating to watch. We do not seek to politicise these issues, as we have seen in the way this debate has been conducted today. What I would invite the minister to do, though, is address something that these amendments are silent on, and that is: what will happen when a Commonwealth scheme comes into effect? We know that it will not squash a state or territory scheme that is better, that it will operate at a Commonwealth level, and that is appropriate. But what will be the case where the Commonwealth brings in legislation that is better than a state or territory scheme? What will be the impacts when a product stewardship scheme introduced under this framework legislation conflicts with a state or territory scheme when the Commonwealth scheme might be an improvement? How will that actually work?

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:22): Thank you for the question, Senator Ludlam. I indicate that generally speaking the way in which this matter is dealt with is that there are negotiations through COAG for the states to deal with this redundant legislation.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.
Third Reading

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

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”

Senator LUDLAM (Western Australia) (12:24): This is a rather different debate. We have just been speaking on what passes as best practice in the Australian context on waste management. Now the debate turns again to worst practice in radioactive waste management. I will just conclude my remarks.

The Greens are absolutely not in denial about the 4,000-odd cubic metres of so-called low level and short-lived intermediate level radioactive waste and the approximately 600 cubic metres of long-lived radioactive waste in this country. We believe that it should not have been created in the first place but we are acutely aware of the radioactive reality that has been created for current and many future generations to deal with. The Greens are also perfectly aware that 32 cubic metres of spent research reactor fuel in reprocessed form is returning to Australia from reprocessing in France and the UK in 2015-16. The Greens take this material seriously and we understand that we cannot afford to make mistakes with materials that are deadly for thousands of years.

In the committee stage of the bill, when we come to it, we will describe at some length our alternative proposal for long-term radioactive waste management and I will sketch it now. We will seek to establish a process for identifying suitable sites that are scientific, transparent, accountable and fair and allow access to appeal mechanisms. I will put this on the record one last time in this second reading debate: we are very willing to work with the Gillard government and the opposition on this issue constructively and carefully. If the government chooses to return to the path that it was planning and advocating prior to the 2007 election which saw the Rudd government come to power, and if the government abandons its strategy of aggression and dispossession, we will support it in putting something better in place. But, if not, the government needs to know that it has picked a fight with powerful and resilient people.

I have spent a great deal of time on the road in the last couple of years working on this issue. I know for an absolute fact that many of the people that the government has chosen to target have nowhere else to go. They strongly and genuinely believe that if their land is taken away that they will simply
have nothing. It is not good enough for the
government to draw rectangles on the map,
try and split families and communities off
from each other and imagine that there will
not be significant strong, sustained and
ultimately successful resistance. The govern-
ment has failed in the past in attempts to
coercively dump radioactive waste on
communities that are simply not willing to
host it and do not understand why, if it is not
safe in southern Sydney, suddenly it should
be made safe by parking it in a shed or a
shallow hole in the ground on their country.
People do not understand that.

I want to acknowledge Dianne Stokes and
Mark Lane, who have spent time in this
building far from home advocating, and
Kylie Sambo, who was here with Dianne
yesterday, making the case very strongly and
proudly speaking out for their country and
culture that they do not believe that they owe
the rest of Australia an obligation to host this
toxic material until the end of time.

There are people who have been following
this campaign closely, supporting the various
people who found themselves on the front
line, including Nat Wasley who has given up
an enormous amount of her own time and
dedicated herself to this campaign in the
most extraordinary way, along with Paddy
Gibson and little Jellybean who was in the
public gallery, I think, probably for the first
time yesterday.

In Alice Springs, Hilary Tyler has
marshalled the views of the Public Health
Association and medical opinion to stop the
government from hiding behind this argu-
ment that somehow cancer treatments require
that we produce these toxic categories of
waste. Dave Sweeney from the Australian
Conservation Foundation has been absol-
utely extraordinary on this issue and has
provided leadership over a sustained period
of time as the Australian government has
lunched from one emergency and coercive
strategy to another, and all the folks at ACE
and Friends of the Earth have made it their
jobs to remind the minister that he may be a
very long way from his office in Batman to
the site of the dump but in fact he will be
reminded day in, day out.

Lastly, Felicity Hill in my office has been
a profoundly supportive and important part
of this campaign and came on the road on
many occasions to committee visits and
demonstrations in remote parts of the
country to pursue this cause. I also at this
point urge support for my second reading
amendment already moved.

Senator MINCHIN (South Australia)
(12:29): I rise to speak on this bill in my
capacity as the minister responsible for
radioactive waste from 1998 to 2001 and as
the minister responsible for the Land
Acquisition Act, and hence the acquisition of
a radioactive site, from 2001 to 2007. So I do
have a long and intimate association with
this vexed issue. I regret to say that the way
this issue has been handled over the last 20
years is an indictment of Australia's political
culture and, with great respect to my friends
and colleagues opposite, the Australian
Labor Party in particular. It is now nearly 20
years since the then responsible minister,
Simon Crean, announced the then federal
Labor government's commitment to a
national repository and commenced the
formal research for the best sites for that
repository—and that process was still
underway when we came to government in
1996.

At that point, regrettably, the ALP, then in
opposition, took a 180-degree turn on this
issue. From that point on, while the coalition
continued the process initiated by Simon
Crean and the Labor Party, the Labor Party,
at state and federal levels, opposed us every
step of the way. Labor spent 11½ years
doing everything it possibly could to frustrate and oppose the implementation of the policy it devised when in government. The exploitation of community concern about radioactive material during that 11½ years was a real low point in Australian politics. When the then opposition could have, and should have, acted in the national interest to join with the coalition government to implement its own policy, it chose opportunism, cynicism and fearmongering.

To some extent, the worst offenders were not the federal opposition but the Rann Labor government in South Australia. Two years prior to the Rann government's election in 2002, the independent process over which I in government presided, but which had been implemented by Simon Crean, concluded that the central north region of South Australia was the best place in Australia to build a national radioactive waste repository. So it fell to me as the then Minister for Industry, Science and Resources, and in the interesting position of being a senator for South Australia, to announce the outcome of that scientific research in 2000 and the identification of a prospective sites in the central north of my home state.

To its great credit, the then state Liberal government in South Australia looked to the national interest and did not oppose that outcome. The Rann state Labor opposition, of course, saw a political opportunity and immediately started campaigning against having a national repository in South Australia. It did not seem to matter to Rann Labor that a national repository was federal Labor government policy under Hawke and Keating, that the federal Labor government had initiated the nationwide scientific search and that the search had identified the central north of South Australia as the best site. It did not seem to matter to the Rann Labor Party that building this national repository would enable the removal of radioactive waste from the centre of the city of Adelaide, where it was then, and still is, stored in basements on our main boulevard.

After their victory in the 2002 election the Rann Labor government used every resource available to a state government to frustrate the federal process, aided and abetted, I regret to say, by the then federal Labor opposition. The South Australian state Labor government used legislation and the courts and the cynical manipulation of South Australian public opinion to make it practically impossible for a federal coalition government to put a repository where the science—which we now hear we must obey—had told us was the best place in Australia.

Of course, as a South Australian senator and as the responsible minister, I bore the brunt of those rather vicious Labor attacks. I was branded a traitor to my state, I was pilloried at every opportunity and even my children suffered abuse at their local South Australian school. I needed police protection at public functions when I argued the case for this repository. So it was without question the ugliest period of my political career.

Of course, this cynical campaign was perpetrated by a state party and leader who had done everything they could at that stage to stop the development in South Australia of the Olympic Dam uranium mine—but they are now, of course, its biggest champions. Rann Labor now says: 'We do want the world's biggest uranium mine in South Australia but under no circumstances could we have a national repository for Australia's short-lived and intermediate level radioactive waste. The Howard government did the only thing it could: leave Mr Rann to wallow in his rank hypocrisy and seek to establish a Commonwealth repository in the Northern Territory. We were left with no other option,
given the actions of the Rann Labor government. So those opposed to a repository in the Northern Territory have Mr Rann to blame. But for him, we would already have a national repository up and running in outback South Australia.

Now, of course, we are regrettably witnessing the hypocrisy of federal Labor. Federal Labor in opposition aided and abetted the Rann Labor government in its campaign to frustrate the national interest. Federal Labor attacked us relentlessly on this issue. Federal Labor in opposition voted against our 2005 legislation to develop a Commonwealth repository in the Northern Territory and promised at the 2007 election to repeal our legislation. Of course, now that they are back in government they are being mugged by the same reality that the previous Labor government faced nearly 20 years ago and they are now committed to establishing what Australia must have: a national purpose-built repository. So now we have a Labor bill which is essentially the same as our 2005 legislation which, as I say, Labor so cynically opposed at the time.

As the then shadow minister for resources and energy in the coalition, in March last year, just before my resignation, I sought and obtained shadow cabinet and coalition party room support for this Labor legislation, and I was gratified that the coalition party room put the national interest first rather than pursuing a cynical, short-sighted and politically motivated opposition. Unlike Labor in opposition, we will not play politics on this issue, and I applaud my own party for the stand they are taking. We must build this repository. As I said at the outset, it is a sad indictment of the political culture of this country that, for nearly 20 years, successive federal governments of both persuasions have tried to do the right thing without success. As a nation we have been incapable of collectively accepting the need for a purpose-built repository for our radioactive waste—nobody else’s—and to get it built and get it operational.

The political exploitation of the tendency to nimbyism will cripple this country unless we unite to overcome it. Labor and the coalition must understand the importance of putting politics aside and joining together in the national interest to achieve outcomes like the proper safe disposal of radioactive waste. My experience with this radioactive waste issue, over many years, is why I have repeatedly and consistently said to my own party that without bipartisanship you can completely forget about nuclear power in Australia. If, after 20 years, we still have not been able to establish a low-level radioactive waste repository out in the desert, imagine how long it is going to take to build a nuclear power station. So I welcome the somewhat belated bipartisanship on this waste issue. We have to get this repository built as soon as possible.

I commend the government for bringing in this legislation and I commend my colleagues for agreeing to support it. I conclude by commending my colleague Senator Nigel Scullion for his handling of this issue. As it was difficult for South Australian senators, so it is difficult for Northern Territory senators—both Labor and coalition. I do know how tough it has been for both of them. I want to commend to the Senate the amendment moved by Senator Scullion and I urge the government to accept his very sensible proposal.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12:39): I join my colleague Senator Ludlam in opposing this legislation. I take up the point at the end of Senator Minchin's very sharp and well-delivered speech where he said, in advocating that this bill pass expeditiously: imagine how long it is going to take to build
a nuclear power station after the length of time it has taken to establish a nuclear waste dump. Therein lies an enunciation of the fear that so many people have about a nuclear waste dump being put 'in the desert', as Senator Minchin puts it—that is, in this ecosystem in the Northern Territory.

This is not as innocent as it looks. This is a proposal to put low-level waste from medical facilities or whatever into a place that is out of the range of most city dwellers but on the land of Indigenous people in Central Australia, against the wishes of people in the region that is being targeted by this legislation. But what Senator Minchin has clearly outlined is a proposal that in future this waste dump also be the repository for waste coming from the proliferation of nuclear power stations in Australia. We do not need long memories to go back to the Howard proposal, in the run-up to the 2007 election, that there be up to 25 nuclear power stations around Australia, close to—for grid reasons and because they are cooled by water—existing major population centres. It is very much alive and on the agenda of the alternative government of this country that nuclear power stations will come down the line, despite what we have seen unfold in Japan in recent months.

It is as if on the benches opposite there is an inability to grasp the threat to humanity of the whole nuclear power cycle. I want to talk about that for a moment, because a former Prime Minister approached me recently proposing that Australia become a nuclear waste dump for the whole world and the money coming from such a nuclear waste dump be put to environmental purposes. I said: 'Well, Bob, how can that be? The environmental threat of a nuclear waste dump feeding a nuclear industry on the planet far outrides any monetary advantage that might be put into the environment itself.' Let us make no mistake: Muckaty Station is targeted not just for a low-level or even medium-level nuclear waste dump, as proposed in this legislation, but to become the Australian repository of waste from a nuclear industry which has huge plans afoot for nuclear power stations in this country. At the highest levels of corporate thinking is the proposal that this waste dump become a global nuclear waste dump. And (a) leads to (b) leads to (c). You cannot see this legislation divorced from that intent. Senator Minchin has just given a clear indicator of how live and prospective these proposals are.

Senator Ludlam has done an enormous amount of work in evaluating this proposal and has outlined more specific and local reasons for not going ahead with it. Senator Minchin has condemned the South Australian government for opposing north-east South Australia as a site for a nuclear waste dump, and I add this: every reason that the Rann government gave for opposing a nuclear waste dump in north-east South Australia applies to this proposal in the Northern Territory. It is simply a case of the Commonwealth having the power over the Territory that it does not have in overriding a state interest. What is good enough for South Australia is good enough for the Northern Territory.

Debate interrupted.

MATTERS OF PUBLIC INTEREST

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

Afghanistan

Senator FURNER (Queensland) (12:45): Following eighteen months in the planning, on Friday, 13 May a delegation from members of the Joint Standing Committee on Foreign Affairs, Defence and Trade's Defence Subcommittee left Australia for the purpose of visiting Australian Defence Force
personnel in areas of Afghanistan. I as chair, deputy chair Dr Dennis Jensen, the member for Tangney, Ms Gai Brodtmann, the member for Canberra, and Mr Stuart Robert, the member for Fadden, along with defence advisor Lieutenant Colonel Stuart Kenny, made up the delegation.

From the outset I held no preconceived views of the country, the security situation or our ADF personnel serving in the country. Notwithstanding that, based as it was on my previous involvement with the Defence Subcommittee and the parliamentary defence programs I have been involved in, my long-standing opinion of the professionalism and competence of our ADF personnel was only further enhanced.

The Saturday took us into Dubai and directly onto the Joint Task Force 633 Al Minhad Air Base in the United Arab Emirates. The base is strategic to the supply and staging of operations into and out of Afghanistan for our ADF personnel. The role and importance of HQ JTF 633, which provides the national command of Australian forces deployed across the Middle East area of operations, is quickly understood once you receive the briefings which are supplied.

Throughout the day briefs, opportunities to meet our ADF personnel and basic training were provided to the delegation. This included training in improvised explosive device detection and an explanation both of the composition of the devices and of the improvised techniques used by the insurgents in making these insidious devices, which have taken the lives of so many of our young ADF personnel. These devices are made with the most basic of materials, and this left me astonished at how they could ever detonate. Despite that fact, these explosives have taken so many lives, such as that of our last brave digger, Sergeant Brett Wood, who was tragically killed seven days after we had been in Kandahar during a partnered, dismounted patrol by Provincial Response Company Uruzgan and Special Operations Task Group. During our briefing we were informed that one particular digger had stood on IEDs on two occasions without having them detonate.

Additionally, we were given the opportunity to be provided with trauma first aid treatment using the latest techniques available to our troops in the battlefield. This included use of bandaging for critical upper body circumstances. All of us were provided with opportunities to fire the standard Steyr rifle on the base firing range, and before heading back to the main base for dinner we were measured up for our protective vests and helmets and introduced to commandos serving with the 2nd Commando Regiment personal security detail, who provided complete security for us while we were in Afghanistan.

The three- to three-and-a-half hour trip to Tarin Kowt, Uruzgan province, in the south of Afghanistan in the C130 Hercules provided a good opportunity both to see from the cockpit of the aircraft the environment we were entering and to talk to troops being dispatched to the province. The flight into Tarin Kowt provided the opportunity to see what have been determined to be 'green zones', in which the population irrigate their produce with the melting winter snows from the mountains and which provide a stark contrast with the surrounding desert land.

Landing on the recently provided sealed airstrip, which was built as a result of a commitment by the ISAF, the initial impression was that we could have been arriving at an airstrip anywhere in the world. The only indications of the reality that we were in a war zone were the many uniformed ADF personnel, being escorted from the flight while dressed in our vests and helmets.
and, of course, the many defence craft on the ground.

The visit to Tarin Kowt provided a unique opportunity to observe the success of our involvement in Afghanistan. In addition to the briefings provided throughout our short stay, the most telling examples of our success in the country were provided when we visited a patrol base in Mirabad valley, which is outside the wire. The flight there and back in two Black Hawk helicopters provided opportunities to see at first hand infrastructure building in the region, such as a new sealed road—which is opening up the region to areas in north-western Afghanistan—and the new mosque, both of which were built as a result of our commitments.

Having arrived at the patrol base we witnessed mortar training and engagement on the ground, which involved both ADF personnel and the Afghan National Army. Having met the senior officers and a number of our troops, we were then summoned to a meeting with several local Afghan elders. In spite of the fact that the two parties required interpreters in order to communicate, the clear message from the elders was of the need for infrastructure rather than anything about safety. Additionally, the elders provided overwhelming endorsement of our ADF officers and personnel, complimenting them on the excellent work that they had been achieving in the valley. No doubt feedback like this clearly demonstrates that our involvement in Afghanistan is winning the hearts and minds of these people.

HQ Combined Team Uruzgan, CT-U, has been achieving in the following areas. It has responsibility for mentoring and developing the Afghan 4th Brigade of 205th Corps. It has made significant progress in security since taking over from the Dutch. It has expanded security coverage from 18 patrol bases to 36 patrol bases. It has a strong relationship with a very effective provincial governor and provincial chief of police, which has lead to improved governance and development and thus improved security. It has had a very effective winter campaign—a mild winter has allowed successful operations during which CT-U has increased the area under ISAF and Afghan control and security. SOTG has been key to the winter gains, as they have taken 19 mid- and low-level Taliban leaders off the field. CT-U's focus for the 2011 fighting season is to hold onto what has been gained over winter.

Oruzgan is a difficult area for development projects due to its remoteness and the harshness of its terrain. It is the poorest province in Afghanistan, and its demographics are really challenging. Across the province the literacy rate is 10 per cent overall and 0.2 per cent for women. School attendance is 20 per cent, whereas nationally it is 50 per cent. Thirty-seven per cent of children do not reach the age of five years, and typically 50 per cent of each village is under 18 years of age. During our stay in Kandahar we were able to visit the Rotary Wing Group, which provided for the operation of two CH-47D Chinook helicopters supporting ISAF operations. Additionally, we were afforded briefings of the Heron detachment, which provides surveillance and intelligence in the country and the Kandahar Role 3 Hospital. Lieutenant Marcus Case, Australian Army Aviation Corps, who was killed on 30 May while serving on operations in Afghanistan, was from the Sydney based 6th Aviation Regiment and had been deployed to Afghanistan as a Heron unmanned aerial vehicle operator. The Chinook he was in was effectively destroyed in the crash; however, the five survivors, I understand, are being rehabilitated and are in a satisfactory condition.
Turning to Kabul: alongside the opportunities to meet some members of parliament from the government and the Australian Ambassador to Afghanistan, Paul Foley, seeing further work by the joint forces in training the Afghan National Army was a worthy experience. Parliamentarians we were fortunate to meet included Khalid Pashtoon, the Deputy Speaker of the Afghan parliament; Fawzia Koofi, chairwoman of the defence and territorial affairs standing committee; and Hasham Watanwal, representing Oruzgan province and deputy chair of the defence and territorial affairs standing committee.

Later the next day, before we left Kabul, we went up to another base to visit the Artillery Training Team Kabul, or ATT-K. The ATT-K was established by Lieutenant Colonel Richard Vagg in 2010 from scratch, and is now considered a model ANA school. The ATT-K is an Australian artillery-led coalition team, with nine nations providing personnel and equipment. The Australian Army provides 20 personnel to the team. The ATT-K mission is to facilitate the training, advice and mentoring of ANA field artillery soldiers and officers so that they become capable of sustaining a professional ANA field artillery independent of coalition support.

Key to training ANA members to become artillery soldiers and officers has been literacy. ATT-K has embedded literacy training throughout all of its courses, and that model is now being exported by NATO Training Mission Afghanistan to all other ANA schools. Soldiers arrive at basic artillery training without being able to read or write; by the end of their basic course they can do so to a grade 1 level, and each subsequent course will increase their level of literacy. I think the best example we saw whilst at the ATT-K base was an elderly Afghan solider—I would put him at around 53 or 54—who was reading, for the first time, to the rest of the class his writings from the whiteboard. Six weeks earlier he could not read or write at all. So once again, that just demonstrates our commitment and success in this country and this conflict.

Has there been progress in Afghanistan's development over the past nine years? Put simply, yes. There has been a dramatic increase in school enrolments, from around one million in 2001, none of whom were girls, to over six million today, one-third, or two million, of whom are girls. There has also been a significant increase in the availability of basic health services, which were available to less than 10 per cent of the population under the former Taliban regime but are now extended to around 85 per cent of the people. Further, there has been the identification and management of over 39,000 community based infrastructure projects, such as wells, clinics and roads, in over 22,000 communities across Afghanistan, through the Afghan led National Solidarity Program. Almost 10,000 km of rural roads have been rehabilitated, supporting the employment of hundreds of thousands of local workers, through the National Rural Access Program. The telecommunications industry has created about 100,000 jobs since 2001, and 10 million Afghans today have access to telecommunications, compared to only 20,000 in 2001.

The ISAF has effectively, over the past Afghan winter, denied the Taliban its spiritual heartland in the south of the country. Notwithstanding that, General Krause has described the situation in Kandahar as not all milk and honey. But we have secured the area. He attributed this outcome to the mild winter, the poppy harvest being slightly later and Ramadan being earlier this year. The Afghan National Army stands at 159,400, with a projected
growth to 171,600 by November 2011. Equally, the Afghan National Police has a strength of 125,000, with a target of 134,000 by November 2011. Literacy is a major obstacle, with 86 per cent of new ANA recruits totally illiterate and innumerate. At 31 March 2011, there were 70,000 ANSF personnel in literacy training, while 72,000 had already completed some degree of training. In the words of General Krause, 'Transition is no longer a dream; it is actually going to happen for the first provinces.'

I wish to thank the Deputy Commander JTF 633 Air Commodore Oddie; Commander CTU Colonel Jim Creighton from the US army; Officer Commanding Force Support Team and Camp Commandant Major Peake; Major General Michael Krause; Commander JTF 633 Major General Angus Campbell; all of the other officers and ADF personnel who provided us with detailed information and hospitality; and all DFAT, AusAID and AFP personnel. In particular, I wish to single out all of the highly dedicated and professional escort and personal security detachment who ensured our safety throughout the trip into Afghanistan. Additionally, we thank Lieutenant Colonel Stuart Kenny for his support.

The journey to Afghanistan has had a profound effect on me personally, deepening my strong empathy for our Australia Defence Force men and women. Compounding this experience was learning of the news, seven days following our visit to Kandahar, during a Senate Legal and Constitutional Affairs Legislation Committee estimates hearing, of the death of Sergeant Brett Wood, and then learning of the additional tragic deaths, of Lieutenant Marcus Case and Lance Corporal Andrew Jones a week following, and then, most recently, of Sapper Rowan Robinson.

To digress slightly, on the subject of our troops and what they are doing over there in the Middle East: it was only two Sundays ago, during a Building the Education Revolution event, not far from my home, that I had the opportunity to speak to one of our ADF personnel from Enoggera base. I think that, by that stage in that particular day, there were some results coming in from some survey where people were saying we should withdraw our troops. But he made the point to me—and it is a compelling argument—that we need to support our troops. We need to give them the confidence in the work they are trained to do in this country and the good work they are performing. I think that is a point that needs to be reflected on every time that argument comes up about withdrawing our troops. We also need to remind ourselves that the Taliban monitors the news that is being delivered around the globe about these matters. We do not need to give them ammunition to detract from and reduce confidence in the good work our troops are doing. In closing, may I sincerely pass on my deepest respect for those heroes who gave their lives. I give my condolences to their families and mates and to those injured in those terrible events, who were serving our country with such dignity and patriotism.

Gillard Government

Senator RONALDSON (Victoria) (13:00): At the heart of this Gillard Labor government lies the truth that it is an illegitimate government. The government is not only illegitimate but also hopelessly divided. Only today we read how Labor backbenchers are at war with each other about policy decisions taken by their own party. It is a tale of zombies and daleks. The members—described by one of their own as 'zombies'—are generally too frightened to speak out. The factional warlords—the 'daleks', according to one past leader—are angry at their loss of power and influence.
Today's media reports describe a vicious exchange in yesterday's caucus meeting between a backbencher from the New South Wales Central Coast, the member for Dobell, Mr Craig Thomson, and his New South Wales Labor colleague Senator Doug Cameron.

Paul Keating famously declared that where New South Wales Labor goes, so too goes the nation. This is indeed a troubling omen for our nation. Today I wish to discuss renewed allegations against the said Mr Thomson—all of which are on the public record. Mr Thomson's actions go to the heart of this government's legitimacy. Mr Thomson is now into his second term as a member of the House of Representatives. Nevertheless, serious concerns remain about Mr Thomson's past as a union heavy in the Health Services Union. There are serious allegations including allegations of fraud and electoral misconduct. It is time to end Labor's deafening silence concerning these very serious allegations. Put simply, it is time for the Prime Minister to show leadership. Mr Thomson is not fit to be a member of parliament and he should be stood down immediately. Of course, the Prime Minister knows this. In normal circumstances the member for Dobell would not be allowed to continue. But, in the so-called 'new paradigm' where the government has only a wafer-thin majority, the Prime Minister lacks the courage and the leadership authority to deal with the member for Dobell appropriately.

Before he entered parliament, the member for Dobell was National Secretary of the Health Services Union. His union provided him with a credit card which was to be used for union related expenditure. The member for Dobell was entrusted by the union to spend its funds appropriately—something he ultimately would not do. It is alleged that over a five-year period the member for Dobell withdrew $101,533 in cash advances from his union credit card. Further, it is alleged he used his union credit card to fund his election campaign for Dobell. Without any authorisation to do so, Mr Thomson allegedly spent over $104,000 of the HSU's money on his own election campaign. This alleged breach of trust by the member for Dobell resulted in both the HSU and Mr Thomson filing false election expenditure disclosure reports with the Australian Electoral Commission. So cavalier was the member for Dobell with his union credit card that it is alleged by Fairfax media that on at least four occasions he used the card to pay for prostitutes. Fairfax detailed those allegations, and I will not repeat them here today. Is this what the hardworking members of the HSU expect their union dues to be spent on? Is it right that the money that mums and dads gave to their union to represent them in the workplace is siphoned off for such activities? The answer is, of course, an emphatic no.

I will turn now to the HSU investigation. Ms Kathy Jackson took over as National Secretary of the Health Services Union when Mr Thomson entered parliament in 2007. She was reportedly appalled by the rorting that went on during Mr Thomson's tenure. Ms Jackson advised the union's lawyers, Slater and Gordon, to engage BDO Australia to conduct a forensic audit of the HSU national office. The member for Dobell was owed $191,913 in employee entitlements when he resigned from the HSU. However, due to the cloud that hung over his head concerning misuse of union funds, the HSU instructed its lawyers to write to Mr Thomson informing him that he would not receive his entitlements. Ms Jackson, courageously, reported the member for Dobell to Fair Work Australia for further investigation. Fair Work Australia's investigation into the member for Dobell is
ongoing. Amongst other things, the investigation will determine whether his credit card expenditure breached any fiduciary duties which he owed to the union.

On the back of media allegations against him, Mr Thomson's inappropriate dealings have been raised on a number of occasions in Senate estimates with both the Australian Electoral Commission and Fair Work Australia. It has now become apparent that, despite his serious breach under the Electoral Act, Mr Thomson will avoid being charged with the serious indictable offence of providing a false declaration to the Commonwealth. We have also learned that 12 people have been interviewed during the Fair Work Australia investigation and that several demands have been made for documents to be handed over. While Mr Terry Nassios of Fair Work Australia still has conduct of the day-to-day affairs of the investigation, and he believes that it would not compromise the investigation for it to be made public exactly who was interviewed, he has been overruled by the Gillard government at Senate estimates. The reason for being overruled remains unclear. Or is it? We are not allowed to know the names of the people interviewed or what they said. The investigation, we are told, will be completed in the latter half of this year. Following the investigation, Fair Work Australia will seek advice from the Director of Public Prosecutions as to whether to prosecute Mr Thomson. The matters I have raised today are not new. They were revealed exclusively by Mark Davis of the Sydney Morning Herald on 9 April 2009. At the time, the member for Dobell denied the allegations. He began defamation proceedings against Fairfax. He complained to Simon Benson of the Daily Telegraph, 'Unfortunately as a politician you have to go through a legal process to prove your innocence.' Mr Thomson's defence was that he was interstate at the time of some of the escort agency transactions. However, in interlocutory proceedings it was revealed that phone calls were made from Mr Thomson's own telephone to one of those agencies. It was also revealed that his drivers licence number matched the licence number taken down on the credit card slip when he paid for one of the escort agency services. At one point during the interlocutory proceedings, Mr Thomson was ordered to pay Fairfax's costs. On Monday, 6 June 2011, we found out that just days before a three-week jury trial was scheduled to begin Mr Thomson filed a notice of discontinuance with the Supreme Court of New South Wales. What does this mean? It means that, despite every opportunity to prove that he did not rip off his union and spend their money inappropriately on himself and his election campaign, Mr Thomson surrendered. It shows that, despite the opportunity to prove in court, before a jury of his peers, that the serious allegations against him were false, Mr Thomson folded.

On 6 June this year, in a Sydney Morning Herald article headed, 'Labor MP drops case against Fairfax', Geesche Jacobsen wrote:
Fairfax Media, publisher of the Herald, was defending the case on the basis the allegations were true. It alleged that Mr Thomson was unfit to be a federal MP. Fairfax stands by the allegations published in the articles, which appeared from April 2009.

By filing a notice of discontinuance in his defamation proceedings against Fairfax, Mr Thomson has ensured that the allegations have now become the truth. It was reported in vex.news.com on 8 June that Mr Thomson is now alleging that Fairfax breached the terms of a confidential settlement and that he has again referred the matter to his lawyers. It is another action designed to stall the inevitable. It is another action that we know will not be followed up with completed legal proceedings.
In conclusion, this issue no longer rides on the back of the Fair Work Australia investigation or Mr Thomson's defamation proceedings, which is the subtle message being pushed by the ALP. The Prime Minister knows the truth. If she does not, then she should read the newspapers and *Hansard* more carefully. She must act now. These very serious allegations require her full attention. Her crumbling credibility and the diminishing authority of her government rest on her satisfactory handling of this matter. It is time for the Prime Minister to say whether or not she supports Fairfax media's statement. If she believes Mr Thomson is fit to be a member of parliament, the Prime Minister must make a clear statement explaining why. In doing so, she must publicly refute the allegations of fraud, inappropriate use of union funds for prostitutes and syphoning of funds to support an election campaign; if not, she must immediately sack Mr Thomson. Mr Thomson refused to defend his credibility at trial and, as a result, the Prime Minister's credibility is now on trial.

**Japanese Natural Disasters**

Senator **LUDLAM** (Western Australia) (13:10): I rise to express my concern, the concern of my colleagues and the concern of people all over the world for the people of Japan, including our friends and colleagues whose lives changed on 11 March this year, when the triple disaster of an earthquake, a tsunami and a nuclear plant accident occurred. I am continually moved by the strength, ingenuity and improvisation of the Japanese people and by their remarkable capacity for efficient and large-scale organisation. They have endured through the crisis and trauma stages and are now continuing into the long-term recovery and clean-up phases.

I want to honour those people who continue to open their homes, care for the displaced and support the grieving and traumatised. It is also life-saving work. It is less glamorous and it occurs in slow motion behind the scenes, but it is no less important for that. I continue to believe, as I said three months ago when the crisis first hit, that our efforts and concern should be focused on supporting the Japanese people through their time of crisis.

However, I also observe that the nuclear industry is using this national and global catastrophe to wage a pronuclear crusade. Some in the industry have trivialised the incident as a sideshow or a distraction, which is an extraordinary way of referring to three or four full-size nuclear power stations in full-scale meltdown. I said at the time of the disaster that there must at some stage come a reckoning. That time is now.

In Australia we have witnessed some of the more vulgar examples of the uranium export industry almost using the suffering and real and long-term damage at Fukushima as a free promotional ad rather than warning against the world's most expensive and dangerous method for boiling water. That is why I want to put some facts on the table today about the significance and the severity of the disaster that is still unfolding. There are those who still have not learned the lessons of 60 years of this industry's sordid history and those who continue to profit from the export of uranium from Australia.

Fukushima now is a word that has entered our lexicon in the same way that Chernobyl and Three Mile Island did. It is no longer just the name of a place. It is the name of an event, an event that continues to worsen. Within only a few days of the 25th anniversary of the disaster at Chernobyl, the disaster at Fukushima was upgraded to level 7 on the International Nuclear and
Radiological Event Scale—that is, it is the worst possible type of nuclear event, where it is acknowledged by industry and government that the impacts are far-reaching and extend well beyond the immediate vicinity of the plant.

ARPANSA, the Australian Radiation Protection and Nuclear Safety Agency, states that the upgrade to level 7 is based on an assessment of the cumulative radiation releases since the accident began. The radiation has, according to the Comprehensive Nuclear-Test-Ban Treaty Organisation, the CTBTO, reached Australian shores. The Darwin CTBTO radionuclide-monitoring station has detected trace amounts of xenon 133 at the air samples collected in April. The radioactive cloud reached Europe in late March. French institutions detected traces of iodine 131 in milk that were eight to 10 times higher than background. So Fukushima is now the name of a place and the name of an event, and that event is not only happening in Japan but also in Europe, North America and here in Australia. At the epicentre, Australians, Americans and French were warned by their governments to keep at least 80 kilometres away. On 7 June in a report from Japan to the United Nations the Japanese government included in its 750 pages a confession that fuel in three of the reactors at Fukushima had melted right through the containment structure. The day before this report was tabled Japan's Nuclear and Industrial Safety Agency doubled the figure for the radiation it believed was released into the atmosphere in the first six days from 370,000 terabecquerebs to 770,000. On 3 June we learned that the authorities had suppressed the finding of radioactive tellurium six kilometres from Fukushima. The presence of this isotope indicates that the temperature of the fuel rods was over 1,000 degrees and this was known on 12 March—the day after the tsunami hit the plant. It was known that there had been a loss of coolant accident and that a meltdown had commenced before the emergency ventilation of the unit 1 reactor containment.

I am very interested to know whether our government knew this. Was this information transmitted from the government of Japan or not? Did the interdepartmental group know? Did ARPANSA know? Did the CTBTO monitoring system tell us that the meltdown had already occurred within 24 hours of the reactor complex being hit by the tsunami? What else did we know besides the fact that we were lied to and that the Japanese people were lied to? We know that the Japanese National Police Agency has been tasked with issuing internet service providers with requests to delete information deemed to be harmful rumours confirming Fukushima including, perhaps, harmful rumours like the truth about radioactive toxins leaking for three months and for many more months into the future, into the air, into the water and onto the Japanese fields—radiation that has now turned up in Tokyo's sewerage system, radiation that during the early days made people in Tokyo afraid of the water coming out of their taps. For a time they were told not to feed tap water to infants or to pregnant women on account of iodide concentrations in the tap water in Tokyo. That is 260 kilometres from the site of the triple meltdown. The suppression and concealment of information only increases fear, suspicion and a lack of faith that people might hold in their institutions. That information is vital for people to protect themselves. Australian authorities told Australian nationals not to stay within 80 kilometres of the plant, but we know that the exclusion zone is still only 30.

Greenpeace has found unsafe radiation levels in marine species 50 kilometres from the site of the meltdown. The US Department of Energy aircraft surveys have shown a belt of contamination with three
million to 14.5 million becquerels of caesium-137 per square metre to the north-west of the plant. So there is now a plume of caesium reaching 60 kilometres to the north-west towards Fukushima City. To put those figures in perspective, those living in areas around Chernobyl with more than 555,000 becquerels of caesium-137 were forced to relocate. As the disaster continues and the radiation spreads so too does a new level of awareness that nuclear energy is too expensive, the risks are too high, the government subsidies are too large and this is simply no solution at all to climate change.

In the wake of the Fukushima disaster, the German government has decided to phase out nuclear power by 2022. The Swiss government will phase out nuclear power permanently by 2034. Japan has abandoned plans for nuclear energy to provide half of its capacity and has scrapped 14 planned new reactors. The Chinese State Council has put an embargo on approval of new reactors. There is quite simply no nuclear renaissance. The nuclear industry was in enormous trouble well before the disaster at the Fukushima complex reminded the world and awoke the ghosts of Chernobyl who perhaps had been forgotten by a whole new generation of people who were told that nuclear power is safe and that that was a one-off.

The United Nations Secretary General has called a high-level meeting of world leaders on nuclear security for 22 September and has initiated a UN system wide study on the implications of the accident at Fukushima. He said:

This exercise will also need a serious global debate on broader issues, including assessment of the costs, risks and benefits of nuclear energy and stronger connections between nuclear safety, nuclear security and nuclear non-proliferation.

In the past, including at the NPT Review Conference that took place in New York last year, the nuclear industry has been all over these disarmament and non-proliferation conferences like flies seeking to protect their commercial interests in the expansion and proliferation of nuclear technology even as the world grapples with the problem of reducing the proliferation of this exact same technology into more and more hands while working out what on earth to do with the nuclear armed states who adopted this Cold War suicide pact that was never stood down.

Of the United State's 104 nuclear reactors, 66 have already had their licenses extended 20 years, while another 18 are under Nuclear Regulatory Commission review. This is extraordinarily dangerous. People on the side of nuclear advocacy and the expansion of uranium mines from the troubled radioactive hotspots in the Northern Territory and South Australia need to be aware that, if the industry believes that Fukushima was the last time that this will ever happen, they must be living in some kind of state of delusion. They have been having one-in-a million-year accidents and disasters about once every 30 years and that is simply unacceptable. The idea of course is that the industry now faces this extreme crunch as the cohort of reactors that were built during the binge in the 1960s and 1970s are ageing and these plants must be retired. At the other end of the spectrum the Chinese government has embarked on an aggressive build of new and untested nuclear plants with help from the global nuclear industry. With sales flatlined at home the global nuclear power sector has been very aggressive at pushing their technology not just into China but deeply into our region as well, which is why nuclear advocates are happy to publish maps of a new fleet of plants in Indonesia, for example—a seismically active zone where you would have to imagine that putting nuclear power plants would be utterly reckless.
Before the disaster in Fukushima, the world's nuclear industry was in decline. As at 1 April 2011 there were 437 nuclear plants operating in the world, seven fewer than in 2002. In 2008 for the first time since the beginning of the nuclear age no new unit was started up. Seven new plants were added in 2009 and 2010 while 11 were shut down over that period. This trend is set to accelerate as the huge number of reactors that were built in the 1960s and 1970s will be forced to close by citizen advocacy, by expert opinion and by engineering testing. When these reactors are stress tested people will realise that some of them are quite simply too dangerous to run any longer. They certainly should not be relicensed to extend their lives from 40 to 60 years such that you would have plants operating that would have been running since before any of the current generation of operators were even born. I say to investors in the nuclear industry and particularly to their strongest advocate in this building, the Minister for Resources and Energy, Martin Ferguson: take a very close look at the performance of the industry globally because Australian uranium exporters and investors are uniquely vulnerable to this volatile and unpredictable industry that has never lived up to the promises it has made in the past. We have been given a sharp reminder of the consequences of those exports from the three troubled facilities that we have in Australia for exporting this toxic material to other parts of the world with Australian uranium now burning the air over the Tohoku region on Japan's Pacific coast. I say to these investors: take a really good look at the performance of this industry—not its promises but its performances—and at what it has actually managed to achieve in the 60 years of colossal government largess, loan guarantees, direct subsidies, immunity from insurance liability and the enormous amount of money that has been shovelled into research and development so that the industry can continually say, 'No, you have got us wrong; we are just about to invent the safe lead of nuclear reactors or imaginary commercial thorium reactors or fourth-generation reactors or invoking a plutonium fuel cycle', which does not exist and must not ever be brought into being.

This industry not only poses a real and present threat to the surrounding host communities, who are exposed to the trace radiation, the low level radiation, from radon gas emissions from the mines and so on, but indeed poses a threat to investors themselves, the people who believe this industry has a bright future. It absolutely does not. The future of the nuclear industry is in long-term intergenerational waste management and stewardship of the extraordinary categories of toxic and poisonous waste it produces and in looking after the people it has already damaged in three generations of the reckless pursuit of electricity too cheap to meter that must finally be set aside as the pipedream that it always was.

Workplace Relations

Senator CAMERON (New South Wales) (13:23): I rise on a matter of public interest and that is the destruction of workers rights in New South Wales by the Liberal-National coalition state government. The O'Farrell government has followed the Howard government Work Choices playbook, the playbook invented by Peter Reith, Senator Abetz, Senator Minchin and defended staunchly at every chance by Senator Bushby. Senator Bushby is always defending Work Choices but never defending Tasmania. There was no warning, no debate and no policy proposal to strip away the rights of 400,000 New South Wales workers. This is an ideological attack on firefighters, nurses, bus drivers, train drivers, public
services—ordinary Australians who have dedicated their lives to serving the New South Wales community, ordinary Australians who simply want a fair go and the capacity to maintain and improve their standard of living. These workers are public servants; they are not public enemies.

Removing the New South Wales Police Force from the coverage of this legislation is an admission that the legislation is unfair, inequitable and unsustainable. New South Wales public servants have had access to an independent umpire since 1901. The Industrial Relations Amendment (Public Sector Conditions of Employment) Bill is designed to impose government wages policy on government employees. Premier O'Farrell has introduced a new concept in wages policy when he argues there is no point in having government wages policy if it can be ignored. If this is the coalition approach, then logically they would be seeking to have it extended to all workers so the boss can determine the wages policy and his or her policy cannot be ignored. This is a major challenge to fairness and equity in the Australian workplace and a major challenge to the Australian ethos of a fair go.

Stagnating wages in the New South Wales public sector will mean that public sector workers will face real hardship. Where are the voices of indignation and concern for Australian workers that we hear so hypocritically espoused by the New South Wales coalition senators and MPs? Where are Senator Fierravanti-Wells and the Liberal member for the Blue Mountains, Roza Sage, who expressed their concern about the living standards of public servants? We have not heard a word from them. Has the member for Macquarie, Louise Markus, raised the issue of public servants' living standards with her mates in Macquarie Street? I will bet she has not.

Why would Senator Fierravanti-Wells or Mrs Markus express concern? It is because they feign concern for workers' living standards at the same time as they yearn for a return to WorkChoices. They are WorkChoices warriors and they voted consistently to rip workers rights away. The hypocrisy of the coalition knows no bounds. Mrs Markus used her printing and communications entitlement to distribute a glossy brochure claiming that the coalition's policies and vision for Australia was to ease the pressure on families. Tell that to the public servants in the Blue Mountains and in the Hawkesbury.

Mrs Markus has the hide to talk about reducing the cost-of-living pressures when she stays silent on a historic and unprecedented attack on the rights and living standards of public servants in the seat of Macquarie. Mrs Markus would like to photoshop her voting record on WorkChoices out of the history books. She voted to rip away workers rights on 23 occasions. Her hypocrisy knows no bounds as she has photoshopped the disgusting sexist placard that she was content to stand in front of at the 'No Carbon Tax' rally in Canberra out of her leaflet. She printed a leaflet and then she photoshopped the sexist placard right out of the leaflet, which made it untrue. That is not what happened. You have to ask yourself what Mrs Markus is about if she is prepared to do this in her leaflet to the electorate of Macquarie. She is not fair dinkum.

If Mrs Markus is prepared to stoop to doctoring a photograph in an attempt to mislead her electorate, then there is very little chance that she will stand up for public servants in the seat of Macquarie. With no voice of support from their state or federal member, New South Wales public servants in the Blue Mountains and the Hawkesbury have every right to feel betrayed and abandoned by their elected representatives. Premier O'Farrell has had a very inaus-
picious start to his premiership. He has had to backflip on the solar bonus scheme. He has betrayed public sector workers when during the election he argued that public sector jobs were likely to increase under the coalition and then, only days after the election, he stated that he is not ruling out job cuts. He claimed that the New South Wales government had a $4.5 billion black hole and that the former government had cooked the books. He was proved to have misled the community when the acting Treasury secretary, Michael Lambert, reported that the former government's figures 'accurately reflected the available information at the time'.

The message is simple: the coalition cannot be trusted. The coalition are addicted to Work Choices and addicted to attacking working families. No matter what the coalition say prior to an election on industrial relations or job security, it will be changed if they win government. As New South Wales workers rally to defend their wages and conditions, I challenge New South Wales coalition senators and MPs to publicly reject this attack or stop the hypocrisy of purporting to be concerned about cost-of-living pressures in New South Wales.

The trade union movement engaged Arthur Moses SC to advise on the constitutionality of the proposed laws. Mr Moses advised the coalition on industrial relations while they were in opposition in New South Wales. His advice indicates that it is arguable that the changes are unconstitutional. The proposals would render the 'commission as, in effect, an alter ego of the executive' by making it abide by government policy. Mr Moses said:

... there is no doubt [the laws] would be considered repugnant to the judicial process ... and he continued—

In our opinion, although not free from doubt, there are reasonable grounds upon which to conclude that [the legislation] will impair the institutional integrity of the commission so as to render its exercise of judicial power incompatible with chapter three of the Australian constitution.

Decisions by the IRC would be 'challengeable', because the laws remove rights for unions to argue in front of the commission against government wage policy, which 'would be a denial of procedural fairness', and Mr Moses concluded that he considered 'challenges have a reasonable foundation'.

The President of the New South Wales Industrial Relations Commission, Justice Roger Boland, has warned that that judges and tribunal members will be placed in a straitjacket as punishment for the state government's public sector wages blow-out. Justin Boland said it was clear that the government blamed the commission for a public sector wages blow-out. He said:

I think it is grossly wrong and unfair to have done so ...

Justice Boland continued:

What I strenuously object to is the government laying the blame for the failure of its wages policy on the commission and using that as an excuse to shackle the commission's independence.

He went on to say:

The truth is that the commission, by various means, implemented the wages policy. That there was a failure to fully achieve cost offsets, if that was in fact so, is not a failure that can be sheeted home to the commission.

He said that between 1995 and 2007 only the nurses and teachers had arbitrated wage claims in the commission while all other public sector wages were agreed between the government and the relevant union. He said:

The Parliament would directly fix wages and salaries for government employees rather than an independent tribunal is a novel proposition in
Australia. No other state or territory does so, neither does the Commonwealth ...

Justice Boland also said he was puzzled why the government kept its plans for the workplace laws a secret. I could tell Justice Boland why it was kept a secret. It was kept a secret because they would not dare tell the New South Wales community that they were going to rip the wages and conditions away from nurses, firefighters, the police, public sector workers, bus drivers and train drivers. They would not have dared do that before the election. That is why it was kept secret.

It is quite clear that what is happening here is a rerun in New South Wales of where the federal coalition and the state coalition find their ideological base, and that is in the far right of the Republican movement in America. That is where this starts to say that public servants should not have rights to any bargaining position, that public servants should be under the complete control and at the will of the government. That is what the Republicans are doing in the United States. We know that the coalition, the Nationals and the Liberals would certainly like to replicate what the Republicans do in the United States. They are enamoured with the Tea Party extremists on climate change, enamoured with the Tea Party extremists on industrial relations, and enamoured with the Tea Party extremists on social policy. We know that the extremists in the coalition are in control. They want to rip away workers' rights. We know that if they had half a chance, they would get back to that genetic disposition of the coalition: as soon as you get any power, hoe into workers' wages and conditions, get rid of workers' rights, get rid of the penalty rates and get rid of their shift allowances. That is what the coalition are about. We know that they are simply waiting there, hoping that they can con the Australian public into thinking that they actually care about something, and as soon as they ever get to power Work Choices will be back on the agenda.

We know that Senator Bushby loves Work Choices—he has told me time and time again. He will not defend Tasmania against the attacks from his coalition colleagues in Western Australia but he will defend Work Choices. Senator Bushby, you should put some effort into looking after Tasmania and not buckling under to the extremists in Western Australia. The same goes for the National Party. It is no good standing up and saying that you think cost of living is a problem when you want to rip and tear at workers' wages and conditions.

We know Work Choices is just bubbling away under the surface, ready to explode any minute, because over there the Work Choices warriors are in control. The extremists—the climate change deniers and the Work Choices warriors—in the coalition are in control. Anyone who had even a moderate approach on these issues has buckled under. They have done backflips on climate change; they have done backflips on Work Choices. The coalition in this chamber are the backflip champions. They have no backbone, no courage. They do what the leader says has to be done regardless of whether it is lies and misinformation. ‘We will just run the agenda’—that is the position. They have absolutely no credibility in standing up for workers in this country and they would instigate Work Choices the first chance they got.

**Murray-Darling Basin**

**Senator JOYCE** (Queensland—Leader of The Nationals in the Senate) (13:38): I must say Senator Cameron is far more entertaining when he is elevated than when he is reading the script. I find it incredible that at the forefront of the policy agenda of my good friend and colleague Senator Doug Cameron at the moment is bringing about a
carbon tax, which is going to destroy the fundamental standard of living of every working family. They are going to make them poorer, because apparently they can change the temperature of the globe. It is amazing—it is like living with gods, omnipotent beings! They cannot actually get fluffy stuff into the roof for the rats and mice to urinate on but they can change the temperature of the globe—incredible.

Senator Forshaw: You're getting hot under the collar.

Senator JOYCE: Today I want to talk about something different. It was great to hear your valedictory speech the other day, Senator Forshaw. I think from this point forward you should shut up! The other day I was fortunate enough to go to India, and to Malaysia on the way back. What struck me whilst I was there was how important it is to make sure that in this nation we can feed ourselves. That was at the forefront of my mind. What an incredible gift it is to provide good quality food.

To provide that gift, of course, you have to have the capacity to produce the food. What produces the food in our nation is the Murray-Darling Basin. One of the other strokes of genius of the current government was to bring about a guide to a draft plan which was going to close down the Murray-Darling Basin, close down our capacity to feed ourselves. What is even more unusual is that that is something the Labor Party said they would not do—in fact, they promised they would not. They promised they would bring a triple bottom line, an equivalence of social, economic and environmental factors. But what we got was something that looked after the environment and counted the bodies later.

We have to acknowledge that the Murray-Darling Basin produces about 40 per cent of our nation's food. It is responsible for housing about 2.1 million people. The result of the initial draft, where they talked about taking up to 7,600 gigs from the basin, was that there were almost riots, like we have never seen in this nation before, in agricultural towns throughout the basin.

I acknowledge the Labor Party's promise and the promise of my own side that we would bring about an outcome that would bring about equivalence. At times, there are anomalies within an act that mean that to fulfil a promise you have to strive for changes, amendments, if required, to an act. Therefore, I am mindful of the report that was drawn down recently by the Legal and Constitutional References Committee, A balancing act: provisions of the Water Act 2007. The inquiry drew as witnesses some senior people from the legal profession, not only from Australia but elsewhere throughout the world: Professor John Briscoe from Harvard University, Professor Judith Sloan, Professor George Williams and Josephine Kelly, a barrister at law who is extremely knowledgeable about the Water Act. Their overwhelming evidence, and I will read out one of the committee's recommendations, suggested:

The committee considers that the Water Act, as currently drafted, is uncertain and ambiguous, requiring amendment as a matter of priority to provide clarity for all concerned.

I think it is vitally important that we start from that premise. If we are going to truly fix the problem, we must have the capacity, in a bipartisan way, to look at the act. This was also brought up by people from Mildura and from peak industry bodies and by a wide range of people involved with the Murray-Darling Basin.

My belief at the start was that the Water Act was predominantly an environmental act for which you take into consideration social and economic outcomes. It disturbs me but also confirms my view that that is also the
view of the Australian Greens, who state in their dissenting report:

The legal evidence to the inquiry is clear that, given the reliance on the external affairs power as well as the stated objects of the Water Act, the Murray-Darling Basin Authority (MDBA) and the Minister are required to give environmental considerations precedence in developing the Basin Plan.

That is the view of the Australian Greens, and I agree with them, unfortunately. For the coalition and the Australian Labor Party to deal with this issue and make sure we deliver on our promise we have to bring about amendments that give weight to our promise. The only reason the Greens issued a dissenting report is not that we disagree with the interpretation of the act but with its desirability. The difference between the Greens and us is that we believe in a triple bottom line approach; they want to deliver an extreme outcome which takes up to 7,600 gigalitres from economic use and devastates Australia's ability to feed itself. Because the government disagrees with the views of so many legal experts, it is important to outline why the act does not deliver the triple bottom line. In simple terms, the act does not do so because, while economic and social considerations are mentioned in the act, they are always 'subject to' or fettered by environmental concerns. This approach cuts across every part of the act—its objects, its purpose, its guidelines—for what the Basin Plan should include in its definition of environmentally sustainable take. In effect, this means that economic and social considerations are given substantially more weight than social and economic considerations under the act. Where there is a trade-off between economic, social and environmental issues, environmental factors are paramount; economic and social considerations are considered, but only after the environmentally sustainable level of take is determined. There would appear to be no scope for the MDBA to reduce cuts to water use below an environmentally sustainable level of take based on social, economic and other considerations.

This is all consistent with the legal advice from the Australian Government Solicitor that we have seen thus far and the approach the MDBA took in the guide to the proposed draft Basin Plan. Indeed, after the release of the guide, the MDBA stated that, regardless of the economic and social impacts, the Water Act did not let them choose to cut water use below the minimum required for the environment—that is, below 3,000 gigalitres recommended in the guide.

What does this mean in practice? It means that there is a wetland that needs 10 gigalitres of water—we heard this as evidence—and just above it is a town that needs 10 gigalitres of water. If in that wetland there is a precious frog or a salamander or something that requires 10 gigalitres of water and in the town there are jobs and the people that Senator Cameron talked about—working families—that also need that 10 gigalitres, and it is a choice between the working families and the frogs, guess who wins: the frogs; they get the water first. That is not a desirable outcome if you believe in a triple bottom line. That evidence was given by Josephine Kelly.

To get to the bottom of this, the government needs to release all the legal advice that they currently have. If the government have nothing to hide, they should release it all. But it is clear that the government are not confident of their position. If they were they would not say things like this—this is from the Australian Labor Party—in the government's dissenting report:

That advice shows that decision-making in the development of the Basin Plan involves the application of broad concepts and that there is
considerable scope to consider how economic, social and environmental outcomes should be optimised.

What does this mean? The Senate asked the inquiry to answer whether economic, social and environmental outcomes can be considered on an equally weighted basis. The government's report fundamentally fails to deal with this issue, preferring once more to put their spin on it and try to use these amorphous terms where 'consideration' is supposed to equal 'equality'. Of course, it does not. If you wanted me to treat you equally, you would want me to go much further than just considering what your requirements may be; you would want me to act on them. And to act on them means we must change it in the act.

This is all about getting the balance of this plan right. We now have a report from the Senate Legal and Constitutional Affairs References Committee. I would like to thank those people for the work they put into that report. I would like to thank Senator Xenophon for allowing, in his support, that inquiry to go forward. It is extremely important that we get it. None of those witnesses were unduly influenced by the government; I certainly was not involved in trying to convince Professor John Briscoe, Professor George Williams or Professor Judith Sloan what to say—they are all independent and they have basically overwhelmingly stated that, if we want to deliver on our promise, then we must be open to the amendment of the act.

My suggestion to the Labor Party is this: the Australian people are looking for Labor to be independent of the Greens on some issues and have the capacity and stand up, if required, and go in to bat for the Australian working families, the 2.1 million people who live along the basin. It means that they might have to have a fight with the Greens on some of these issues to deliver what they promised, but if they do not have the ticker to stand up to the Greens then they will continue to leech votes from Labor. They will take them from the left and Labor will start to disappear, which they already are.

This is something that needs a bipartisan view: we look for people who want to work constructively together. If we can get together to try to fix this problem, it will bring a better outcome for all of those who are there. We know what will happen. We have reports going on at the moment. People are saying the words, the beautiful words, that things are going to better, but if they are not better then we will end up with the outcome challenged in the High Court. The High Court will look at the act and the act will say, 'You have to look after the environment,' and it will not matter how beautiful the words are; they will throw the outcome out until the government goes back to looking after the environment first. And then all of those riots we saw, all of those problems we saw, will re-emerge and we will be back where we started. What we want, what I want and what I am sure the Labor Party wants is an effective outcome so that we can not only continue to feed our nation but also continue to hold up our responsibility in the world in which we live, in the south-east of Asia in which we live, and assist them to be fed as well.

Carbon Pricing

Senator BOSWELL (Queensland) (13:50): Yesterday the Prime Minister released several glossy documents on climate change. What she was trying to expand on was the rest of the world acting in unison to come up with an overall world view that everyone was going to march to the beat of her drum. But we owe it to the people who are going to suffer from this carbon tax to have a look at what the rest of the world is going to do. The government have not been
able to explain or sell their carbon tax, and consequently the polls are indicating that there is going to be a wipe out. As Senator Joyce just said: if Labor does not start listening to its constituents and it continually bows to the pressures of the Greens, it is going to get wiped out. You can see it. Those opposite have enough ability to read a poll; surely they can see that they are on the way out. Forty-five to 55: I do not know how many seats that would leave them but it would not leave them very many. I do not think they would even muster a decent opposition if they continue to go down that road.

Let us look at the fact sheets. Page 1 tells us that:

A broad range of countries have introduced, or are planning, market based emissions trading schemes and carbon taxes.

Let us be clear about one thing: a promise, a pledge and saying, 'In the fullness of time we may do something' is not legislation. It is a promise; it is not a commitment. Let us look at some of the countries that do have an ETS. There are only two. There is really one bunch of countries, and that is the EU. Let us look at their ETS. Ninety-eight per cent of purchased permits are free. That is since they have started. There is no tax on mining. The EU have collected $2 billion over five years. The Australian scheme will rip out of the economy—and emasculate it—$11 billion in the first year. That is the difference between an EU ETS and an Australian one. This ETS is much more vicious than anything the EU has put up. New Zealand is another case in point. They have an ETS, but they get the majority of their power from hydro, so it does not really worry them particularly.

We are told:

Australia’s top five trading partners—China, Japan, the United States (US), the Republic of Korea and India—... have implemented or are piloting carbon trading or taxation schemes at national, state or the city level.

Let us look at some of these countries that are selectively looked at. The USA did not sign the Kyoto agreement. In fact, they put it up four times and it has failed every time. There is no federal cap-and-trade scheme. The clean energy standard looks likely to go to the backburner, with limited support from the congress. You can understand that. With over nine per cent unemployment, they are not going to burden the unemployed further.

The fact sheet also mentioned the fact that Ms Gillard claimed that there were a number of states that were going to implement some form of carbon tax. She is right, to a degree, but she failed to say that Governor Christie of New Jersey has just pulled out in the last couple of days, saying that the cap-and-trade pact does:

... nothing more than tax electricity, tax our citizens, tax our businesses with no discernible all measurable impact on our environment.

Good on him. He is speaking the truth. Canada has no ETS and is going nowhere without the USA. It has pulled out of the second-round Kyoto agreement. Korea has postponed a cap-and-trade scheme until 2015.

Let us look at Japan, our second-biggest trading partner. The country has a voluntary scheme and has also pulled out of a second round of the Kyoto agreement, along with Russia. If you want to introduce a voluntary scheme, I will commit the National Party to it. If that is what will move to help our environment and it is a voluntary scheme, I will guarantee National Party support. Japan has a voluntary scheme. It is an absolute nonsense to compare our industry-emasculating with a voluntary scheme. The UK is part of the EU and has proposed cutting its emissions by 50 per cent by 2025 on 1990 levels. That is a proposal subject to review in 2014. It is a built-in get-out clause.
India and China proposed non-binding targets and have plans to gradually introduce a carbon tax. When? In the never-never. The fact sheet, I noticed, did not dwell on the fact that India's emissions will rise by 350 per cent by 2020 and China's levels will go up by 496 per cent by 2020. And here we are struggling to cut 1.4 per cent and just about going to emasculate our economy to get there.

The fact sheets admit that our major competitor nations—Indonesia, Russia, Brazil, South Africa—are doing exactly nothing. It looks like these fact sheets are missing quite a few facts. On page 4 of the sheet, in a case of total desperation, we are informed—and this is a beauty; this is Brazil's contribution; this is what Brazil is going to front up with—that Brazil is going to change its public lighting and it aims to replace one million inefficient refrigerators annually. Well, good on it, but it is not an ETS. The truth is that Australia is more than pulling its weight and spending more with greater CO₂ abatement than any country in Europe other than the UK and Germany.

In terms of cost as a share of GDP, Australia spends more than China, Japan, the US and South Korea. The truth is that what have around the rest of the world, other than in the EU countries which have got an ETS, is a very mild form of ETS compared with our draconian ETS. What we have is 'promises', 'in the fullness of time' and 'one day countries may do something'. But promises do not count. Right here and now the only countries that actually have an ETS are the EU and New Zealand. That is the full story.

If you keep going down this track—and you all can read the polls; you do not have to be geniuses; you have all been around the political scheme long enough to understand that 45 versus 55—you are going to be wiped out. You will be completely wiped out if you keep following this ETS. It is exactly like the Charge of the Light Brigade: cannon to the left, cannon to the right, and here is Senator Penny Wong and Ms Gillard charging into the canon full steam ahead! 'We don't care if we get wiped out of the saddle. We are going to go through with this.' Meanwhile the polls are saying: 'Don't do it—74 per cent of the people don't want it.' But who cares about democracy? Who worries about that? 'We are determined to crash or crash through.'

And you are going to crash. It is going to be the greatest train wreck ever seen in the history of political Australia. You are going to get wiped out and you have all brought it on yourselves because you have never had the guts, never had the courage and never had the gumption to stand up to the Greens. You never listen to the working class man; you never listen to the blue-collar workers. You have just ratted on them, deserted them and walked away from them, and you are getting your riding instructions from the Greens. You are going to pay the penalty.

(Time expired)

The PRESIDENT: Order! It being 2 pm, I call on questions without notice.

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. Is the minister aware that as a direct result of his decision to suspend the export of cattle to Indonesia, within one month alone up to 150,000 head of stock will exceed body weight limits, making them ineligible for the Indonesian trade export while being too light for processing elsewhere in Australia?

Does he understand that this will leave graziers, including Indigenous land council
managers, with no saleable cattle or income at the height of the winter growing season?

**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) (14:01): I thank Senator Back for his interest in this industry.

Opposition senators interjecting—

**Senator Conroy:** We will just juice them up—

**Senator LUDWIG:** There is only one pat on the other side, and you take the hat on that.

**The PRESIDENT:** Let's just get down to the question. Ignore the interjections, both sides.

**Senator LUDWIG:** What I was saying before I was so rudely interrupted by those on the other side is that this government is working diligently to ensure that the trade can be put back into place whilst maintaining appropriate animal welfare outcomes. Those on the other side are all at sea in relation to this point. They do not know whether they want animal welfare outcomes to be upheld or not. What they are arguing for is simply that the trade should resume immediately without taking into account animal welfare outcomes. Those on this side of the chamber want to ensure that we can do both.

I do understand the impacts that are being felt across the Northern Territory and Western Australia. And to that end we have written to Meat and Livestock Australia to ensure that they can provide $5 million worth of compensation for that industry and to provide onshore assistance for feed and watering. Those on the other side are adopting—

**Senator Ian Macdonald:** It is your decision, not theirs!

**Senator Conroy:** You don't know what you are talking about!

**The PRESIDENT:** The time for debating this is at the end of question time. If senators wish to do that then, they are most entitled to. Senator Ludwig, will you continue, please?

**Senator LUDWIG:** Of course, those on the other side simply want the trade to commence without the welfare of animals taken into account. What the other side says is that the government made the decision. That is correct: the government made the decision in the face of animal welfare abuse that no-one on the other side would say is acceptable practice. No-one on this side says it is acceptable practice.

**Senator Brandis:** Senator Back cares a lot more for the welfare of animals than you do!

**Senator Ian Macdonald:** You've known about it for six months and sat on your hands!

**Senator LUDWIG:** Those on the other side, of course, are in fact cat-calling out. Now we hear— *(Time expired)*

**Senator BACK** (Western Australia) (14:03): Mr President, I ask a supplementary question. I am pleased that the minister is focussed on animal welfare. Has the minister taken into account while making his decision to suspend the live export trade that graziers may have no option but to turn hundreds of thousands of cattle out onto rangelands, with the resulting animal welfare disaster as feed runs out and the inevitable environmental catastrophe as the rangelands are destroyed?

**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) (14:03): The government is
working as quickly as possible to put in place the assurances required to put the trade back in and moving again. In the meantime, exporters have indicated that they are seeking alternative markets for the cattle. AQIS have inspected the cattle currently in AQIS facilities onshore, and they are reported to be in good condition. The department is working with industry to identify the volume of feed available for animals in the supply chain at AQIS registered facilities and those being held on-farm.

On Friday, I met with industry and the Western Australian, Northern Territory and Queensland ministers. It was agreed to establish a working group to develop a supply chain assurance framework that would enable the Indonesian trade to progressively reopen, to ensure the continued welfare of animals in the supply chain in Australia and to consider—\(\text{(Time expired)}\)

Senator BACK (Western Australia) (14:04): Mr President, I ask a further supplementary question. Does the minister accept responsibility for the tens of thousands of cattle which will probably die a long, painful death, and will he now reverse his ill-considered decision and lift the suspension on cattle exports to those abattoirs that meet approved 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) (14:05): There are two parts, at least, to that question. One, of course, is that the opposition fail to appreciate—or are ignorant of it—that abattoirs which meet OIE standards in themselves are not sufficient. It is about ensuring that we do have in place a supply chain so that we can track, and also monitor and verify, from the point of leaving the port to the point of a feedlot in Indonesia, and to the point of the slaughterhouse in Indonesia so that there is not any leakage.

What those on the other side want to accept is that animal welfare would not be taken into account in their proposal of simply looking at an abattoir alone, because there would be leakage in the system. What those opposite are now saying, of course, is, 'Restart the trade without taking animal welfare considerations into account'. That is what the opposition are putting to the parliament today.\(\text{(Time expired)}\)

Workplace Relations

Senator HUTCHINS (New South Wales) (14:06): My question is to the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Senator Evans. Can the minister outline to the Senate how the approach to bargaining in the Commonwealth Fair Work Act differs from the industrial relations legislation introduced into parliament by the New South Wales government?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:07): Thank you, Senator Hutchins. It is such a good question, you will probably get more before you leave. The federal government returned fairness and balance to the industrial relations landscape in Australia when we introduced the Fair Work Act. We introduced that act after lengthy consultations with all industrial parties because we understand that the industrial relations system must provide a fair framework for both employers and employees. The Fair Work Act provided a balanced framework for delivering fair and productive workplaces, and at the heart of the system is enterprise bargaining based on
the principle of good-faith negotiation. I am pleased that thousands of employers and their employees are getting on with the business of bargaining under the Fair Work Act.

If a party fails to bargain in good faith, both the union and the employer can ask Fair Work Australia, the independent umpire, for assistance in dealing with a bargaining dispute. In stark contrast, the legislation being introduced by the New South Wales government seeks to undermine the checks and balances this government put in place and to deny public-sector workers the rights enjoyed by all other Australian workers. Their bill seeks to treat those government workers in New South Wales as second-class citizens.

Senator Ian Macdonald: They are implementing a program that the majority voted for.

Senator Cameron: That's rubbish!

The President: Senator Ian Macdonald and Senator Cameron, if you two wish to debate the issue, the time is post question time. When there is silence, we will proceed. Senator Evans, continue.

Senator CHRISt EVANS: Thank you. The New South Wales Liberal Party bill requires New South Wales Industrial Relations to enforce government policy declared by regulation relating to wages and conditions of employment not just for New South Wales public-sector workers but for a broader definition including teachers, nurses and firefighters. While the current focus of the bill is on capping pay rises, it allows the government to unilaterally set the wages and conditions of all its public-sector employees. It reduces the independent umpire to a rubber stamp for the government wages policy, regardless of what the policy dictates. New South Wales workers will be second-class citizens with no rights to an independent umpire.

Senator HUTCHINS (New South Wales) (14:09): Mr President, I ask a supplementary question. Can the minister outline to the Senate what impact the New South Wales legislation will have, if enacted, on the rights of the New South Wales public-sector workers?

Senator CHRISt EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:10): I am very concerned that the New South Wales legislation is likely to be in breach of a number of the ILO conventions, because it denies employees the right to collectively bargain, the right to participate in discussions about their conditions of employment and the right to access an independent tribunal. The fact that the New South Wales bill provides that wages can be determined unilaterally by government and imposed on workers would seem to be a clear breach of those conventions.

Labor understands that both good-faith bargaining and access to an independent umpire are fundamental components of a fair and balanced system of workplace laws, features that have long been at the heart of Australian industrial relations systems. The New South Wales legislation fails this test. For thousands of New South Wales workers there will be no sitting down at the bargaining table. There will be no opportunity to argue their case on its merits before an independent umpire. They will be second-class citizens denied basic industrial rights as a result of the New South Wales legislation. (Time expired)

Senator HUTCHINS (New South Wales) (14:11): Mr President, I ask a further supplementary question. Is the minister...
aware of reaction to the New South Wales legislation?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:11): Mr President, as you know, there has been very widespread concern expressed inside New South Wales, but I must say that, until today, those opposite have been silent. This is the first time we have heard from the coalition on this legislation. If the coalition were genuine, they would be expressing their concern about what Premier O'Farrell is doing. They would be standing up for hardworking Australians, defending their rights to be part of a bargaining process and defending their rights to have access to an industrial tribunal.

The Liberal Party goes around Australia saying they are concerned about people's living standards, but they support a state Liberal government seeking to take away their industrial rights: take away their right to get a fair wage outcome, take away their right to an independent umpire. The New South Wales Liberal Party is implementing the sort of policy that the Liberals in this chamber support: denying workers' rights, taking their advice from the HR Nicholls Society—who, by the way, have brought back Ian Hanke—and bringing back Peter Reith to be president. Back to the good old days of dogs on the waterfront. That is what we see from you.

(Time expired)

Honourable senators interjecting—

The PRESIDENT: When there is silence on both sides, Senator Colbeck will get the call. On both sides I need silence. Senator Colbeck deserves to be heard in silence.

Live Animal Exports

Senator COLBECK (Tasmania) (14:12): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. Is the minister aware of animal rights groups having footage of more animal welfare breaches in Australian live export markets other than 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) (14:13): To go through some of the issues, I met with the RSPCA on 17 November 2010 and discussed evidence gathered by Animals Australia in Kuwait and Bahrain in relation to the Middle East issues. In addition to that, I met with Animals Australia on 30 November 2010, where evidence was presented. Those areas are across the live animal export area in the Middle East. I wrote to industry in January—I think you will recall this—requesting Meat and Livestock Australia look at the footage to work through some of these animal welfare issues. It is an area where I have been very strong with industry, talking to industry about animal welfare issues and ensuring that they provide a path forward to assist the industry.

Subsequent to that, the only footage I was made aware of was the ABC Four Corners on the particular day that it was provided. Since then there has been no—to my knowledge or to my office's knowledge; I can check on that if you like—additional footage that has been brought forward or evidence that I can act on. As I indicated, I clearly acted on the footage from ABC's Four Corners. I implemented a ban on 12 of those facilities in Indonesia and subsequently, as we now know, I suspended the trade in live animal exports. In addition to that, the government shares the community's concerns about animal welfare and is taking the necessary action to provide a secure future for the live export trade.

(Time expired)
Senator COLBECK (Tasmania) (14:15): Mr President, I ask a supplementary question. What action has the minister taken to satisfy himself that animal welfare practices in live export markets other than Indonesia are satisfactory?

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) (14:15): As the opposition quite well know, following the decision to ban the 12 facilities in Indonesia from taking any further live exports from Australia, I commenced work with the department to provide assurance and asked for information about what regulatory options were available to me post that decision. I also looked at the live export industry and further announced that the live export examiner would look at all markets that are utilised by the live export trade—which includes all animals, not simply cattle—and the supply chain in those markets to ensure animal welfare outcomes. I met with Mr Farmer, whom I announced—(Time expired)

Senator COLBECK (Tasmania) (14:16): Mr President, I ask a further supplementary question. What communication has the minister had with our trading partners to ensure that acceptable animal welfare practices are observed to prevent further threats to this trade which is important to Australia's family farmers?

Senator LUDWIG: (14:16): The statement of principles started with community and industry groups coming together. I think that is an important point to make in this area. It is not an agreement between governments. The Gillard Labor government has communicated with their counterparts before the order was announced. I contacted the Indonesian agriculture minister, Mr Suswono, on 7 June. In addition, Ministers Rudd and Emerson contacted their counterparts in relation to ensuring that the animal welfare outcomes of our live animal exports are communicated to our trading partners.

Indonesia is one of our closest partners. It is a relationship of tremendous importance to Australia and this government. The Australian government remains committed to working constructively and cooperatively with Indonesia on this issue. We are doing just that as we speak. DAFF and DFAT officials have been in close contact with the Indonesian ambassador. (Time expired)

Forestry

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:18): My question also goes to the Minister for Agriculture, Fisheries and Forestry. Can the minister tell the chamber if a Tasmanian forest agreement is in the offing and, indeed, may be finalised in the next fortnight? Can the minister reassure the public, who have just seen cuts right across the board, that there will not be any money going to a private enterprise pulp mill in Tasmania from the public purse, either directly or indirectly, or to the Malaysian logging company Ta Ann?

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) (14:18): The statement of principles started with community and industry groups coming together. I think that is an important point to make in this area. It is not an agreement between governments. The Gillard Labor government has...
welcomed this landmark statement and believes it is important that we play a constructive role in supporting this significant community led initiative. As you are aware, this government together with the Tasmanian government appointed Mr Bill Kelty as an independent facilitator to work with the signatories to this community led statement to help build on the implementation. The Gillard government remains committed to working with the Tasmanian community. The community agreement has not yet been finalised, but the government continues to work with the stakeholders in the statement of principles for that purpose.

In relation to the pulp mill, I am advised that Gunns signalled its intention some time ago to exit from native forest logging to reorganise the business, including the building of the pulp mill at Bells Bay.

Senator Abetz: It's Bell Bay.

Senator Ludwig: ‘Bells Bay’ or ‘Bell Bay’?

Senator Abetz: Bell.

Senator Ludwig: The government understands there is community concern about the proposed pulp mill at Bell Bay but recognises that the mill at Bell Bay will provide sustainable jobs and opportunities for the community of Northern Tasmania. The mill has undergone a rigorous federal environmental approval process under the Environmental Protection and Biodiversity Conservation Act. The government is not considering any funding support for the Gunns mill at this time. Similarly I am advised that the government has not received any request from Gunns for funding support in relation to the mill or its business structure. (Time expired)

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:20): Mr President, I also asked if there had been any request or funding proposal for Ta Ann, the Malaysian owned company which got $8 million from the Howard government to set up in Tasmania. As a supplementary question, I ask the minister can he, having seen the area of high conservation value forests being considered for protection under the agreement go from 610,000 hectares to 572,000 hectares, assure the chamber that that proposed area for protection will not be reduced? Is the process under pressure from Ta Ann, the Malaysian owned logging company, to reduce that area so that it can continue to log in areas of high conservation value forest which are determined for protection? (Time expired)

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) (14:23): I will try to work through, as quickly as I can, some of the issues that that rather long question entailed, but what I do not get to I will take on notice. Some of the matters, of course, fall not within my direct portfolio responsibility but within the environment portfolio, but we will work diligently to provide an answer.

The positions of the signatories are quite separate, but any of the positions of the signatories, including the forest estate currently the subject of the moratorium and the industry-identified long-term wood supply requirements, are positions of the signatories and not government policy. So, on the figures that you use, it is up to the signatories to come to an agreement. At such time as they do come to an agreement, the government will consider its response at that point. In relation to Ta Ann, I will take that on notice; I do not have any particular brief in respect of that. (Time expired)

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:23):
Mr President, I ask a further supplementary question. Finally I ask the minister: does the government support Forestry Tasmania’s process of attracting native species, including potentially protected species, out of protected forests and adjacent forests onto log forest areas using grain, which has led to the shooting or trapping of 3,644 such native species in the southern forests alone last year? Does the government know what the total slaughter of animals being destroyed such as— (Time expired)

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) (14:23): I may suffer the same fate—that I do not get sufficient time to provide an answer. Some of those matters fall within other areas, and I am not trying to avoid answering the question. That part of the question that this portfolio can respond to I will take on notice. Some of it will definitely fall within the relevant Tasmanian state government’s responsibility, and some parts of it will fall within the department of environment. But I will see what I can do to provide a response to Senator Brown in relation to the serious issue that he does raise.

Broadly, can I then just underpin the position that the government is committed to this process of finalising and supports the continuation of those discussions, as outlined in the Prime Minister’s statement of 7 December last year. We continue to support discussions. We continue to ensure that Mr Kelty facilitates those discussions and that there is a due diligence assessment undertaken. Of course, that includes support in the budget— (Time expired)

Carbon Pricing

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:24): My question is to the Minister representing the Minister for Energy and Resources. Is the government unequivocally committed to the continuation of a strong, profitable and job-creating coal industry in Australia and to its future expansion? If so, is the government prepared to stand up to the Greens and ensure that this vital industry is not damaged by the Green-Labor carbon tax and that no jobs will be lost?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:25): Yes.

Honourable senators interjecting—

The PRESIDENT: Senator Abetz is on his feet and is entitled to be heard in silence.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:25): Thank you, Mr President. Mr President, I ask a supplementary question. I note that there were two questions and we only got one answer, but we will take the pick in relation to which one Senator Sherry tried to answer. My supplementary question is: can the minister give an assurance that compensation to the coal industry for the carbon tax will be sufficient to ensure that there will be, as the Prime Minister said yesterday, a huge expansion in this industry?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:26): What I can say is that the government is committed to reducing Australia’s greenhouse gas emissions as part of a global action, and the best way to achieve this is very clearly through a carbon price. The carbon price will allow business to make
decisions on how to best manage their emissions, including investments in low-emission technologies, while meeting Australia's energy security needs. I also note that the business sector more broadly remains supportive of the need for a carbon tax—through you, Mr President, to Senator Abetz—and to reduce—

Senator Abetz: That's not quite right.

Senator SHERRY: 'More broadly remains', Senator.

Senator Abetz: Broadly!

Senator SHERRY: Broadly, Senator. So they remain broadly supportive of the need for a carbon price to reduce long-term investment uncertainty, which is particularly important. Feedback from business through the Investment Reference Group, which is an independent group of energy experts—

(Time expired)

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:27): Mr President, I ask a further supplementary question. Two non-answers—we will try for a third. Does the government agree with the former ACTU president Jennie George and AWU secretary—the kingmaker—Paul Howes that the resource-intensive steel industry should be exempted from the government's carbon tax until similar regimes are implemented in competitor countries? Try a yes or a no to that one.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:27): I agree with government policy.

Mortgages

Senator HURLEY (South Australia) (14:28): My question is to the Minister representing the Treasurer, Senator Wong. Can the minister advise the Senate on the importance of the government's ban on mortgage exit fees?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:28): I thank Senator Hurley for her question and her interest in matters economic, which sets her quite apart from those opposite, who appear to be intent—

Honourable senators interjecting—

The PRESIDENT: Senator Wong, resume your seat for a moment. Senator Wong, continue.

Senator WONG: Those opposite appear to be intent on ensuring they have no economic credibility and no fiscal credibility. Hard-wired to oppose everything and intent on wrecking the surplus, they are also intent on blocking reforms which are about increasing competition in the banking sector—reforms aimed at assisting Australian consumers.

In December last year the government announced that we would scrap mortgage exit fees on new home loans for all Australian consumers. This was passed into law earlier this year and will apply from 1 July, just a couple of weeks from now. We understand that exit fees are one of the biggest barriers to competition in the banking system. If the opposition do not believe us, perhaps they might listen to consumers and perhaps they might listen to Choice, who said that banning exit fees 'is about giving power back to the most important people in Australia's banking sector—consumers'. Unfortunately, for those opposite the most important people in the banking sector are clearly not Australian consumers. Clearly the most important people in the banking sector for those opposite are the banks, not Australian consumers. Unfortunately, what we have seen over the weekend is the shadow Treasurer, Mr Hockey—
Senator Cormann interjecting—

Senator WONG: Senator Cormann is interjecting endlessly. Perhaps he did not know Mr Hockey was going to say this. We know that Mr Hockey is a little bit keen on making announcements when he feels like it, but Mr Hockey has made it clear that the opposition is going to challenge the ban on exit fees in the coming weeks. Opposition: opposing this reform. (Time expired)

The PRESIDENT: I just remind senators—

Senator Cormann interjecting—

The PRESIDENT: Senator Cormann! I remind senators that constant interjection is completely disorderly. Senator Hurley.

Senator HURLEY (South Australia) (14:30): Thank you, Mr President. I have a supplementary question. Can the minister outline to the Senate why it is important that all consumers receive protection from mortgage exit fees, not just customers of big banks?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:31): Those opposite seem to have forgotten this proposition: the removal of exit fees is about pressuring lenders to compete on upfront price and customer service or face the risk that people will walk down the road and go to another bank, go to another lender to get a better deal. Unfortunately, there have been some who have suggested that the ban on exit fees should only apply to the big banks and that all other lenders should be exempted. However, the fact is that unfortunately it is some of the smaller wholesale lenders who are actually those who charge mortgage exit fees as high as $7,000 to lock their customers in. Exempting those lenders, as the opposition is calling for, would mean Australian consumers who take out loans with those lenders could be locked in. They would not be able to move even if it were otherwise financially sensible for them to do so. (Time expired)

Senator HURLEY (South Australia) (14:32): Mr President, I have a further supplementary question. Can the minister outline to the Senate other government reforms to support smaller banks?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:32): This government has extensively assisted smaller lenders. One of the streams of the government's banking reform package was dedicated to supporting smaller lenders. This included investment in the residential mortgage backed securities market of some $20 billion, and we know that smaller lenders rely heavily on the RMBS market to fund their lending. But the fact is those opposite cannot hide behind the argument about smaller lenders when they have a government that has stepped in to assist that sector. They cannot hide behind the argument around smaller lenders because the reality is that what they are actually arguing for is barriers to competition. That is exactly what the opposition are arguing for—they want Australian consumers to pay higher exit fees. The question is this: why are the opposition so intent on demanding that Australian consumers pay more fees? (Time expired)

Carbon Pricing

Senator McGAURAN (Victoria) (14:33): My question is to the Minister representing the Minister for Resources and Energy, Senator Sherry. Minister, knowing that you always prepare well for question time, I refer you to the Minister for Resources and Energy's comments yesterday that the carbon tax could cause some coalmines to close. Will the minister inform the Senate on what basis the minister's comments were made?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector
Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:33): Thank you, indeed, for the compliment, Senator McGauran. It may be your last question and I want to compliment you—

Senator Carr: On surviving this long!

Senator SHERRY: I do want to compliment you on your longevity in this place; and all the best to you, if indeed it is your last question. In terms of the coalmining sector, the real threat to the competitive position of the Australian economy does not come from the government's carbon price policy. It comes from you, Senator McGauran—through you, Mr President—or, I should say, from the opposition that you of course represent. The abandonment—

Senator Carr: When you were in the National Party.

Senator SHERRY: Well, yes. I am not going to go there; I am not going to be unkind to Senator McGauran.

The PRESIDENT: Senator Sherry, just come to the question, please.

Senator SHERRY: I am not going to be unkind. The abandonment—

Senator Carr: He ought to get credit for propping up the DLP!

Senator SHERRY: Senator Carr, please!

Senator Carr: Come on, Dolly, tell us about the DLP!

The PRESIDENT: Order! Resume your seat, Senator Sherry.

Senator IAN MACDONALD: Mr President, I raise a point of order on the attitude of one of the people over there who masquerades as a minister. This week, in the final weeks of several senators from all sides, everyone has been absolutely gracious except that thug who represents the Left in Victoria, and I ask you to bring him to order.

The PRESIDENT: Senator Macdonald, there is no point of order. The minister has a one minute 14 remaining to address the question. I draw the minister's attention to the question.

Senator SHERRY: In this week when we are reflecting on the contributions of senators who depart, I agree with Senator Macdonald. I am trying my very best in this final twilight of Senator McGauran's career in this place to get to an answer. I am just being so rudely interrupted.

It comes from the opposition's abandonment of the fundamental belief in markets and rational economics and the opposition leader, Mr Abbott's, embrace of totally irresponsible and politically opportune fearmongering. That is what we are seeing. In order to support jobs and compete in the next century, a century which will increasingly be—

Senator McGauran: Mr President, I rise on a point of order. I rarely take points of order; in all the time I have been here I have taken only two or three points of order, Senator Sherry. I did compliment you and say that you were always well prepared for question time, so I bring you back to the question: on what basis did the Minister for Resources and Energy, Mr Ferguson, whom you represent here, make those comments? You have 29 seconds to answer that question.

The PRESIDENT: There is no point of order. The minister has 29 seconds remaining. I draw your attention to the question, Minister.

Senator SHERRY: The government and my colleague Minister Ferguson do recognise that the coal industry is a very important and vital part of our economy. We have always said that every cent raised from
a carbon price will be used to assist households, support jobs and make the transition to a clean energy future. That is why we are consulting very closely with the Multi-Party Climate Change Committee on assistance measures for coalmining operations. My colleague Minister Ferguson has made that very clear. (Time expired)

Senator McGauran (Victoria) (14:38): Mr President, I ask a supplementary question.

Senator Conroy: There is a blacksmith shop going cheaply in Ballarat.

The President: Order, on my right! Senator McGauran is entitled to be heard in silence.

Senator McGauran: And the DLP hate the Labor Party. That's why I kept them going.

Government senators interjecting—

The President: Senator McGauran, ignore the interjections on my right.

Senator Sherry: Mr President, how can that possibly be a supplementary question?

The President: Senator Sherry, there is no point of order. Senator McGauran, you have a supplementary question. I am giving you the opportunity now to ask that supplementary question.

Senator McGauran: That interjection by me was a bit outrageous. I will ask my supplementary question. Minister, it defies belief that such a good minister as yourself would not have spoken to Mr Ferguson about his comments. I ask with some confidence: was the Minister for Resources and Energy's admission that mines may close based on modelling? If so, what modelling?

Senator Sherry (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:39): There was a survey commissioned by the Australian Coal Association that assumes that no assistance will be provided to the coal industry. This is inaccurate. The government recognises that the coal industry is a vital part of our economy. It is a particularly vital part of our economy. The vast majority of Australia's coalmining industry is not emissions intensive and will face materially increased costs under a carbon price. As to the DLP, I cannot go to that issue, clearly.

Opposition senators interjecting—

Senator Sherry: Well, if you ask a question—

Senator Brandis: I rise on a point of order on relevance, Mr President. The question was about modelling and whether the statement was based on modelling and if so what it was. The minister has not got anywhere near it, and you know that.

The President: Senator Sherry, I draw your attention to the fact that there are 18 seconds remaining to answer the question.

Senator Sherry: I make the point that if you ask a question then I am here to try to answer it. I cannot answer the first supplementary question that you originally posed. On the modelling issue, I do not know whether or not there has been any modelling done, so I will take it on notice.

Senator McGauran (Victoria) (14:41): You are becoming a great disappointment, Senator Sherry.

The President: Senator McGauran, get to your question please.

Senator McGauran: Mr President, I ask a further supplementary question more in hope than in confidence that the minister is across some part of this brief. To which mines was the Minister for Resources and Energy referring when he talked about mines closing?
Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:41): I am sorry I am disappointing you in your second last week, Senator McGauran.

Senator Forshaw: No, you're not.

Senator SHERRY: I am sorry. Senator McGauran and I have always had a good relationship.

The PRESIDENT: Senator Sherry, just answer the question and leave the other material out. Senator Sherry, continue. You have 54 seconds remaining to answer the question.

Senator SHERRY: We have had a good relationship, and I would hate to disappoint him on this occasion. We are closely consulting with the coal industry—

An opposition senator: Which mines?

The PRESIDENT: Senator Sherry, ignore the interjection. You have 46 seconds remaining to answer the question.

Senator SHERRY: We have had a good relationship, and I would hate to disappoint him on this occasion. We are closely consulting with the coal industry—

Solar Energy

Senator XENOPHON (South Australia) (14:43): My question is to Senator Wong, the Minister representing the Minister for Climate Change and Energy Efficiency. Honourable senators interjecting—

The PRESIDENT: Just wait a minute, Senator Xenophon. You are entitled to be heard in silence. It has nothing to do with your capacity or ability to ask a question, let me assure you. There was an interjection that was completely disorderly. Senator Xenophon, proceed.

Senator XENOPHON: I draw the minister's attention to a detailed report by journalist Frank Pangallo that aired on the South Australian version of Today Tonight last week. The story was followed on the national program last night. The reports detailed allegations of fraud and the dangerous installation of rooftop solar power systems that were sold by True Value Solar and installed by a separate company called Solar Installation Australia. The systems installed attracted federal government rebates under the government's renewable energy certificates scheme. Specifically, the report contained allegations from former staff of these businesses that paperwork sent to the government contained forged signatures and fraudulent information. Today Tonight obtained copies of the fraudulent documents. My question to the minister is: how can there be public confidence in the validity and accuracy of documentation forwarded to the Office of the Renewable Energy Regulator by solar companies claiming solar credits? Has the government inquired further into these serious allegations concerning the rorting of a federal government scheme?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:44): I thank Senator Xenophon for the
question. There are two aspects, the first in relation to broader compliance and probity systems and the second in relation to the particular firm True Value Solar. On the second issue what I can indicate, and I understand this is on the ORER website, is that the business True Value Solar has agreed to an enforceable undertaking. This correlates with the regulator's compliance and enforcement policy. It is an undertaking which I understand has been made public and the details of it are on the website.

In relation to the broader issue of compliance and probity regimes under the renewable energy target it is the case over the last 12 months that the government has significantly strengthened requirements for government assistance for solar installations under the federal scheme—that is, the renewable energy target—to further protect consumers and also to assist states and territories in the enforcement of laws and to support industry accreditation through the Clean Energy Council. There is a requirement for CEC accredited installers and in addition there is a range of standards and requirements which need to be signed off for certificates to be created. An additional inspection regime, I am advised, has been established to identify breaches of standards and to properly pass this information to state and territory enforcement agencies responsible for electrical safety.

These changes have significantly strengthened requirements originally put in place by the Howard government and address limitations in enforcement powers to give the regulator a wide range of measures to take action where systems do not comply. There are a number of matters that the regulator engages in to minimise the creation of non-compliant renewable energy scheme certificates. For example, all applications for certificates undergo electronic eligibility checking and validation before they are traded or surrendered. (Time expired)

Senator XENOPHON (South Australia) (14:46): My supplementary question to the minister is: since June 2009 there have been 63,000 rooftop solar power systems installed in South Australia. In that period the South Australian Office of the Technical Regulator has carried out its inspections on just 50 of those systems. Given the allegations of shoddy workmanship and dangerous wiring of households and the fact that Commonwealth money is supporting the scheme, does the minister believe this level of inspection is adequate?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:47): Obviously, the responsibility for matters such as workplace health and electrical safety standards generally and in relation to solar PV systems is the responsibility of state and territory governments. We as a government recognise this responsibility and safety matters are reported to the relevant state and territory agencies for appropriate action. To be eligible to receive support under the RET all systems must comply with relevant Australian standards and all relevant Commonwealth, state, territory and local government laws and regulations.

As I was saying, there have been a range of measures introduced over the last 12 months to strengthen compliance regimes. The number of audits which a state should conduct is obviously a matter that should best be determined by the relevant state body. However, the federal government has moved to implement an additional inspection regime for solar panels installed under the renewable energy target and the regulator is now required to inspect a statistically significant number of installations each year.
and can also conduct targeted inspections of persons of interest. *(Time expired)*

**Senator XENOPHON** (South Australia) *(14:48):* Mr President, I ask a further supplementary question. I understand that since last night's story the *Today Tonight* program is now investigating a complaint from a former installer in Victoria that he witnessed more than 2,000 forms being forged to meet deadlines involving claim credits of $16 million. What steps will be Office of the Renewable Energy Regulator take to urgently investigate these and related allegations at a national level?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) *(14:49):* I can indicate generally in relation to inspections and non-compliance that a committee of industry and state regulators has been established to input into the renewable energy target inspection regime. Where there are issues of non-compliance with standards that have been identified, the regulations require that information be passed on to both the Clean Energy Council as well as the relevant state and territory regulators so that enforcement actions can be taken.

I do not have any further information that I can provide at this stage on the specific complaints to which you refer. Obviously, the regulator is committed to investigating suspected instances of fraud and if there is any additional information the senator would like to provide I am sure the minister will ensure that is passed on to the office of the renewable energy regulator.

**Carbon Pricing**

**Senator HUMPHRIES** (Australian Capital Territory) *(14:49):* My question is also to Senator Wong representing the Minister for Climate Change and Energy Efficiency. I refer the minister to Minister Combet's remarks in the House yesterday when he said:

… the government is exploring a number of options for delivering that assistance, including through tax cuts. In addition, I can inform the House that all 3.4 million maximum-rate and part-rate pensioners—

*Senator Conroy interjecting—*

*Senator Abetz interjecting—*

**The PRESIDENT:** Senator Humphries, the exchange between Senator Conroy and Senator Abetz meant that I did not catch part of your question.

**Senator HUMPHRIES:** I am quoting Minister Combet's remarks in the House yesterday:

… the government is exploring a number of options for delivering that assistance, including through tax cuts. In addition, I can inform the House that all 3.4 million maximum-rate and part-rate pensioners will receive assistance.

Noting the government's concession that it will be necessary to compensate fixed income earners for the massive increase in the cost of living as a result of the carbon tax, I ask: how will the government compensate those who do not receive a government benefit and generally do not pay income tax such as self-funded retirees?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) *(14:51):* I welcome the question from the senator in part because it confirms that Senator Ludwig has seen off the opposition's series of attacks on him well and truly but also because I welcome the opportunity—

*Senator Conroy: Withering attacks.*

**Senator WONG:** I am not sure that 'attack' was quite the right word—

**The PRESIDENT:** Come to the question.

**Senator WONG:** Let's say a series of questions. I am also very happy to discuss—
Opposition senators interjecting—
Senator Conroy interjecting—

The PRESIDENT: Senator Wong, just come to the question please.

Senator WONG: I am trying, Mr President. But there are a great many interjections from that side and I can understand why because on this issue it is somewhat embarrassing the extent of the division on that side, including by Senator Humphries. I am surprised that Senator Humphries is even asking this question. I thought he was one of the few on that side who actually thought climate change was real. The government has been very clear in its approach to action on climate change: that a carbon price is the cheapest, fairest way to ensure we reduce the carbon pollution that is causing climate change and also to drive investment in a clean energy future. It is the case that we have said the carbon price will be paid by less than a thousand of the largest polluters for every tonne of pollution they emit and that we will take every cent taken from the big polluters to provide generous household assistance, to help with family budgets, to protect jobs as businesses make the transition to a clean energy economy, and to tackle climate change including by investing in new and clean technology.

Senator Brandis: Mr President, a point of order on the question of relevance: the minister has only 20 seconds to go. She has been going for one minute and 40 seconds and she has not anywhere near approached the topic of the question—that is, what proposals the government has for the compensation of fixed income earners, in particular self-funded retirees. Abuse of the opposition and a recitation of the general principles behind the government's policy are not directly relevant. It was a narrow and specific question and it ought to be answered.

The PRESIDENT: There is no point of order.

Senator WONG: Clearly, Senator Brandis does not understand how a carbon price works, because the very point of ensuring you impose a price on the big polluters and you use that revenue to assist Australian households goes directly to the household assistance issue that the senator has raised—unlike your policy, which is about taxing Australian households and giving the money to Australia's biggest polluters. How is that fair? (Time expired)

Senator HUMPHRIES (Australian Capital Territory) (14:54): Mr President, I ask a supplementary question. I will simplify my question and see if I get an answer. Can the government guarantee that self-funded retirees in particular will not be worse off under a carbon tax?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:54): The government has guaranteed that every cent used in the revenue raised from a carbon price levied on the biggest polluters will be used to assist Australian households, to protect jobs and to tackle climate change. The guarantee that those opposite fail to see is the guarantee that they cannot provide when it comes to the $30 billion they will take out of taxpayers' pockets to give to the biggest polluters in Australia. That is the cost of your policy. As Mr Turnbull said, it is a policy that is inefficient, that is a recipe for fiscal recklessness and that takes from taxpayers and gives to polluters without any guarantee that Australia's pollution will actually drop. It is an absolute joke. Those of you on that side such as Senator Humphries, who have some regard for good public policy, ought to be ashamed.
Senator HUMPHRIES (Australian Capital Territory) (14:55): Mr President, I ask a further supplementary question. Given that the minister cannot provide the guarantee that I have asked for, will she now concede that no compensation package can ever be without winners and losers and that, in the case of your carbon tax, the losers will number in the millions?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:55): We have been very clear about why we need to take action on climate change.

Honourable senators interjecting—

The PRESIDENT: When there is silence, the minister can proceed.

Senator WONG: We have been clear about why we need to take action on climate change, and that is that all of us lose, including future generations, if we do not. Those opposite might want to play politics with this issue and dismiss the science. Senator Bernardi might want to talk about the conspiracy of scientists. But, fundamentally, in five, 10 or 20 years time people will look back at some of the arguments by those opposite, who are so irresponsible about the importance of this issue, so irresponsible about the burden we are imposing. If we do not act, our children and grandchildren will judge us very harshly. We will do this responsibly and we will ensure that the money paid by big polluters is returned for the purposes I have outlined. That is the responsible path. (Time expired)

Broadband

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (14:57): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister inform the Senate on recent progress on the rollout of the National Broadband Network?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:57): My thanks to Senator Carol Brown for her ongoing interest in the NBN. The Gillard government is committed to rolling out the NBN and providing all Australians with affordable and fast broadband regardless of where they live. Just last month I was in Armidale, New South Wales, switching on the NBN along with the Prime Minister, Mr Windsor, Miss Brittany Sisson and Miss Alex Hiscox—the senior and junior school captains of Presbyterian Ladies College.

Opposition senators interjecting—

The PRESIDENT: When we have silence we will proceed.

Senator CONROY: It was a significant event. If anyone is in any doubt about what having the NBN means for rural and regional communities, then they should go to Armidale themselves.

Opposition senators interjecting—

The PRESIDENT: If senators wish to debate the issue, the time is post question time—you know that.

Senator CONROY: I am also pleased to confirm that NBN Co. recently struck an agreement with Silcar to begin the first large-scale deployment of fibre-optic cable for the NBN across Queensland, New South Wales and the ACT. This announcement represents almost 40 per cent of national construction activity planned over the next two years with pricing in line with the NBN Co.’s corporate plan. Importantly, this contract means that more and more Australian households will begin to reap the benefits of being connected to the NBN. This government recognises that investing in the NBN is about future-proofing Australia's future economic
prosperity, its international competitiveness and its social wellbeing. I am confident that this deal represents good value for taxpayers and that the NBN Co. will continue to deliver the NBN on budget. *(Time expired)*

**Senator CAROL BROWN** (Tasmania—Deputy Government Whip in the Senate) *(15:00)*: I thank the minister for his answer. Can the minister provide further information to the Senate on the progress of the NBN in regional, rural and remote Australia?

**Senator CONROY** (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) *(15:02)*: We all know that the NBN is important for Australia’s future. Yesterday I discussed the Digital Economy Strategy and the need to position Australia as a world-leading digital economy by 2020. We also want to be firmly ensconced in the top five OECD countries for broadband connections at home and at work.

Mr Abbott and those opposite want to wreck Australia’s future. They want to destroy that vision. In Mr Abbott’s own words, he appointed Mr Turnbull to ‘demolish the NBN’. As the Gillard government focuses on building Australia’s greatest infrastructure projects for current and future generations of Australians, the Leader of the Opposition and those opposite have pledged the Liberal and National parties to demolish the NBN. The disappointing thing is that the Nationals, the self-proclaimed guardians of country Australia, are joining in and opposing uniform wholesale prices. *(Time expired)*

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

**QUESTIONS WITHOUT NOTICE:**

**TAKE NOTE OF ANSWERS**

**Carbon Pricing**

**Senator BUSHBY** (Tasmania—Deputy Opposition Whip in the Senate) *(15:04)*: I move:

That the Senate take note of answers given by the Minister for Small Business (Senator Sherry) and the Minister for Finance and Deregulation (Senator Wong) to questions without notice asked by the Leader of the Opposition in the Senate
(Senator Abetz) and Senators McGauran and Humphries today relating to the coal industry and a proposed carbon tax.

This debate about the government's proposed carbon tax is not about the need to reduce emissions of greenhouse gases. All major parties in this place agree, at least on the basis of risk management and minimisation, that action should be taken to reduce global emissions. The principle that is often termed the 'precautionary principle' is applied.

No, this debate is about whether the method proposed by the government, its carbon tax, which it went to the election promising it would not introduce, will actually achieve this reduction and at what cost to Australians. The fact is that even on the little that we currently know about what the Labor-Green government proposes for this carbon tax, it is not likely to reduce global emissions; in fact it may even increase global emissions. And it will come at great cost to Australians and Australians' jobs.

It is often said that Australia has the highest per capita emissions, and maybe that is the case. I think there is conflicting evidence out there as to who actually does have the highest emissions, but certainly we are amongst the highest emitters in the world on a per capita basis. That is primarily because we do not use nuclear power and because we have access to a huge, cheap and efficient coal resource, which we make good use of.

But what of this? How does this work into the global task of reducing emissions? If we start on the basis that we and others in the world should be able to maintain and even grow our standard of living, then we need to assume that we will on a global basis still need to produce and manufacture an equivalent amount of goods and services to that we manufacture now. So surely in doing that, in manufacturing that equivalent amount of goods and services, we should be doing it in the most efficient manner at a global level and in a way that will reduce global emissions, not increase them. As such, if we can produce a tonne of aluminium or concrete or steel in Australia with the lowest or near-lowest emissions in the world, then surely this is a good place to produce that even if it increases the emissions per Australian as it will decrease the emissions per person on the planet.

This is why we are arguing for a global solution to a global problem and not one where Australia solely takes the lead in a way that costs Australians and delivers nothing for the environment. Notions of leading may sound nice. They may even make some people sleep better at night and feel a little bit warm and fuzzy. But what must be the key in addressing the issue of global warming is that we impose a global solution. Imposing additional costs that make it uneconomic to produce goods and services in Australia, leading to carbon leakage, just makes no sense whatsoever. It does not fix the problem yet it will cost jobs in Australia and increase the cost of living. Even Senator Wong agrees with this. In a speech at an AiG luncheon on 6 February 2008, the then Australian climate change minister stated:

The introduction of a carbon price ahead of effective international action can lead to perverse incentives for such industries to relocate or source production offshore. There is no point in imposing a carbon price domestically which results in emissions and production transferring internationally for no environmental gain.

Over the past few years, we have seen a lot of independent modelling on the impacts of an ETS, and now a carbon tax, on specific industries. Almost all of these have highlighted that there would be thousands, if not tens of thousands, of jobs lost in those industries. Just in the last couple of days we have seen independent modelling released by the Australian Coal Association, to which
Senator Sherry referred, looking at the impacts on their industry. It was conducted, I would note, independently by the ACIL Tasman modelling group. They found that carbon pricing could greatly reduce the expected boost to the economy from the resources boom as potential mines do not go ahead. That in itself is interesting because we have heard a lot about how this government will return the budget to surplus in 2013-14 based on conservatively high terms of trade. If the ACIL Tasman modelling is correct, the carbon tax will have a serious impact on any future boost to the economy from the resources boom from coal mines alone, which will upset the assumptions on terms of trade and will upset the likelihood of a surplus in a few years time. If that is correct just for the coal industry, imagine the impact it will have on industries economy wide.

The report estimates that between 22,700 and 31,020 man years of jobs will be forgone as a result of new projects not proceeding and that between $23 billion and $45 billion in export earnings will be forgone in the decade to 2021-22. They say: Conservative estimates of employment losses from applying emissions pricing to potential new coal mining developments would be elimination of 25-37 per cent of potential new jobs.

Those are jobs that could have been created in this industry over that period of time.

(Time expired)

Senator CROSSIN (Northern Territory) (15:09) : I rise in response to opposition's motion to take note this afternoon in relation to the issue of carbon pricing and our position on climate change. I welcome some major and very distinguished people in Australia taking out full-page ads in papers around the country today calling on those opposite, the climate sceptics, to acknowledge that taking action on climate change is an imperative.

Senator Bernardi interjecting—

Senator CROSSIN : We continue to have the battles with the deniers and the sceptics, Senator Bernardi, sitting opposite us, who pretend that they do not need to do anything and that nothing has happened.

This government is committed to reducing Australia's greenhouse gas emissions as part of global action. There have been comments made about that over a number of weeks and months. Yesterday, the Prime Minister released some fact sheets to show that Australia is not alone here, that plenty of countries have policies and initiatives to take action on climate change. We have determined that the best way to achieve this is through putting a price on carbon, a price that will allow businesses to make decisions on how to best manage their emissions, including through investments in low-emission technologies, while meeting Australia's energy security needs.

The equation is very simple. A price on carbon will encourage large polluters and business to change the way they operate and to reduce their high-emission technologies. I note that the business sector more broadly remains supportive of a carbon price to reduce long-term investment uncertainty. So we do have businesses that are starting to get on board and want to be part of this debate, this discussion, this negotiation.

We recognise that the coal industry is a vital part of our economy. The vast majority of Australia's coal-mining industry is not emissions intensive and will not face materially increased costs under a carbon price. However, there are a small number of gassy underground mines that have high fugitive methane emissions, and they will face increased costs. They know that and we know that. That is why we are consulting closely with the Multi-Party Climate Change Committee on assistance measures for these
coal-mining operations, including negotiating with them to come up with a way to deal with this. We remain committed to assuring the competitiveness of our mining sector through all of these negotiations.

I turn to the issues that Senator Bushby raised in terms of the ACIL Tasman report on coal-mining jobs. Certainly under a carbon price we expect to see strong growth in the economy, in jobs and in average incomes. We expect that that growth will be particularly strong in the resources sector. The latest capex numbers show that businesses are confidently investing in growing their operations. Based on ABARE’s estimates, the total investment pipeline for coal alone was over $72 billion as at April 2011. The pipeline of investment for the broader resources sector reached a remarkable $430 billion in April. So many of our largest resources companies have made it clear that they support a price on carbon. Companies like Santos, Shell, BP, Rio Tinto and BHP Billiton support a price on carbon. They are on board. It is a shame the people opposite are not. Those companies know that we need to reduce contribute pollution and want to be part of that solution and part of that dialogue. Putting a price on carbon is the cheapest and most effective way to do this, so many of these big investors have already built a carbon price into their investment plans. So what do we have before us? A bright future for sectors like coal and LNG. It is true that the carbon price will affect some operators, but we are working with industry on an assistance package that will manage that.

Senator BERNARDI (South Australia) (15:14): In hearing Senator Crossin’s speech, and Senator Wong’s statements earlier during question time, I am reminded of the great showman PT Barnum who said something like, ‘You can fool all of the people some of the time, and some of the people all of the time.’ Senator Crossin and Senator Wong are clearly part of that group that can be fooled all of the time. They are defending what this government cannot defend with any strength or temerity. The reason is this government was elected with a promise not to introduce a price on carbon and, more specifically, not to introduce a price on carbon dioxide—that odourless gas which we all expire when we talk and exhale. Senator Crossin will repeat the myths and the suggestions that carbon is pollution when actually we are talking about carbon dioxide. She will repeat the assurance that business wants certainty. Well, they had certainty at the last election when her Prime Minister promised not to introduce a price on carbon dioxide.

But that is conveniently forgotten in their self-perpetuating infliction of misery on the Australian people. Make no mistake, Mr Deputy President, the Australian people are struggling with cost-of-living pressures right now. They are worried about hanging onto their jobs and they are worried about how they are going to pay their electricity bills and their gas bills. They are worried about the cost of fruit and vegetables. They are worried about the cost of transport. And this government is only worried about taking more money out of Australian families’ pockets. That is an absolute disgrace. The reason they are doing it is because they are sending this country broke, unfortunately quite rapidly with $50,000 million worth of additional debt to be incurred in the next 12 months alone. Many people will say that is the government living for today by mortgaging the future. This government does not care about that. I glance around this chamber now, look up in the gallery and see the future of Australia having a look at what is happening. The children up there do not realise that the myths being pedalled by this government are going to result in all of them paying much more tax for the next several
decades. This is an appalling indictment on the management of Australia.

It is also dressed up in that cloak of environmentalism in which it says, 'We're going to save the planet from climate change or global warming.' And yet when pushed, when this government is asked how much this massive new tax, which is going to start at around $12 billion next year and grow every year after that in perpetuity, is going to change the temperature, it will not answer. It cannot answer. Even its self-appointed climate change spokesman, the man who has a reputation for creating more myths than anyone else in the country, is getting paid hundreds of thousands of dollars to peddle nonsense—even though it has been proved incorrect time and time again. So when it cannot answer the questions, when it will not provide the detail, when it is putting enormous pressure on Australian families simply through a self-indulgent reluctance to reduce its expenditure and to live within its means and to cut its cloth, like every family in this country does, we should be appalled. The Australian people should be appalled. Indeed they are, because most Australians today do not buy what this government is peddling. They do not buy it because there is no credibility attached to it.

The minister, Senator Wong, today in answering the questions is on the record as saying a carbon tax is less efficient, that it is not a silver bullet. She tried to put forward all of the same sort of rhetoric and nonsense once before in getting up her emissions trading scheme, which would have destroyed the economy and the country. Then she went off to Copenhagen, proclaimed it a great success, came back and ditched her policy. Why should we believe her now? It is the same Penny Wong who is lecturing us on fiscal conservatism and being responsible economic managers as she spends $50,000 million more of taxpayers' money than they are going to take. That is what this is all about: a government that cannot control its spending; it cannot control its tortured distortion of the truth in order to peddle its ideological and obsessive regime to indoctrinate and get itself involved in everyone's lives.

They want both of their hands in our pockets, and the Australian people cannot afford it. They cannot afford it and they cannot afford to put up with more of the myths and lies masquerading as policy that this government continues to generate. They should stand condemned, and the Australian people will render their verdict at the next election.

Senator Mark Bishop (Western Australia) (15:19): Sometimes in a debate you really do have to have someone who tries to avoid the hyperbole and the exaggeration and the political points scoring and the Chicken Little statements that we have had from the two opposition speakers to date—someone who is prepared to address the issue at hand, the facts in a debate. Fortunately for the chamber, I am the person who is more than comfortable to address just the facts concerning the climate change issue and the carbon tax debate.

Let us go right back to the beginning, to basics. Some six or nine months ago, the Prime Minister made it quite clear that we were going to introduce a carbon tax. She made it quite clear at the time as to why we were seeking to introduce a carbon tax: to cut pollution and to drive investment in clean energy. She also made the point at the time, and has repeated it regularly since, as has the relevant minister, that there would be some modest cost impact through the imposition of the carbon tax. Of course, that modest cost impact will be paid by fewer than 1,000 of the companies that are the largest emitters in industry around the Commonwealth of
Australia. So, yes, there was going to be a carbon tax. It was there to cut pollution and to drive investment in clean energy. It would have modest cost impacts, and those modest cost impacts would be paid by fewer than 1,000 of the largest emitters, the largest polluters, in this country.

We acknowledged at the outset that some industries would pass on all or part of that cost to consumers, and we also said at the outset that it would be terribly unfair that those who are least fortunate in our community, those who are least able to bear the cost, should wear that cost from that modest cost impact. That is why we said up-front that the cost impact would be modest and that there would be fair and generous assistance to households. The government made its position quite clear at the outset and time and time again the relevant minister has repeated that. We said that we would help pensioners and we would help low-income earners. But, more than that, it is not a revenue grab, a revenue take, a revenue steal, as Senator Bernardi constantly recited; 100 per cent of the revenue raised from this carbon tax will be returned to industry, to consumers or to those low-income households around Australia—pensioners and low-income persons generally—who are least able to bear that price. Almost 3½ million maximum-rate and part-rate pensioners will receive assistance—assistance in addition to the normal indexation of their pension and their welfare entitlements—to compensate them for the burden that they will wear.

We say that the approach of the government will have the outcome that the carbon price, which is a price on emissions and pollution, will make dirty energy more expensive and clean energy, like the alternatives we have been talking about for some time—solar, wind and gas—cheaper. In that context, as I said, the tax is only going to fall on the largest 1,000 emitters in this country. Some of those emitters will have the ability to pass on the price increase—some in whole, some in part. But we are very concerned about where it is passed on. We have been concerned from the outset that it does not fall unfairly on those parts of the community least able to bear it. That is why we said up-front that there is going to be significant compensation to low-income families, there is going to be significant compensation to low-income households and there is going to be significant compensation to those who are on the pension—whether on a part pension or on a full pension. That is going to be done in addition, as I said before, to the normal indexation requirements that pensioners enjoy when their pension goes up on a regular basis.

We are about having a sustainable economy, efficient industries, growth in the economy, additional jobs, less pollution and less pollutants, and we are about having altered energy supplies and alternate energy firms— (Time expired)

Senator KROGER (Victoria) (15:25): I rise also to address the answers that were given on the carbon tax by those on the government benches. It would be remiss of me not to note Senator Crossin’s remarks in relation to the advertisements that carbon tax supporters are placing in papers around the country. She suggested that this was indicative of the tremendous support that the carbon tax has. To Senator Crossin, who I wish was in this chamber to hear this directly and had not left, I can only say: those who are advertising in those media outlets today must be some of the one-third left of Gillard supporters. We have seen Prime Minister Gillard’s personal support plummet; it has crashed. They must be the last remaining few who still believe her and support her. There aren’t many of them left.
I have to go back to Minister Wong's remarks during question time when she suggested that those on this side of the chamber were playing politics with this. What sort of hypocrisy is that? What gobsmacking hypocrisy! It is those in government, those on the government benches, who have been playing politics with this issue, because we did not have a carbon tax on the table until Prime Minister Gillard did a deal with the Leader of the Greens, Bob Brown, to form government.

The DEPUTY PRESIDENT: Order! You must refer to a senator by his proper title, Senator Kroger.

Senator KROGER: Thank you, Deputy President. I was getting very emotional with the magnitude of my concerns on this issue. It is because of the formal alliance that was declared. It was because of this coalition of Labor and the Greens that have formed government that we now are dealing with a carbon tax. So it is no wonder that the Australian public do not believe a word of what those on the government benches say. It is no wonder that they do not believe what the Prime Minister says. If I can quote the Prime Minister in a speech she made in the other place on 10 May 2005:

... the Labor Party is the party of truth telling. When we go out into the electorate and make promises, do you know what we would do in government: we would keep them.

I remind her of her election promises last year. The Prime Minister went on to say:

When we say them, we mean them. That is the difference between you and us. If I were minister for health in an elected government, it would be my duty to implement lock, stock and barrel—word for word—exactly what we had promised in the election campaign. That is your obligation.

So said Julia Gillard, the then minister. I say to her: what happened to her election promise that there would be no carbon tax under any government that she led? That promise went up in smoke when she formed an alliance with the Greens. That is what happened to that promise. So the suggestion that the opposition are playing politics with this is total hypocrisy. It is the government that have been playing politics with it. We would not be considering a carbon tax today if they had not formed an alliance with the Greens.

This is something that goes to the very heart of the problems that the government are facing and that they are facing in the Labor Party as a party. We have had the senior elder statesman, Senator John Faulkner, as recently as today discussing the fact that the government are poll driven—their whole direction is based on pollster results. They have lost sight of what their membership want. They have lost sight of what their caucus want. We have the Socialist Left leader, Senator Doug Cameron, breaking out and wanting to exercise a public voice because he feels he has no voice in the caucus. It is those problems which are driving the fact that we have a government that is not only not listening to its own members, backbenchers or caucus: this government is not listening to the Australian public. The government only has to pick up a newspaper to see that.

This is an incredibly serious issue. It is one that is going to cost this country for a very long time, and we will do everything we can to ensure that that does not happen.

Question agreed to.

BUSINESS

Leave of Absence

Senator McEWEN: by leave—I move:

That leave of absence be granted to Senator Polley for 15 and 16 June 2011, for personal reasons.

Question agreed to.
NOTICES

Presentation

Senator Hanson-Young to move:
That the Senate—
(a) notes that:
   (i) 20 June is World Refugee Day,
   (ii) the theme for 2011 is ‘1 refugee without hope is too many’, and
   (iii) events will be held across the country to engage Australians in this important day;
(b) recognises that:
   (i) 2011 is the 60th anniversary of the Refugee Convention, and
   (ii) there are more than 10 million refugees around the world; and
(c) calls on the Government to encourage other countries within our region to sign the Refugee Convention.

Senator Xenophon to move:
That the following matter be referred to the Community Affairs References Committee for inquiry and report by 22 August 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 current billing systems;
   (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.

Senator Hanson-Young to 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 removal of offshore entry persons. Migration Amendment (Declared Countries) Bill 2011.

Senators Humphries and Lundy to 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 Marian Mahony Griffin; and
   (b) calls on the National Capital Authority and the Intergovernmental Working Group for the Centenary of Canberra to work with the Parliament to arrange an appropriate celebration of the centenary of the choice of the Griffin design for our nation’s capital.
Senator Cormann to 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 on Thursday, 16 June 2011, from 1.50 pm.

Senators Siewert and Ludlam to 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.

Senator Crossin to move:

That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 22 June 2011, from 12.30 pm to 2 pm, to take evidence for the committee's biannual review of the National Capital Authority.

Senator Ludwig to 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)

Senator Ludwig to move:

That, in accordance with section 10B(2) of the Health Insurance Act 1973, the Senate approves the Health Insurance (Extended Medicare Safety Net) Amendment Determination 2011 and the Health Insurance (Extended Medicare Safety Net) Amendment Determination 2011 (No. 2) made under section 10B(1) of the Act on 23 May 2011 and 1 June 2011, respectively.

Senator Ludwig to move:

That, in accordance with section 10B(2) of the Health Insurance Act 1973, the Senate approves the Health Insurance (Extended Medicare Safety Net – Telehealth) Amendment Determination 2011 made under section 10B(1) of the Act on 23 May 2011.
Senator Bob Brown to 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.

Senator Milne to move:
That the Senate—

(a) notes:
(i) the dire situation facing wild orang-utan populations in southeast Asian forests are being destroyed as 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.

Senator Milne to move:
That the Senate—

(a) reaffirms the World Heritage significance of the Tarkine wilderness in the northwest 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.

Postponement
The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Siewert for today, proposing a reference to the Rural Affairs and Transport References Committee, postponed till 16 June 2011.

COMMITTEES
Legislation and Joint Committees
Meeting
Senator McEWEN (South Australia—Government Whip in the Senate) (15:31): I move:
That:
(a) that the Legal and Constitutional Affairs Legislation Committee be authorised to hold public meetings during the sitting of the Senate on 16 June 2011, as follows: (A) from 5.30 pm, in relation to its inquiry on the provisions of the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011; and (B) from 4 pm, in relation to its inquiry on the provisions of the Intelligence Services Legislation Amendment Bill 2011.
(b) the Joint Select Committee on Gambling Reform be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 21 June 2011, from 4 pm;
(c) the Joint Select Committee on the Christmas Island tragedy of 15 December 2010 be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 June 2011, from 4 pm to 5 pm;
(d) the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 15 June 2011, from 5 pm to 6.30 pm, to take evidence for the committee’s inquiry into the statutory oversight of the operations of ASIC;
(e) the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 16 June 2011, from 11.30 am;
(f) the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 22 June 2011, from 10.30 am to noon;
Question agreed to.

Community Affairs Legislation Committee
Reporting Date
Senator McEWEN: I move:
That the time for the presentation of the report of the Community Affairs Legislation Committee on the 2011-12 Budget estimates be extended to 5 July 2011.
Question agreed to.

Legal and Constitutional Affairs Legislation Committee
Reporting Date
Senator McEWEN: I move:
(a) that the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Family Law Legislation Amendment (Family
Wednesday, 15 June 2011

SENATE

Violence and Other Measures) Bill 2011 be extended 16 August 2011; and (b) That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011 be extended to 23 June 2011.

Question agreed to.

**COMMITTEES**

Select and Joint Committees

**Meeting**

**Senator PARRY** (Tasmania—Chief Opposition Whip in the Senate and Deputy Manager of Opposition Business in the Senate) (15:32): I ask that notices of motion nos 256, 257, 258 and 259 be taken together and as formal.

The DEPUTY PRESIDENT: Is there any objection to these motions being taken together and as formal?

**Senator McEWEN:** Yes. I note that, although we are not opposing formality of motion No. 257, the government intends to oppose that motion.

The DEPUTY PRESIDENT: I will then separate the motions. I call Senator Parry.

**Senator PARRY:** I move:

(a) That the Select Committee on the Reform of the Australian Federation be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 16 June 2011; and

(b) That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Monday, 20 June 2011, from 10 am to noon.

Question agreed to.

**Scrutiny of Bills Committee**

**Reporting Date**

**Senator PARRY:** I move:

That the time for the presentation of the report of the Standing Committee for the Scrutiny of Bills on the future direction and role of the committee be extended to 22 September 2011.

Question agreed to.

**Legal and Constitutional Affairs Legislation Committee**

**Reporting Date**

**Senator PARRY:** I move general business notice of motion No. 257:

That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the Patent Amendment (Human Genes and Biological Materials) Bill 2010 be extended to 25 August 2011.

Question agreed to.

**MOTIONS**

**Dalai Lama**

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (15:34): I, and also on behalf of Senator Xenophon, move:

That the Senate—

(a) endorses the meetings of His Holiness the Dalai Lama with Coalition leaders Messrs Tony Abbott and Warren Truss, and Australian Greens’ Leader Senator Bob Brown;

(b) expresses disappointment that neither the Prime Minister (Ms Gillard) nor the Minister for Foreign Affairs (Mr Rudd) were available to meet His Holiness the Dalai Lama;

(c) notes that the last Prime Minister to meet His Holiness was Mr John Howard in 2007; and

(d) wishes the people of Tibet well in their aspiration to have His Holiness return home to Tibet’s capital, Lhasa.

Question agreed to.

**BILLS**

**Live Animal Export (Slaughter) Prohibition Bill 2011**

First Reading

**Senator SIEWERT:** I move:

That the following bill be introduced: A Bill for an Act to amend the Export Control Act 1982
to prohibit the export of live animals for slaughter, and for related purposes.

Question agreed to.

Senator SIEWERT: 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 SIEWERT (Western Australia—Australian Greens Whip) (15:36): 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 SIEWERT: I table an explanatory memorandum and I seek leave to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

Live Animal Export (Slaughter) Prohibition Bill 2011

This bill will put an immediate end to the horrific treatment of Australian cattle in overseas abattoirs.

Since the ABC’s Four Corners program, an episode aptly titled A Bloody Business, was aired two weeks ago my office has been inundated with emails and phone calls from constituents all over Australia who were appalled and outraged by the footage of Australian cattle being subjected to cruel treatment. Australians were horrified to see eye gouging, kicking, tail twisting or breaking, as well as cattle experiencing an average of 11 cuts to the throat, whilst conscious, with one animal suffering 33 cuts to its throat.

The very next day I, as the Australian Greens spokesperson for animal welfare, announced a two-pronged approach to ending live export, calling for the immediate suspension of export licences, followed by a legislated ban on live exports.

It took the minister days to announce a ban on exports to 11 identified abattoirs and days again still to announce a suspension of all cattle exports to Indonesia. The Australian Greens support the ban of exports to Indonesia. Indonesia has no domestic animal protection laws to enforce mandatory stunning or OIE guidelines, and enforcement of standards in over 4000 slaughter locations across Indonesia will be near impossible and very costly. Indonesia is already a signatory to the OIE and Australia has no power to make Indonesia comply with these guidelines. OIE guidelines are minimal standards for developing countries that allow practices that are illegal in Australia to take place.

As a Senator for Western Australia I have a particular interest in this industry. On average, 180,000 cattle are exported from WA to Indonesia from the WA ports of Broome, Fremantle, Geraldton and Wyndham. In 2010 a total of 170,555 cattle were exported to Indonesia from Western Australia. Already this year, 7,010 cattle have been exported to Indonesia.

That is why I have introduced this bill. The Live Animal Export (Slaughter) Prohibition Bill 2011 amends the Export Control Act 1982 to prohibit the export of live animals for slaughter. The bill provides definitions of livestock and livestock for slaughter to limit the application of the bill to livestock as defined in section 3 of the Australian Meat and Live-stock Industry Act 1997 as cattle, calves, sheep, lambs, goats or other prescribed animals, that is intended to be exported and slaughtered overseas.

6.4 million Australian cattle have been sent to these conditions in Indonesia over the last 20 years. The cattle travel from northern Australia to
Indonesia in ships with 2,000-3,000 head capacity and the trip can take between 5-10 days, with between one and five animals dying during each shipment from injury, heat stress or pneumonia. Cattle are then feed-lotted in Indonesia for 90 days before being trucked to slaughter. Cattle in Australia are stunned prior to slaughter, including those cattle for the halal-certified export market, but in Indonesia less than 10% of cattle are stunned before having their throats cut, meaning the vast majority of cattle are fully conscious when their throat is cut.

The evidence collected by these two peak animal welfare organisations, Animals Australia and RSPCA, shows that the Mark I cattle restraint devices, which were commissioned under the Meat and Livestock Australia & Livecorp program, facilitate Australian cattle being subjected to cruel practices. The industry program installed 109 of these devices in Indonesia abattoirs since 2001 and was subsidised to the tune of $1.2 million in taxpayer funds. The restraints enable a method of slaughter that trips the animals onto their sides, allowing their throat to be cut. As Animals Australia and the RSPCA state "footage shows terrified animals falling violently onto a sloping concrete slab and during the process of trying to get up crashing their heads and faces against the sharp edge of a concrete blood drain. The force of these blows has chipped away at the cement and has been known to break jaws".

Serious questions need to be asked about the roles of organisations as Meat and Livestock Australia and LiveCorp. MLA has received $5 per head of cattle exported to address animal welfare issues—clearly that has not happened appropriately. The Australian Greens will be moving to have this issue examined by the Rural Affairs and Transport Committee to determine how it was allowed to eventuate.

With around 100 abattoirs in operation in Indonesia taking Australian cattle, the Four Corners program was not highlighting a one-off or an isolated incident. This is widespread, systemic and appalling mistreatment. Previous investigations by Animals Australia have shown equally cruel treatment of Australian animals, for example cattle in Egypt in 2006, sheep in Kuwait in 2010 and 2003, United Arab Emirates, Kuwait, Oman and Jordan in 2007. The evidence is mounting that no matter what animal or what country we export to we cannot guarantee that those Australian animals will be treated humanely at standards which Australians expect.

The sheer numbers of animals involved in this industry are astounding. Between 2008 – 2010 approximately 2,697,569 cattle were exported from Australia, in the same three years 10,751,169 sheep were exported and 254,798 goats.

The range of countries to which animals are exported is also vast. Sheep are exported from Fremantle, Portland and Port Adelaide to Kuwait, Jordan, Bahrain, Oman, United Arab Emirates, Qatar, Israel, Lebanon, Malaysia, Singapore and Brunei. Breeder cattle are exported from Darwin, Fremantle and Broome to Indonesia, Malaysia, Philippines, Jordan, Japan, Israel and Brunei. Goats are exported from Adelaide, Fremantle and Sydney to Malaysia, Singapore, Mauritius and Brunei.

Exporting Australian animals to the type of conditions we consistently witness is not acceptable. The Australian Greens propose that we need to be looking at how to improve and increase processing in Australia to support local producers and jobs. The community benefits of processing meat in Australia have been underestimated for too long and are being talked down by the live export industry. An ACIL Tasman report in 2009 found that the phasing out of live sheep exports would have a minimal impact of farmers. A 2010 report, commissioned by Australia’s leading meat processors, found that live cattle exports compete with and undermine Australia’s domestic beef industry leading to lost processing opportunities in Australia.

Processing animals in Australia protects them from inhumane treatment and ensures our laws and standards regarding animal welfare can be upheld.

By growing our meat export trade we can create more local jobs, support communities and maintain economic viability for producers. We should be investing in these economic opportunities rather than maintaining the live
export trade which sees animals being treated so badly once they leave our shores.

The Australian Greens will continue to call for an immediate ban on all live exports until the cows, sheep and goats come home.

I commend this bill to the Senate.

Debate adjourned.

Senator SIEWERT: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MOTIONS

Live Animal Exports

Senator PARRY (Tasmania—Chief Opposition Whip in the Senate and Deputy Manager of Opposition Business in the Senate) (15:36): At the request of Senators Scullion and Colbeck, I move:

That the Senate:

(a) deplores the inhumane treatment of cattle at some abattoirs in Indonesia;

(b) notes that this is unacceptable to all Australians, especially our farmers, who take great pride in breeding and raising healthy and well cared for animals;

(c) supports the suspension of trade of Australian live cattle to facilities that fail to comply with acceptable practices;

(d) notes, with concern, the impact of a total live exports suspension to Indonesia on:

(i) the economic, social and environmental fabric of northern Australia,

(ii) Indigenous employment in northern Australia,

(iii) Indonesian abattoirs already operating at acceptable standards,

(iv) the entire cattle industry, including producers in the south who are already seeing reduced sale yard prices; and

(e) calls on the Gillard Government to:

(i) immediately establish a register of Indonesian abattoirs, to be known as the Approved Indonesian Abattoir Register, that have adopted and implemented acceptable animal welfare standards,

(ii) require that Australian sourced cattle be processed only at abattoirs that are listed on the register,

(iii) revoke the legislative instrument Export Control (Export of Live-stock to the Republic of Indonesia) Order 2011 on one or more Indonesian abattoirs being included on the register,

(iv) provide support to Indonesia to bring more abattoirs up to acceptable standards, and

(v) provide assistance to the cattle industry to deal with the consequences of this suspension.

Question put.

The Senate divided. [15:42]

(The President—Senator the Hon. JJ Hogg)

Ayes ...................... 30

Noes ...................... 31

Majority ............... 1

AYES

Abetz, E  Adams, J
Back, CJ  Bernardi, C
Boswell, RLD  Boyce, SK
Brandis, GH  Bushby, DC
Cash, MC  Colbeck, R
Cormann, M  Eggleston, A
Ferguson, AB  Fielding, S
Fifield, MP  Heffernan, W
Humphries, G  Johnston, D
Kroger, H  Mason, B
McGauran, JJJ  Minchin, NH
Nash, F  Parry, S (teller)
Payne, MA  Ronaldson, M
Ryan, SM  Scullion, NG
Troeth, JM  Williams, JR

NOES

Bilyk, CL  Bishop, TM
Brown, CL  Brown, RJ
Cameron, DN  Curr, KJ
Conroy, SM  Crossin, P
Farrell, D  Feeney, D
Forshaw, MG  Furner, ML
Hanson-Young, SC  Hogg, JJ
Hurley, A  Hutchins, S
Ludlam, S  Ludwig, JW
Marshall, GM  McEwen, A (teller)
Senator BOB BROWN: I move:
That the following bill be introduced: A Bill for an Act to amend the Commonwealth Electoral Act 1918 in relation to political donations by the tobacco industry, and for related purposes.

Question agreed to.

Senator BOB BROWN: 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 BOB BROWN (Tasmania—Leader of the Australian Greens) (15:47): 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.

The speech read as follows—

Smoking is the number one preventable cause of death and disease in Australia, accounting for approximately 15,500 deaths per annum. Tobacco also has a massive social cost for Australia, calculated at over $30 billion per year even when the tobacco excise is taken into account. The revenue from tobacco tax does not come close to covering the social costs of tobacco use to our community.

Australia’s tobacco control achievements over the past decades have been substantial. Tobacco control measures have prevented a significant number of premature deaths, and saved far more in health and other costs than the amount spent on the measures themselves.

Such measures include restricting the advertising of tobacco products, increasing the excise on tobacco products and now the government’s plans to mandate plain packaging for all cigarettes sold in Australia by 1 July 2012, which the Greens support.

And yet we still allow tobacco companies to donate to political parties in Australia. In fact tobacco companies have a history of donating to major political parties. This practice is untenable and the Commonwealth Electoral Amendment (Tobacco Industry Donations) Bill 2011 seeks to remedy this situation by banning political donations from the tobacco industry.

The bill amends the Commonwealth Electoral Act 1918 to:

- make unlawful the receipt of a gift from manufacturers or wholesalers of tobacco products by political parties or candidates; and
- introduce new offences related to this measure.

Currently the only legislation in Australia prohibiting political donations from tobacco companies is in New South Wales due to major reforms to the state’s political funding and disclosure legislation passed last year. The changes commenced on 1 January 2011 and reflect amendments proposed by the NSW Greens
to include prohibitions on donations from a range of players, including tobacco industry business entities.

No other states or territories legislatively prohibit donations from tobacco companies.

The bill is an opportunity for the Commonwealth parliament to take the lead and legislate to ban the insidious practice of tobacco companies trying to exert influence over our democratic decision making processes.

In 2004 the Australian Labor Party commendably stopped accepting donations from the tobacco industry. However, the Liberal and National parties continue to accept money from big tobacco. Between 2005 and 2010, the Liberals and Nationals received a combined total of over $1.4 million from the two major tobacco companies—British American and Philip Morris. By its own admission, British American Tobacco states that on the issue of political donations, 'such payments can only be made for the purpose of influencing the debate on issues.'

Notably, the Western Australian Premier, Colin Barnett, has stated that he does not support accepting donations from tobacco companies and that the state parliamentary Liberal Party also takes that position. Furthermore, individual federal Liberal MPs have stated their opposition to their party accepting donations from big tobacco, and are now publicly calling on their leader Mr Abbott to end this appalling practice.

Research published in 2008 in the Australian and New Zealand Journal of Public Health revealed that approximately 61.6 per cent of smokers and 78.4 per cent of non-smokers surveyed were against political parties accepting tobacco industry donations.

I commend Mr Shayne Neumann MP, member for Blair, for his motion in the House of Representatives on 30 May 2011 which in part calls on all members and political parties to immediately stop accepting political donations from tobacco companies.

It is Greens' policy that there should be public funding of elections to eliminate corporate funding, with the exception of small donations by individuals. Donations by tobacco companies are particularly insidious, peddling death. Public health is at risk if we continue to allow big tobacco to exert influence over our policy making.

Australia is leading the world by mandating plain packaging for all cigarettes. We can reinforce our leadership and bipartisan support in the area of tobacco control by banning political donations by tobacco companies and prioritising public health over the interests of big corporations and political parties.

I commend the bill to the Senate.

Senator BOB BROWN: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES

Community Affairs Legislation Committee

Reporting Date

Senator MOORE (Queensland) (15:47):

At the request of Senator Xenophon, I move:

That the time for the presentation of the report of the Community Affairs Legislation Committee on the Food Standards Amendment (Truth in Labelling—Genetically Modified Material) Bill 2010 be extended to 13 October 2011.

Question agreed to.

Rural Affairs and Transport Legislation Committee

Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (15:48): by leave—At the request of Senator Sterle, I move:

That the time for the presentation of the report of the Rural Affairs and Transport Legislation Committee on the exposure draft and explanatory memorandum of the Illegal Logging Prohibition Bill 2011 be extended to 21 June 2011.

Question agreed to.
Rural Affairs and Transport
References Committee
Reporting Date
Senator PARRY (Tasmania—Chief Opposition Whip in the Senate and Deputy Manager of Opposition Business in the Senate) (15:49): by leave—At the request of Senator Heffernan, I move:

That the time for the presentation of the report of the Rural Affairs and Transport References Committee on pilot safety, including consideration of the Transport Safety Investigation Amendment (Incident Reports) Bill 2010 be extended to 22 June 2011.

Question agreed to.

Scrutiny of Bills Committee
Report
Senator PARRY (Tasmania—Chief Opposition Whip in the Senate and Deputy Manager of Opposition Business in the Senate) (15:50): At the request of Senator Coonan, the Chair of the Standing Committee for the Scrutiny of Bills, I present the committee's fifth report. I also lay on the table Scrutiny of Bills Alert Digest No. 5 of 2011.

Ordered that the report be printed.

Senator PARRY: I move:

That the Senate take note of the report.

I seek leave to incorporate a tabling statement in Hansard.

Leave granted.

The statement read as follows—

In tabling the Committee's Alert Digest No. 5 of 2011 and its Fifth Report of 2011, I particularly draw the Senate's attention to the Committee's comments on the:

• Migration Amendments (Strengthening the Character Test and Other Provisions) Bill;
• Appropriation Bill (No. 2); and
• Child Support (Registration and Collection) Amendment Bill;

The Committee has raised three issues under Standing Order 24 in relation to the Migration (Character Test) Bill. These all give rise to concerns that provisions in the bill may trespass unduly on personal rights and liberties.

The first concern is that the proposed increase in penalty from 3 years to 5 years for the use of a 'weapon' may be disproportionate because the definition of 'weapon' is so broad that a person could be found to threaten to use a thing to inflict bodily injury without there being any real or significant risk that injury may in fact result.

The second concern is that the current 'character test' provisions already allow past and present criminal conduct to be taken into account and the new provisions could lead to circumstances in which relatively minor criminal behaviour is used to justify the exercise of these powers without the need for any assessment of the circumstances and details of the offence. Again, the Scrutiny Committee is concerned about whether this is a proportionate response.

The third concern relates to the commencement of the 'character test' provisions. The bill provides that they will operate from 26 April, which is the date on which the Minister announced his intention to make these changes. This means that the 'character test' provisions will operate retrospectively, even though the laws could have serious consequences for individuals.

The Committee consistently draws attention to reliance on Ministerial announcements which contain an implicit requirement that persons arrange their affairs in accordance with such announcements rather than in accordance with the law. This approach undermines the principle that the law is made by Parliament, not by the Executive. The practice is of particular concern in the context of the application of laws which have the capacity to affect significant individual interests.

The Committee will seek further information from the Minister about the need for these provisions. In addition, if the 'character test' provisions are considered indispensable, the Committee will request advice about whether it is appropriate to at least limit the types of offences or to specify a minimum term of imprisonment applying to the relevant offences.
The Committee would also like to draw the Senate's attention to its comments in Alert Digest No. 5 on Appropriation Bill No. 2. This Bill is usually for Budget appropriations from the Consolidated Revenue Fund that are not the ordinary annual services of government, but this year it also includes amendments to the Commonwealth Inscribed Stock Act 1911.

The Committee is concerned to ensure that the CIS Act amendments receive sufficient parliamentary scrutiny and therefore brings these provisions to the attention of Senators.

In relation to its Fifth Report, the Committee has continuing concerns regarding the Child Support Amendment Bill. A key provision of the bill provides capacity for the Child Support Registrar to delegate all powers and functions to perform his or her duties, including to persons outside the Australian Public Service. The justification for the provision is that it seeks to enable more efficient service delivery, including allowing for the outsourcing of debt collection services.

The Committee previously raised concerns about the breadth of the delegation and that it may have the effect of limiting the application of administrative and judicial review and complaint mechanisms in respect of delegations to persons outside the public service.

In her reply the Minister responded to the issues raised, including expressing the view that the delegation would not change availability of administrative review, that review mechanisms provided by the Act would remain subject to judicial review, and the Registrar would retain a power to review and alter decisions of a delegate.

The Committee thanks the Minister for her response, but remains concerned about the extent and scope of the delegation. The Committee is also not certain that outsourcing to persons outside the public service would, in all circumstances, remain subject to judicial review.

The Committee will seek further advice from the Minister about the proposed delegation power, including whether consideration can be given to the provision of more specific powers of delegation.

In relation to scrutiny concerns raised in previous Digests, the Committee has received replies to the issues it raised in relation to the Customs Amendment (Export Controls and Other Measures) Bill, the Customs Tariff Amendment (2012 Harmonized System Changes) Bill and the Tertiary Education Quality and Standards Agency Bill.

The Committee thanks all Ministers for their responses.

The full details of these matters are available in the Alert Digest and report I am tabling today, and I commend the Committee's Alert Digest No. 5 of 2011 and Fifth Report of 2011 to the Senate.

Question agreed to.

Finance and Public Administration Legislation Committee Report

Senator STEPHENS (New South Wales) (15:51): On behalf of Senator Polley, Chair of the Finance and Public Administration Legislation Committee, I present the report of the committee on the exposure drafts of Australian privacy amendment legislation, part 1—Australian privacy principles, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator STEPHENS: by leave—I give notice that, on the next day of sitting, I shall 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.

Treaties Committee Report

Senator PARRY (Tasmania—Chief Opposition Whip in the Senate and Deputy Manager of Opposition Business in the Senate) (15:52): On behalf of Senator McGauran, the deputy chair of the Joint
Standing Committee on Treaties, I present the 117th report of that committee, entitled *Treaties tabled on 9 and 10 February, and 1 March 2011*. I move:

That the Senate take note of the report.

I seek leave to incorporate a tabling statement in *Hansard*.

Leave granted.

*The statement read as follows—*

I present today the Joint Standing Committee on Treaties Report 117, which addresses treaties tabled in Parliament on 9 and 10 February, and 1 March 2011.

Mr President, this report considers three significant bilateral agreements, and two instruments amending treaties to which Australia is already party.

Of particular interest to Australia’s Slovak community will be the new social security agreement to provide pension portability between our two nations.

The agreement with the Slovak Republic follows a model successfully implemented with some 24 other countries. Such agreements aim to increase retirement incomes for migrants who have spent part of their working lives in either country, and deliver greater choice of residency for all benefit recipients.

Under this agreement, over half of the Slovak Republic aged pensioners in Australia will qualify for entitlements accrued in their homeland for the first time. Australia in turn will have a net social security benefit, as pensions paid here will be offset against Slovak provided funds.

The Agreement also provides that superannuation and pension requirements are due in only one nation at a time. This cuts costs for employers and opens employment and business opportunities in both nations.

Mr President, another treaty in this report represents, in my opinion, a landmark negotiation for law enforcement and co-operation in our region.

The prisoner transfer treaty between Australia and the People’s Republic of China provides a framework of rights and protections for Australian and Chinese nationals seeking to transfer from correctional institutions in the other nation.

Given past human rights concerns, it is important to note that no prisoner will be compelled to transfer. The treaty requires that all parties involved consent to the transfer, and that prisoner are fully informed in writing of all the legal implications. A mandatory requirement under transfer agreements is that the Receiving Party enforces the full term of the original sentence.

Department representatives advised, however, that there is flexibility. The served term may be adjusted through the use of non parole periods, for example.

This provides an important opportunity to reduce sentences of excessive length by Australian standards.

Mr President, the Committee understands that this treaty with PRC has been a long term priority for Government; yet it is two years since China formally advised it had domestic arrangements in place for its ratification.

The Committee urges ratification and implementation of this treaty, to avoid any further hardship for Australians held in China and their families.

The other bilateral agreement dealt with in this report introduces new co production opportunities for film, television and digital media in Australia and South Africa.

Agreements like these should excite Australians, as they do the Committee, given the potential for rich cultural exchange and boosted production activity between two vital media industries.

Finally, I draw attention to the proposed amendments to the *Treaty of Amity and Cooperation in South East Asia*, and to the *Singapore-Australia Free Trade Agreement*.

The Treaty of Amity is an important vehicle for Australia’s engagement with ASEAN. The Third Protocol amending the Treaty opens accession to regional organisations like the European Union.
The Committee welcomes this forward-looking gesture, which demonstrates ASEAN's willingness to engage beyond the region.

The amendments to the Singapore Free Trade Agreement were minor in nature, but the Committee notes in consideration that even minor changes can have major implications. Amendments to annotations, for example, dealt with telecommunication regulation in an increasingly competitive international market.

Mr President, to conclude: the treaty actions in Report 117 are not controversial, but neither are they inconsequential to Australia's national interests. They all have the Committee's unqualified support.

I commend the report to the Senate.

Question agreed to.

Finance and Public Administration Legislation Committee

Report

Senator STEPHENS (New South Wales) (15:52): I seek leave to revisit for one moment the Finance and Public Administration Legislation Committee.

Leave granted.

Senator STEPHENS: Following the notice that I gave about presenting the final report on 30 September 2011, I now seek leave to move a motion in relation to this first report.

Leave granted.

Senator STEPHENS: I move:

That the Senate take note of the report.

As I say, today I present on behalf of the Finance and Public Administration Legislation Committee the first report of its inquiry into the Australian privacy amendment legislation. This report examines the exposure draft of the Australian Privacy Principles, which are the first stage of the government's planned reforms to enhance the protection of personal privacy in Australia. The government has recognised that the current Privacy Act may not be adequate to protect personal information that is gathered, stored and shared in today's world. Vast quantities of personal information are now transmitted electronically, and many Australians are concerned about the security of that information. As a first step in the reform process, the government requested the Australian Law Reform Commission to undertake a comprehensive review of the Privacy Act. The ALRC took 28 months to complete its review and addressed a multitude of issues in its three-volume report. The government accepted the majority of the ALRC's recommendations in relation to the Privacy Principles. The Privacy Principles exposure draft provides for a single set of 13 principles applying to all entities to replace the Information Privacy Principles which currently apply to agencies and the National Privacy Principles which currently apply to organisations.

While most submitters support the reforms, the committee received a range of views on whether or not the APPs meet the objectives underpinning the need for reform and provide greater privacy protection. The committee acknowledges that drafting a single set of principles was a particularly complex task. However, the committee was concerned that many submitters argued that the new principles are complex, dense and difficult to understand. The committee considers that this is a significant issue. Without clarity, agencies and organisations may find it difficult to comply with their privacy obligations and individuals may not understand how their privacy is protected. As a consequence, the committee has made recommendations to simplify the structure of the APPs and to improve their clarity. Some submitters were also concerned that the reforms may lead to a diminution of privacy protection in some instances. While the committee has made recommendations to
reconsider some aspects of the principles, on balance the committee considers that privacy protections have not been weakened.

The committee welcomes the enhancement of the privacy regime through the new principles for open and transparent management of personal information and cross-border disclosure, specific regulation of the use of personal information for direct marketing activities, and restrictions on the use of government-issued identifiers. Evidence provided to the committee addressed the compliance burden on entities arising from the new principles, particularly in relation to complaint handling and obligations arising when personal information is transferred to overseas recipients. The committee acknowledges that the reforms may result in an increased compliance burden for some entities. However, the committee is of the view that the benefits of the additional requirements outweigh the compliance costs. In addition, the committee notes that many principles include a reasonableness test for the matters or steps to be undertaken, and in some principles the test also provides that no steps need to be taken if it is reasonable in the circumstances. The committee considers that these provisions provide entities with sufficient flexibility in complying with the privacy regime.

In conclusion, the committee considers that the Privacy Principles contained in the exposure draft reflect the intent of the ALRC’s recommendations. They also will ensure that the standards are in place to address the risk of harm from the inappropriate collection, use and disclosure of personal information and to meet the expectations of individuals that personal information will be handled appropriately. The committee is currently examining the credit reporting exposure draft. The committee will then examine the final two parts of this stage of privacy reform, the health privacy and the powers and functions of the Australian Information Commissioner, when these exposure drafts are available. I commend the report to the Senate.

Question agreed to.

MINISTERIAL STATEMENTS

Rural Research and Development

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (15:57): I table a ministerial statement on rural research and development, together with a report of the Productivity Commission and the government’s preliminary response to this report.

DOCUMENTS

Tabling

The DEPUTY PRESIDENT: I present correspondence between the President of the Senate and the Minister for Finance and Deregulation, Senator Wong, relating to ordinary annual services of the government. I also present a motion from the Japanese House of Councillors forwarded by the Embassy of Japan, relating to the recent natural disasters in Japan.

Responses to Senate Resolutions

Tabling

The DEPUTY PRESIDENT: I present responses to various Senate resolutions as listed at item 14 on today’s Order of Business:

Minister for Foreign Affairs (Mr Rudd)—International Women’s Day (agreed to 3 March 2011), World Tuberculosis Day (agreed to 24 March 2011) and the 25th anniversary of the Chernobyl nuclear reactor accident (agreed to 11 May 2011)
Ambassador of Israel to Australia (Mr Yuval Rotem)—Palestine and Israel (agreed to 11 May 2011)

AUDITOR-GENERAL’S REPORTS
Reports Nos 43, 44, 45 and 46 of 2010-11 and Independent Performance Audit

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


No. 44—Performance audit—AusAID’s management of tertiary training assistance: Australian Agency for International Development.

No. 45—Performance audit—Administration of the luxury car tax: Australian Taxation Office.

No. 46—Performance audit—Management of student visas: Department of Immigration and Citizenship.


DOCUMENTS

Department of the Senate
Tabling

The DEPUTY PRESIDENT: For the information of the Senate, I present a report prepared by Ipsos-Eureka Project for the Department of the Senate on senators’ satisfaction with departmental services, dated 2011.

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

Legal and Constitutional Affairs
Legislation Committee

Membership

The DEPUTY PRESIDENT: The President has received a letter from a party leader requesting changes to the membership of a committee.

Senator LUDWIG: by leave—I move:

That Senator Hanson-Young replace Senator Ludlam on the Legal and Constitutional Affairs Legislation Committee for the committee’s inquiry into the Migration Amendment (Detention Reform and Procedural Fairness) Bill 2010, and Senator Ludlam be appointed as a participating member of the committee.

Question agreed to.

PARLIAMENTARY REPRESENTATION

Valedictory

Senator TROETH (Victoria) (16:00): Thirty-four years ago, in 1977, I decided to join the Liberal Party. I did so because of the party’s strong commitment to free enterprise, the family, individual liberty and community responsibility. As a mother of five children, at the time aged between 10 and one, living and working on a rural property outside Heywood in western Victoria, these were important values. I knew also that the Liberal Party, with its proud traditions of representing rural electorates throughout Australia and providing equal representation for women at every level of the party organisation, would be a welcoming place for a person with my background and interests. I was also a great admirer of my local member in the electorate of Wannon the Rt Hon. Malcolm Fraser, who was at the time Australia’s Prime Minister.

I could not have imagined that the Liberal Party would provide me with the opportunity to rise rapidly through its organisational
ranks, reaching the posts of state vice-president and chairman of the State Strategy Committee, and then represent Victoria as a Liberal senator for 18 years, along with my distinguished colleague Senator Minchin and also with Senator Ferguson.

I consider myself to be a liberal in all senses of that word: a so-called capital-L Liberal, who has been a proud and committed member of the party for more than three decades, and also what is often described as a small-l liberal—a person who believes strongly in individual freedom and the importance of tolerance, decency and integrity as cornerstone values of our society.

Members of the Liberal parliamentary party, unlike those in some other parties, have always had the right to differ from other members of the party on matters of principle and conscience. This important individual freedom has been enshrined in the Liberal Party and its non-Labor predecessors since the days of Alfred Deakin, Robert Menzies and other great prime ministers. I am delighted to recognise today Mr Russell Broadbent and Mrs Judi Moylan, who I know also believe strongly in that tradition, and I am delighted to see the Hon. Warren Truss, my former senior minister in the portfolio of Agriculture.

I have made full use of the opportunity provided to me as a federal parliamentarian and senator to take a stand on certain human rights issues and to help ensure that Australia's treatment of refugees has been responsible, compassionate and in accordance with the rule of law and our international obligations.

In an earlier era it was a Liberal-National coalition government which was responsible for Australia's generous and compassionate accommodation of Vietnamese refugees arriving in Australia, just as the Menzies government had done for refugees escaping the devastation of Europe in the 1950s.

Today, unfortunately, it seems that every possible barrier is put in the way of asylum seekers and refugees who come to Australia seeking protection from persecution. They also seek the fulfilment of their fundamental human rights and ultimately a better quality of life in a free and democratic society.

As a Liberal senator I have on occasions exercised my right to vote on matters of conscience and principle about which I feel strongly. The right of Liberal MPs must never be taken lightly or abused, but it is a right which must remain firmly entrenched and protected within the party. Australians expect discipline from their parliamentarians—disunity is death—but they also want their elected representatives to stand up and be counted when they believe it is right to do so. I consider that I have fulfilled that expectation.

Thirty-four years after becoming a member of the Liberal Party, I know that my decision to join was right. Everything I have experienced during my long and rewarding political career has reinforced my belief that it is only the Liberal Party, with its commitment to the values I have mentioned, that pursues policies which meet the needs of every Australian from every background and with every aspiration.

At the same time, my 18 years here have convinced me that Australia is very fortunate to have the hard-working and dedicated members of this parliament who, regardless of their political party or persuasion, are committed to represent their constituencies in the most effective way possible. It is of deep concern that it remains fashionable to deride politics and to deride politicians and for the coverage of political trivia to frequently interest the media more than matters of substance and real importance.
I am particularly fortunate that my time in the Senate has provided me with the opportunity to pursue and further develop my interest in regional and rural affairs, the status of women, and education and training. In 1997 Prime Minister John Howard appointed me as Parliamentary Secretary to the Minister for Primary Industry and Resources, and then in 1998 and again in 2001 as Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry. I was the first woman appointed to executive office in this portfolio and, apart from a brief stint by Sir William McMahon in the 1950s, the first Liberal appointed to this role, which has traditionally been a National Party appointment.

Working with ministers John Anderson, Mark Vaile and particularly Warren Truss during my seven years as parliamentary secretary was a particularly rewarding and enjoyable part of my parliamentary career as we sought to position Australia at the front of global agricultural development. Australia may no longer ride on the sheep's back, but our wool, grain and horticulture are highly priced and valuable—highly prized, I should say; I wish it was always going to be high prices! They are highly prized and valuable exports and among the best in the world.

After living on a farm in south-west Victoria for many years before becoming a senator, I needed no introduction to agriculture. And during my many trips to rural Australia I came to appreciate even more our farmers' traditional qualities of resilience and true grit and, more importantly, their willingness to adapt to new technologies and to perform to world's best practice.

In addition, I was privileged to work with outstanding secretaries of the department in Mr Ken Matthews and Mr Mike Taylor, both of whom have now retired from the Commonwealth Public Service, and in the deputy secretary's position with Mr Don Banfield and Mr Cliff Samson and with many senior officers of the department, who were outstanding in their application and dedication.

My particular portfolio responsibilities included rural women, horticulture and especially research and development. Up until the late 1990s the governance of the research and development corporations in the horticultural sector was strictly regulated by act of parliament, with the sector divided into two arms: research and development, and marketing. Our aim was to bring these two complementary but separate arms together to form one corporation which was better able to meet the needs of the sector. There are a diverse group of small and large industries in horticulture and there are many and varied products. Each industry naturally wanted to make sure that their interests would always be part of the new plan.

The merger took more than two years to achieve, with daily painstaking attention to detail, but the results have been very worth while. Horticulture Australia Ltd, the new body, is now an industry owned corporation with an annual budget of $101.4 million. Research and development accounts for $71.9 million, with the Australian government matching funds, and marketing absorbs $14.8 million. I sincerely hope that there will be no cutback in Australian government research and development contributions as this part of the industry continually requires new research and development projects to ensure continued excellence in Australian horticulture.

One aspect of the Senate I have most enjoyed is the work of committees. My first experience of this was a complete baptism of fire. I have to say after Senator Forshaw's remarks yesterday about the Scrutiny of Bills Committee that my experience was a total contrast to his. Given I was not a lawyer and
I was a new senator, my learning curve was very steep. But, through hard work and helpful coaching by the then secretary of the committee, I did not commit any glaring errors and learnt a lot along the way. I commend the Scrutiny of Bills Committee to any senator who wants to know more about some of the ways in which legislation can be scrutinised. I was reappointed to that committee after the 2007 election and I have thoroughly enjoyed my work on it. I have also been Chair of the Senate Foreign Affairs, Defence and Trade Committee and Chair of the Senate Employment, Workplace Relations and Education Committee.

Senate committee work is extremely important for the functioning of the parliament as it enables this chamber to scrutinise legislation in detail. Nowhere was this more important than in the run-up to the 2007 election as the Senate Employment, Workplace Relations and Education Legislation Committee scrutinised the government's Work Choices legislation, a journey I am sure Senator Marshall will never forget. Those laws were groundbreaking in the formation of industrial relations as we now know it and very necessary for productivity gains in the workplace. They were also extremely controversial. As a former teacher, the education and research elements of the committee's work were also of particular interest.

I have also been a member and more recently deputy chair of the oldest committee in the parliament: the Parliamentary Standing Committee on Public Works, which scrutinises all government expenditure on public works over $15 million. This is a joint committee. We have undertaken committee tours of inspection in almost every state. We have achieved some notable successes, including the redevelopment of the Maribyrnong detention centre in Victoria in 2005-06, and the insistence by successive chairs of the committee that departments brief us thoroughly so we can fulfil our brief of scrutiny of public works.

Committee work has also provided a valuable opportunity to get to know other senators and members outside the confines of the chamber, where our behaviour and words can sometimes lead to a less than flattering assessment of our character. I thank all senators for their work on these committees. I particularly thank all Senate committee secretaries and staff for their heroic efforts in maintaining functional and effective committees at all times.

We live in the best country in the world and, difficult though our personal circumstances may be at times, nothing in Australia, except for some Indigenous living conditions, can compare with the low education rates, the high incidence of maternal and child mortality and exclusion from economic gains suffered by many of our near neighbours in the Asia-Pacific region. For this reason I became a member of the cross-party Parliamentary Group on Population and Development and worked with senators and members from other parties to persuade ministers to affect such changes as the AusAID extension of family planning guidelines in the Pacific countries to our north-east and also to provide additional support to hardworking aid agencies.

I was also very pleased to join the cross-party group of Senator Nash, Senator Moore and former Democrat senator Lyn Allison who together brought about change in 2006 with the transfer of approval for the abortion drug RU486 from the minister for health to the Therapeutic Goods Administration. I have also worked with Senator Ludlam on bringing in a private member's bill about the independent reviewer of terrorism laws, which I sincerely hope helped prod the
government to take some action on this. I see they have appointed such an officer recently. The opportunity for cross-party initiatives will always be limited, but the fact that the RU486 legislation took place as a private member's bill sponsored by four senators from different parties will I hope inspire other senators to undertake similar initiatives in the future. Political philosophies may divide us but surely the opportunity to bring about real change in important policy areas will unite us.

Rural women are the backbone of our rural and regional communities. Thirty-two per cent of women working on farms describe themselves as farm managers and yet some 10 to 12 years ago these women rarely featured in public identifications, such as agriculture advertisements, and very few were members of national or regional boards or involved in commodity boards. During the 1990s the ABC started the Rural Woman of the Year program, which brought state winners to Canberra and the National Woman of the Year was chosen and awarded a prize. Given that rural women were part of our agricultural portfolio I did think that this good program could be made much better. I decided that if rural women were to make their way in the world, and I include in those numbers women living in regional and rural communities, in large and small towns, we needed to revamp this competition.

I was successful in gaining sponsorship from the Australian Women's Weekly, and I will never forget the support provided by Deborah Thomas, the then editor. I was quaking as I walked into her office in Sydney to ask for program support and she could not have been nicer or more forthcoming and has stood by it ever since. That sponsorship has continued to this day.

Under the program that I set up not only did we have the state winners but I persuaded each of the research and development corporations to choose a woman that they felt represented their industry very well, and these women together with the state winners came to Canberra. All of those women from both programs undertook an Australian Institute of Company Directors course and had to pass an exam. Each of them had received a bursary for use in their industry. They would have the cash prize from the bursary and a qualification from the AICD and then would be mentored through their industry for the next 12 months. That has been running for 10 years now and a number of these talented women have served on research and development boards, and some are running their own businesses. I would like to think that that training has assisted them.

I would particularly like to thank the former heads of the Rural Industries Research and Development Corporation: Dr Simon Hearn, Dr Peter O'Brien, the present director, Mr Craig Burns, and particularly Edwina Clowes from RIRDC. They have all been instrumental in seeing that the program continues.

There should also of course be much stronger representation of women in parliament. Numerically, we are half the population and yet we still struggle to have women comprise more than 30 per cent of our federal members of parliament. Women may be put off politics as a career by the daily hostilities in question time, but I do ask those who are considering it to have a go. I did, and I regard the last 18 years as some of the most exhilarating, rewarding and exciting times of my life. We need more identification and mentoring of interested women. I have spoken in the past about a quota system, and I still believe the Liberal Party needs some sort of jump-start to achieve a critical mass of women parliamentarians. Women need not be in
parliament to represent women's views, but the composition of the parliament should reflect the numbers in society, and at present it does not.

I am very proud to have been a senator for Victoria. In my view, Victoria leads the rest of Australia in its liveability, its diversity of manufacturing and industry and its culture. I am delighted with the election of the Baillieu government in Victoria. I am heartened that the government has begun in earnest to deliver on and implement all of its policy commitments given at the election, and I am confident of a prosperous and progressive future for Victoria.

I have been very fortunate with the staff members who have worked for me. From the early days in Broadmeadows at the railway station to the melting pot of St Kilda and then on to the CBD, everyone has contributed to make our office a happy and efficient workplace. To my staff who are with me here today—both past and present—I extend thanks and good wishes. They are Sue, Meri, Mary and Paolo, and I would also like to note the presence of Jennifer, who is Russell Broadbent's staff member and who has always been a particular help to me. Thank you, Jennifer. To my great friend Mr Ian Robertson I owe a great deal for his constant wise counsel and sensible advice. To the staff of the Senate—and I think I can see some of the members of the Public Works Committee sitting up there, thank you very much—other parliamentary staff, and all the Comcar drivers, many thanks for having made my task easier.

Thank you to my family, none of whom could be here today because of family commitments, but I assure them we will have gala celebrations in Melbourne as I finish my Senate term. Thank you to you all: my children, their partners and my grandchildren for tolerating a sometimes obsessed mother, mother-in-law, and grandmother, but the opportunity to be in government for 11½ years and to be in a national parliament has been one of the most satisfying achievements of my life. And so my work in the Senate comes to an end, but not, I hope, my dedication to the causes about which I have spoken.

I would like to end with these words from Ralph Waldo Emerson:

What is Success?
To laugh often and much.
To win the respect of intelligent people and the affection of children.
To earn the appreciation of honest critics and endure the betrayal of false friends.
To appreciate beauty;
To find the best in others.
To leave the world a bit better, whether by a healthy child, a garden patch or a redeemed social condition.
To know even one life has breathed easier because you have lived;
This is to have succeeded.

Senator BARNETT (Tasmania) (16:20):
It has been a privilege serving as a senator for Tasmania since February 2002. Despite the ups and downs of political life I have loved serving and advocating for Tasmania, the Liberal cause and the values that I believe in. I have particularly enjoyed speaking for those who cannot speak for themselves, always striving to make a difference with a can-do attitude—not always successful but always striving.

I had a dream as a child to serve in federal parliament and that dream came true. I have lived the dream and I am thankful. I joined the Liberal Party in 1980, 31 years ago. I was underage and in my first year at the University of Tasmania law school. I am a long-term Liberal. I believe in the merits of smaller government, lower taxes and greater
individual freedoms. I believe in the centrality of family, the inherent qualities of each individual, the ladder of opportunity and choice. I believe in the basic freedoms of our parliamentary democracy, freedom of thought, worship, speech and association. I believe in a fair go and a safety net for those who need it. I have appreciated providing a voice for small business—the backbone of our economy—and promoting the spirit of enterprise that is so important to our prosperity as a nation. For more than half of my time in this place I was part of a coalition government under the stewardship of John Howard and Peter Costello that delivered economic sunshine, paid off Labor's debt and left this country on a sound financial footing. I am proud to have served as part of that government and to have later contributed to the task of holding the Labor government to account in opposition.

As I reflect upon the last 9½ years, there have been some highlights, special memories, sad moments and lessons learned. I will now share some of those. Most colleagues in this place and in my community know of my passion for a healthier, more active Australia. I have held 10 healthy lifestyle forums to help combat childhood obesity and to address other important health issues. I played a key role in the establishment of the Active After-Schools Communities program, implementing two hours of PE in schools per week, in fast food and tuckshop reforms and in making obesity a national health priority. I produced and edited the book *The Millennium Disease—Responses To Australia's Obesity Epidemic*.

I established, very importantly, the Tasmanian Pollie Pedal, modelled on the national Pollie Pedal, which was initiated by the Leader of the Opposition, Tony Abbott, some 14 years ago. Cyclists in Tony's nine to 10 day Pollie Pedal go further and faster than those in the Tasmanian three-day version. In Tasmania we spend more time taking in beautiful scenery, the wineries, cheese and chocolate factories, and each year we raise funds for people who have diabetes in Tasmania. Some say we end up heavier at the end of it than at the beginning. I do acknowledge the Leader of the Opposition in the chamber today and thank him for his presence.

Obesity already costs this nation an estimated $58 billion per annum and chronic disease, including type 2 diabetes, heart disease and cancer, makes up 80 per cent of all health costs in Australia. But you ain't seen nothing yet. The obesity tsunami and its consequences are coming and we must prepare for it now with more healthy active lifestyles, particularly for our children.

I have been privileged to be a founding and executive member of the Parliamentary Diabetes Support Group. I particularly want to recognise the chair of that group in the chamber today, the Hon. Judi Moylan, for her outstanding leadership and also all the executive and other members of this bipartisan group which does such important work.

Last night the Parliamentary Diabetes Support Group held a dinner in my honour with over 70 people and at which my good friend and obesity diabetes guru Professor Paul Zimmet was guest speaker. At that dinner, Lewis Kaplan, CEO of Diabetes Australia, who is in the chamber today, announced my appointment as the inaugural Diabetes Australia ambassador. This is indeed a great honour. My thanks to Diabetes Australia for the opportunity to be an advocate while following a passion that I love. The CEO of the Juvenile Diabetes Research Foundation, Mike Wilson, also gave me 'the boot'. The boot is an award bestowed on only 10 Australians in the last
20 years for services to Australians living with type 1 or juvenile diabetes. I cherish this honour and here it is. It is not always enjoyable to get 'the boot', but last night it was!

In addition, I was recently appointed as a delegate for the western Pacific to the International Diabetes Federation. Indeed, that is a great honour. I note the United Nations Summit on Non-Communicable Diseases in New York in September this year—an important conference where we need high-level representation. I look forward to working with others to make a difference in the diabetes community.

As the only member in the parliament with type 1 diabetes, I am particularly pleased to take up these appointments. Thank you to the senators in this place for your patience when I have needed to do a blood sugar check or to grab a few jellybeans for a sugar hit. I have over 2,000 finger pricks per year and have had more than 30,000 finger pricks since I was diagnosed on my wife's birthday on 15 January 1997. These daily finger pricks are an important feature in the lives of the 140,000 Australians with type 1 diabetes.

As a reminder of healthy, active lifestyles, I will be giving every federal member of parliament in the next few days a pedometer. Parliament has 22 kilometres of corridor, so I hope they are well used. Beyond the walls of parliament, I also believe there is great merit in all MPs and senators being actively involved in some form of sport or recreation both for their own sake and as an example to our community. MPs know I am enthusiastic particularly about tennis, swimming, cycling and squash, but I commend all MPs to have a go, no matter at what level, and I acknowledge the great work and encouragement of Andy Turnbull of the Australian Parliamentary Sports Association in this regard.

In my time in the Senate I have also sought to be a voice for volunteers, who remain undervalued and underrecognised in our community. They are Australia's unsung heroes. My first major submission as a senator in 2002 was to the then Prime Minister John Howard on how we can help our volunteers. Working with emergency services and other volunteers during the Beaconsfield mine disaster in 2006 and the Tasmanian east coast bushfires are memories that I will never forget. The annual Thank You to our Volunteers event that I have hosted since 2008 with Volunteering Tasmania and with the support of sponsors like Tasmanian Independent Retailers has been well appreciated. Volunteers deserve support and we can all do more to provide support and encouragement to our volunteers.

Fighting for and defending family values has always been important to me, as I know it is for many in this place. Helping secure funding for the National Schools Chaplaincy program was a highlight, as was gaining Mr Howard's support for defining marriage as between a man and a woman in legislation in 2004 with bipartisan support. They stand out as highlights, as do receiving the William Wilberforce Award in 2007 and the Australian Christian Values Institute Award just this year.

Marriage is a bedrock institution. It provides an umbrella under which children can grow and be nurtured and loved. In my view, homosexual marriage will deny children any opportunity to know and be loved by both a mother and a father. The debate to date has been too adult centred and, in my view, that is disappointing. If the community hold these same values they need to express them publicly and passionately to
their local political representatives as a priority before it is too late.

It has been an honour to work with veterans. It is vital we pay honour and respect to those in our Defence Force both past and present who serve so that we can all enjoy the freedoms that we have today. I also briefly comment on the ongoing challenge of terrorism, of which we must be vigilant. That fateful day on September 11, 2001 changed the world. Australia has a vital role to play in international efforts to fight terrorism both in its traditional forms and in the ever more relevant area of cybercrime and cyber-terrorism. I walked the Kokoda Track in 2008 with Bruce Scott, the Scottsdale RSL President who is in the gallery today, together with Marco Fragiacomo and 15 others. We raised over $150,000 for the juvenile diabetes research—a great effort.

Our other objective was to honour the veterans. We did that. On my return I reignited the effort, with others and with the support of the RSL, to officially recognise the service of the PNG nationals, affectionately known as 'fuzzy wuzzy angels'. The Rudd government did this and I thank them for it. I acknowledge the PNG High Commissioner in the gallery today, who I know is delighted with this outcome.

Last year I visited Hell Fire Pass and the Thai-Burma railway with four former POWs and Senator John Williams—a special event. My great uncle served as a POW for 3½ years under the Japanese. I have been privileged to visit Gallipoli, the Western Front battlefields in France, the Changi war cemetery in Singapore and the war cemeteries in Jerusalem and Beersheba, Israel. In 2010 the planned national tour of a display regarding Australia's Gallipoli VC winners did not include Tasmania—yes, Tasmania was left off the map! I was pleased to then lead what was a classic grassroots campaign with a petition launch, support from the RSL and a successful Senate motion. In the end, more than 20,000 Tasmanians visited the exhibition.

With the support of the Tasmanian RSL I authored the book Our Heroes: Tasmania's Victoria Cross Recipients. The third edition was recently launched at Australia's oldest RSL in Launceston. Among those recognised in that book is Lieutenant Colonel Harry Murray VC, Australia's most highly decorated soldier whose medals and personal effects are on display in Tasmania right now for the first time ever available to the public. It was my privilege to play a key role in bringing this display to Harry Murray's home state and to see that he was honoured with a life-sized statue in his home town of Evandale in 2006. Harry Murray VC should receive further recognition, including the posthumous awarding of the Distinguished Service Medal from the United States and a memorial in Guedecourt, France, where he earned his VC in February 1917. I have written letters requesting this recognition with the support of the Tasmanian RSL.

The current government is now inquiring into the possible awarding of Victoria Crosses to those who may have been, for one reason or another, overlooked in earlier years. Prior to this, there were efforts for Tasmanian Ordinary Seaman Teddy Sheean to be posthumously recognised with a VC, and it has been a pleasure for me to have worked with Garry Ivory, nephew of Teddy Sheean, and other members of the Sheean family, on this campaign since last year. There are also emerging efforts to recognise Leading Cook Francis Bassett, or 'Dick' Emms, of Launceston, whose name has been put forward in the course of this inquiry. The courage, endurance, mateship and sacrifice of our armed service men and women should never be forgotten. As the good book says, 'Greater love has no man than this, that he
lay down his life for his friends.' Lest we forget.

Early in my Senate career I recall the perfect political day. The day began with a visit to the Fusion community centre at Poatina in Tasmania, a place where much tremendous work is done. Fusion is an international youth and community organisation which helps socially at-risk young people and which, in particular, has over 250 staff and thousands of volunteers in this country and overseas. Then together with former Minister for Communications, Information Technology and the Arts, Senator Richard Alston, via a CDMA phone, I officially opened the CDMA telecommunications network into the Central Highlands of Tasmania. I can see Senator Colbeck smiling. I think he knows where I am going. After a pleasant chat with locals and a small snack at the Miena hotel, I drove 20 minutes to Arthurs Lake, took off my jacket, took off my tie, pulled on my waders and pulled out the fly rod. I caught a beautiful brown trout and happily drove home to the family in Launceston with the trout for dinner. The perfect political day.

However a memorable and embarrassing moment on a lighter note occurred when, as a trout fishing enthusiast, as you have all gathered, and a fly fisherman, I was invited to award a prize at a trout fishing competition. During the speech on a warm summer's day, I swallowed a fly. I swallowed a fly in full view of the audience and, yes, it was the revenge of the fly.

From 2008 until 2010 I also served as the coalition's scrutiny of government waste spokesman, first under our former leader Malcolm Turnbull and then under Tony Abbott. My role was to highlight government waste and mismanagement in the parliament and to the public, and it is fair to say the current Labor government gave me plenty to do! I helped to establish inquiries into the GroceryChoice website, the pink batts fiasco and the Building the Education Revolution. I see Senator Mason in front of me nodding desperately. Well done on all your good work, Senator Mason. I issued monthly flyers and produced annual reports cataloguing Labor's waste, inefficiency and mismanagement, and continued my longstanding practice of hosting a budget breakfast in partnership with KPMG in my home town of Launceston the morning after the federal budget.

This work culminated, however, in the work that I did to help establish a Parliamentary Budget Office in this country. On 24 June last year, the 'night of the long knives', as the nation was informed that it had a new Prime Minister, I introduced legislation on behalf of the coalition to establish a Parliamentary Budget Office. My initiative was initially criticised profusely by a Labor government cabinet minister. However, the government has now confirmed, in the latest budget, funding of $24.9 million over four years to implement this important initiative. At this point I would also like to acknowledge and thank Philip Clayton, my principal adviser, for his excellent work in assisting on these matters.

Governments of all persuasions focus on the short term, but this government has attempted to master the 'quick political fix'. It has not worked and today's polls attest to that. We should focus more on the long term with 10-, 20- and 50-year plans—a lesson former US President Bill Clinton shared at the World Diabetes Summit in 2008 when he said, 'I wished I had spent more time focusing on the trendlines than the headlines.' We should do more visioneering—focusing on what should be rather than what could be.
The media, the fourth estate, has an important role to play as it facilitates debate and discussion within our nation. Its influence is massive. This is indeed a great responsibility. It is easy to criticise, denigrate and belittle those who have chosen the path of public service, but this is not always in the national interest. If we as a nation are to regain the capacity for real reform and to shape our destiny, the media must play their part in recognising effort worthy of praise and the merit of long-term planning, while at the same time holding public office holders to account. My wife, Kate, and I have supported the National Student Leadership Forum every year since 2002 and, in recent years, together with Senator Claire Moore, I have sponsored the forum. It opens the eyes of young people to our democracy and the role of faith and values in leadership. A key theme at those events has been that of servant leadership. But on this score there is no better role model than Jesus Christ, whose life and sacrifice were the ultimate example of servant leadership. I submit that he is indeed a model of leadership relevant to all of us.

At this time I would also acknowledge my good friend Jock Cameron for his work in convening and driving the National Student Leadership Forum since its inception. Jock and his wonderful team have also played a key role in relation to the National Prayer Breakfast. I have very much enjoyed his fellowship on Monday nights, with other MPs—including Scott Morrison, who is in the chamber today; I acknowledge Scott's presence—in this parliament for the duration of my time in the Senate. Jock, thanks very much for your support.

My involvement with the National Student Leadership Forum also provided me with one of the most confronting and saddest moments in my Senate career, when, together with a delegation of students, I visited Docker River, an isolated Indigenous community two to three hours south-west of Uluru. The near Third World conditions were both obvious and a shock, and brought home to me the need for us to do more as a nation to address the challenges facing Indigenous Australians.

The Senate plays a vital role in our democracy. The checks and balances work. The scrutiny of legislation, executive government and the financial affairs of our country remain important functions. The committee system is effective, and the estimates process both illuminating and at times exhausting. In regard to these specific functions of the Senate, I have recently written to the President and others making suggestions for reform, particularly regarding sitting hours and healthy food options.

In recent years I have particularly enjoyed my role as both Chair and Deputy Chair of the Legal and Constitutional Affairs Committee, along with Labor Senator Trish Crossin. I acknowledge some of our key reports, on donor conception, judging the judges, censorship, terrorism, marriage, euthanasia and other matters. My particular thanks go to the committee secretaries and staff for their professional and wonderful work.

But the Senate is not doing all that it was established to do. The Senate was formed as a states' house but the party political system has largely nullified this role. We perform best when we are able to promote and defend our states and our local communities. The political straitjacket imposed by the party system impedes this approach. The rigidity imposed by the party machine is another reason for the significant growth in the parliamentary friendship groups. Many of the two-thirds of our parliament on the backbench can and do flourish in these
forums, and understandably so. I have particularly enjoyed my role as co-convenor of the Parliamentary Friends of the Millennium Development Goals and as former chair and current vice-chair of the Australia-Denmark Friendship Group. The city of Kingborough is close to securing a sister city relationship with Fredensborg, Denmark, partly because of the good work of this group and my relationship with Mayor Graham Bury.

Likewise it has been an honour to participate in this place on conscience issues. More often than not I have been on the losing side, but the discussion and debate around these issues, and the process of negotiating compromise and amendments, has caused all members of parliament to dig deep and to think hard on a personal level, whether it be on stem cell research, cloning, euthanasia or abortion. In regard to the latter, I remain saddened that second trimester and late-term abortions still occur in this country, including with taxpayer or Medicare funding. All these issues reflect the values we hold as a community and they have important moral and society-wide implications.

Remaining close to the community is the secret to success for any democracy. A key objective for me has been to work with the community, for the community, on the right issues and for the right reasons. Helping individuals, families, business and community groups be the best they can be was part of the motivation for my writing the book *Make a Difference: A Practical Guide to Lobbying*—all royalties of which go to juvenile diabetes research. In our democracy, the opportunity for all citizens to make their voices heard is indeed something we should value.

The loss of my Senate seat at the last election reflected the dismal results for the Liberals in Tasmania, despite the successful campaign for Tony Abbott and the Liberals nationally. Senators in this place may be interested to know that my replacement has views that differ greatly from my own on most issues, but she is far better looking. A 61-39 two-party preferred outcome in Tasmania is not good and has been a catalyst for Liberal Party reform. I particularly note the work done by Julian Leeser last year to review the party in Tasmania, and with others I share the hope that these reforms will be implemented. Our selection processes should certainly be more democratic, and I know Peter Reith's report and recommendations support this. At this point I would also like to acknowledge the members of the Tasmanian Liberal Senate team, past and present, for their work to advance Tasmania's interests. I have been very proud to have served as a member of this team. Can I also commend our Tasmanian Liberal State President, Richard Chugg, for his ongoing efforts to reform the party in Tasmania.

As someone who has lived in the US, I think it is time to consider the merit of including a primary-style involvement of Liberal voters committed to the party as part of the selection process. In making this suggestion, the key issue is to encourage community engagement in our democracy, which, after all, means government by the people.

Labor's policy bungles and broken promises are seemingly never ending. The civil union between Prime Minister Julia Gillard and Greens leader Senator Bob Brown will be more transparent from 1 July with the Greens holding the balance of power in the Senate. The Greens support the introduction of death duties, oppose private health insurance and support a free-range drug policy. There is opposition in their ranks to Israel. Australia has been a long and loyal friend of Israel and I hope this Senate
chamber makes it clear that this relationship should grow rather than be diminished.

We need a Tony Abbott coalition government now more than ever. I am convinced Tony Abbott will be Australia's next Prime Minister. My home state of Tasmania is in a parlous state under the Labor-Green government, which appears to be in a rolling crisis. Confidence levels are at an all-time low. Tasmanians are doing it tough with cost-of-living pressures. They deserve better. At the state level, there is hope for the future. I believe that Will Hodgman and his Liberal team can deliver more responsible management of public finances, stable government and a strong economy for the people of Tasmania.

At a time such as this, there are of course many people to thank. The effectiveness and professionalism of senators is dependent on many people. The Australian Senate is like a beacon that shines brightly among the parliamentary democracies of the globe. May I place on record my personal thanks to the clerks and other staff of the Senate; the staff of the Department of Parliamentary Services; the Comcar staff and drivers, who have been thoughtful and courteous at all times; the travel and security staff; and the many others who help us in our role. I make special mention of the chaplain of the Parliamentary Christian Fellowship, Reverend Peter Rose, who is in the chamber today. A special thank you goes to the staff of the Parliamentary Library for their comprehensive and timely research service. May I acknowledge and thank those many supporters in the gallery, some of whom were here for my first speech in March 2002, as well as those in Tasmania and elsewhere around the country, for their support and encouragement. It is appreciated. I am particularly thankful for the dedicated, professional and tireless work of my office team, past and present. I would like to acknowledge all of them, including my original team. It is most appreciated. We had a special celebration last Friday night in Launceston, which was well appreciated by all. They have done a fantastic job, and together we have kicked some goals for Tasmania and our country.

I pay a special tribute to my wife, Kate, and children, Nina, Alice and Ben, who are here in the gallery today, supported by my mother Sallie, Lady Ferrall. I love you. I thank you for your patience and perseverance, your loyalty and seemingly unconditional love over the past 9½ years. By far my greatest achievement of my time in the Senate is maintaining a close and loving relationship with my wife and my family, by God's grace. This was an objective I set out in my first speech and I am immensely thankful.

In conclusion, as we face the future early in the 21st century I recount the words of King George V at the beginning of the Second World War when he said:

I said to the man who stood at the gate of the year, 'Give me a light that I might tread safely into the unknown,' and he replied, 'Go into the darkness, and put your hand into the Hand of God. That shall be to you better than light and safer than a known way'.

On a personal level, I am excited about the challenges and opportunities ahead, mixed with just a little trepidation as the plans roll out. Whatever the future holds, I know who holds the future. In July I look forward to cycling in the Tour de France. I will be participating in the final week of the three-week tour, pretending very hard to be a champion. After this adventure, apart from my role as ambassador for Diabetes Australia, I will continue to pursue my passions while remaining within striking distance of federal and state politics.

Thank you to the senators in this place for the tremendous amount of goodwill and
camaraderie despite their many disparate views. It is a testament to the character of this chamber. May I take this opportunity to wish all retiring senators every good wish, whatever lies ahead. Thank you for your service to the Senate and the nation. Also, best wishes to continuing and new senators in this place for the challenges ahead. Since Federation there have been 534 senators who have served our nation, with 76 of them representing Tasmania. I am indeed grateful to have been one of them for the past 9½ years. I thank the people of Australia, and particularly the people of Tasmania.

Senator TROOD (Queensland) (16:47): Mr President, you will be aware that the members of the Senate of Canada are appointed to their positions. There are no doubt good reasons for this, but as much as I admire a great deal that is Canadian, its appointed Senate has never been something of which I entirely approve—that is, until now! Being now in a position where I am required to exit this place as a result of having lost my seat at the most recent federal election, I can suddenly see the many virtues of the Canadian way. The idea that one cannot be removed from a legislature by the electorate, and from which one is allowed to retire in a leisurely manner on reaching the estimable age of 70, is one that, with some persuasion, I believe I could embrace. But whether I like it or not, we are here in Australia and we are a democracy, and a very robust one at that. The contrarian second President of the United States, John Adams, a man whose dogged determination and vision for his new country I greatly admire, may have been somewhat overstating the point when he remarked that with the end of elections there can be only slavery, but the sentiment is surely correct. Elections are the lifeblood of any and every stable democracy, and I of course accept the judgment of the Queensland people as they rendered that judgment last year.

The six years I have been here have passed extraordinary quickly and, at times, tumultuously. When I arrived, the Howard government had just been elected for a fourth term. As the sixth senator elected, and the fourth from the coalition in Queensland, I am very conscious it was the winning of my seat that gave the coalition the numbers it needed to gain a majority in the Senate—the first of any party since 1977. Contrary to common wisdom, the Howard government did not, as a matter of general practice, abuse that majority. Some landmark reforms of national significance were made in the areas of Indigenous affairs, aged care, superannuation, taxation and telecommunications, among much else, and Australia and Australians were all the better for it.

Then of course there was Work Choices. We did not lose the 2007 election because of Work Choices, but it did not help. I well remember the day in 2006 when the Senate resolved to pass the enabling bill. Senators who were here may recall that it was late in the afternoon and a storm was brewing outside the building as a third reading debate was getting underway. With the public galleries of the chamber replete with protesting members of the trade union movement, Senator Brandis gave a stentorian third reading speech in which he told the bill's opponents that they were, among other things, on the wrong side of history. I think it is fair to say that this was a prescient observation in more ways than one.

Just as the final vote was about to be taken, there was an intense flash of lightning and a very heavy, resonating clap of thunder. To this day I still believe that momentarily the lights of the chamber went off, to return perceptively duller than before. At that point, I recall turning to Senator Fifield on the
bench to my left—a rather unusual position for Senator Fifield since on most other occasions he is almost always to my right—and I remarked: ‘This could be a sign. Perhaps we should rethink this bill?’ We did not, of course. The bill was passed and the rest, as they say, is history.

In my view, the coalition overreached parts of Work Choices, but only parts of it. In doing so, it fell into one of the great age-old traps of success: the tendency towards hubris. Perhaps not surprisingly, it suffered the unravelling of reputation that ineluctably followed from it. To the extent that Work Choices struck down some of the long established fundamental industrial rights of Australians, it went too far. But many of its reforms were innovatory and entirely appropriate for a modern 21st-century economy. The Rudd-Gillard government has now reversed many of these changes and in doing so taken Australia’s system of industrial relations back to the era of pre-Hawke-Keating government reforms. Not only has much of this been bad for the Australian economy but it has disempowered Australian workers, killed competition and undercut the foundations of small business. A policy correction is required so that a constituency in need of a voice can be heard. So at some point I anticipate the coalition will have to revisit its reluctance to engage with this area of public policy.

Work Choices aside, I am very proud that, as a very active member of several Senate committees, I was able to make useful contributions to improving some of the legislation that came before us. In my view, the committee system is unquestionably one of the great strengths of the Senate. Indeed, one of my first letters to an editor of any kind was penned as a rather callow youth and in praise of Senate committees. The committees are not places where politics is left aside and nor should they be. They are often, however, places where reason, judgment and compromise can triumph over prejudice in the search for solutions to national problems. I trust this will continue to be their role and, when accommodation is not possible, I hope that we will all at least be left with civility of difference.

As a member of the Legal and Constitutional Affairs Committee I was a party to strengthening the civil liberties protections in some of the anti-terror legislation, which was, I believe, a valuable role. On some issues, such as immigration, I was grateful to have been fortified by the courage of some of my Liberal colleagues. They provided me with the strength of purpose to assist in seeking humane and sensible reforms to our government’s sometimes austere refugee policy.

To have served as the chair and deputy chair of the Senate Foreign Affairs, Defence and Trade Committee is for me an enormous honour. I am convinced the work the committee did on military justice under the leadership of Senator Payne will be recognised as being of profound importance in helping the Australian Defence Force to address a deeply troubling aspect of its culture, one that serves neither its members nor the nation.

I am especially proud of the committee’s inquiries into peacekeeping, public diplomacy and the Torres Strait region—the last two of which I was fortunate to lead. As the continuing public debate over these matters testifies, they focus on issues of long-term significance to the nation and serve as a welcome reminder that the work we do on committees in this place is amongst the most valuable we undertake.

Finally, in relation to committee work, I take the opportunity to highlight my time as the chair of the Senate Select Committee on the Reform of the Australian Federation. I
anticipate that the committee's report will be tabled by the end of this month. It will, I hope, draw renewed attention to an aspect of Australian public policy that has been woefully neglected—namely, federal-state relations. Australia's system of government was conceived as a federation. That, indeed, was the form of governance that my own great-grandfather helped to create during the federation movement at the end of the 19th century. But over 100 years the federal compact between the states and the federal government has been severely eroded. Centralising governments in Canberra, with complicity of the High Court, have recast the constitutional distribution of powers which was once carefully balanced. Financial distortions have not only impoverished state and territory treasuries, they have grievously undermined the states' political authority, making responsible government increasingly remote from every Australian.

The parties of the coalition cannot absolve themselves of responsibility for this parlous state of affairs. The drift of political power and fiscal responsibility to Canberra has been visible on our watch as with Labor, yet we are supposedly the party of federation. Neither Deakin nor Menzies, however, would now recognise it in this way. Regrettably, in recent years my party has had few serious considered thoughts on restoring the health of the federation. As the natural custodians of the federal ideal, we should feel more than a little guilty at this neglect. But, more than this, we should be urgently committed to responding to the challenge it poses. The Liberal Party needs to rediscover its federalist values and develop the program of reform which will restore them to their principal place in our system of government.

Away from the parliamentary domain, I have tried to be always conscious of my responsibilities to pay close attention to the needs of my constituents—the people of the great state of Queensland. Engaging actively, often and, hopefully, effectively with the men and women of the rural and regional parts of the state has been enormously satisfying. As a former educator, my involvement with schools, colleges and universities has also been an important facet of my work. In part this has been a dimension of a personal quest to try and expand public knowledge and understanding about our parliament and more particularly the role of the Senate in our system of government. More than this, education offers Australians the promise of a secure and prosperous future. We do not fill that promise by wasting millions of dollars on ill-conceived education revolutions. We need to invest in knowledge, innovation, languages and best teaching practice. When we think we have done enough, there will always be more to do.

It has been rewarding to assist community groups to take up ignored causes and issues such as international adoption; to assist constituency and personal distress; and to help promote environmentally sound ideas, such as opposition to the entirely ill-conceived Traveston Crossing dam.

It is fair to say that when I took office I had little comprehension of how varied and, indeed, busy a senator's life could be, but the richness of my work among the people of Queensland has proved one of the most rewarding parts of my term. In my first speech I spent some time decanting my views on international relations and, more especially, the challenges to Australian foreign and defence policy. I urged the Senate's attention to several matters, not least the need to engage more fully with East Asia and the demands posed by a rising China. I return to these and other foreign policy themes with a mix of reassurance and pessimism. On the reassuring side, I am delighted that the Rudd government saw fit
to adopt, at least partially, several of the policy proposals outlined in my 2008 Lowy monograph on the emerging global order. In my view the comprehensive national security strategy, of which we have so far seen only a glimpse, is still a worthwhile objective. I welcome the establishment of the Office of the National Security Adviser, although I am anxious that it should not overreach what should be its limited responsibilities.

On defence more directly, I wait with high anticipation for the moment when we are all able to face up to the reality that the capability program in the 2009 Defence White Paper is well beyond the nation's ability to achieve. Only when we face up to this manifestly obvious point will we begin to have a credible defence posture for the 21st century.

For all its many detractors, the Howard government left office in November 2007 with a distinguished record of achievement in East Asia. By contrast, the policies of the Rudd and Gillard governments have been far less assured, being often poorly formulated and ineptly implemented. In 3½ years the steady trajectory of a deepening engagement with Asia has faltered as our relationships with China, Japan, India, Fiji, Papua and New Guinea, Indonesia and others have all been shaken by problems. We might reasonably hope that eventually these relationships will be put back on track. But as I said in my first speech, engagement with Asia—or indeed the Pacific—cannot be a part-time affair. Nor can we be indifferent to the changes taking place in the wider Indo-Pacific region.

This is our neighbourhood, and just coincidentally it has become the central dynamic arena of the 21st century global strategic order. We dare to ignore that reality at our political and economic peril. And yet, as Australians, we seem so little interested.

As Michael Wesley has said in his new book, *There Goes the Neighbourhood*, we remain complacent, incurious and unprepared to think about how the world is changing, how this might affect us and what we will need to do to prosper and to remain secure in the new era. This is a national delinquency of the highest order, and requires urgent attention if we are to have any hope of surviving the international challenges ahead.

When we are struggling to pay serious attention to our region of primary strategic importance, it is perhaps fanciful to encourage a focus on horizons even further afield. If for no other reason, however, than that the Indian Ocean rim is of fast growing importance to our national interest we should begin to look anew at Africa. I acknowledge that this has been, and is, a policy priority of the recent Labor governments. To my colleagues in the coalition: I urge that we no longer continue to look at Africa through the prism of Labor's goal to secure a non-permanent seat on the Security Council and its aid policy there. In my view, the Security Council is in the national interest, and should be embraced for a multitude of reasons. But I emphasise: not at any cost, and I fear that this is where we are heading.

With that to one side, Australia's interests in Africa should be judged on their merits. They are neither wide nor deep at this point in time, but they are growing. Africa itself is changing rapidly in ways that will mean it is a place of mounting significance in global affairs. We can ignore this if we wish; alternatively, a relatively modest strategic investment now in Africa's political, economic and educational future is likely to pay considerable dividends into the future.

Finally, I cannot leave the topic of foreign affairs without mentioning the long-ignored need to better resource the Department of Foreign Affairs and Trade. Recent evidence
to the Foreign Affairs Subcommittee of the Joint Committee on Foreign Affairs, Defence and Trade, and in Senate estimates, has once again underscored the parlous state of DFAT’s finances. The failure to confront this issue is not just a neglect of this government: my party must accept some of the responsibility. But the situation has deteriorated over the last few years because of Labor’s very ambitious foreign policy, which has been underfunded. Diplomatic, representational, consular, public diplomacy, policy analysis and long-term policy planning within the portfolio are all under intense pressure. In a globalised world Australia’s diplomatic footprint is both narrow and shallow in key regions of importance to our security and prosperity, and is far less than comparable countries. This is no longer sustainable as it is undercutting the protection and advancement of Australia’s national interests.

The answer is not just to find the resources to reflate the DFAT budget. The way Australia is represented abroad will have to change and DFAT’s habits of doing business at home will need reform. That said, the department needs more resources and the simplest, least painful way to secure them is to look at AusAID. The planned growth in its rapidly expanding budget over the next few years responds to our generous instincts. But in the context of DFAT’s plight, it is ill-advised. It should be slowed and the savings directed to DFAT as a matter of high priority.

In closing I take the opportunity to thank the servants of the Senate, the former Clerk, Harry Evans, current Clerk, Rosemary Laing, and their dedicated staff. I also extend my gratitude to the staff of the committees, most especially, the Joint Committee on Foreign Affairs, Defence and Trade, and its distinguished secretary, Dr Dermody, who have helped to make my work so fulfilling. My staff have been wonderful. Without the thoroughly professional and dedicated service of Fraser Stephen, Honor Lawler, Lynn Mitchell, Kate Grayson, Marty Kennedy and Julie Crouch, I would have accomplished very little.

I have been fortunate in being able to develop some lasting friendships among my colleagues on this side of the chamber, and I trust that they will continue. And among my colleagues on the other side of the aisle I have found, rather unexpectedly I have to say, a degree of much appreciated collegiality. In the interest of not blighting any careers anywhere in the chamber, I will mention no names!

In the absence of the love, understanding and support I have received from my wife, Dale, and our family, my life here would have been simply impossible. I am very conscious that, as I took my seat in this chamber just six years ago, I was exceptionally fortunate to have been given an opportunity to sit as a senator in our nation’s federal parliament. Many years ago, I had a dream that one day this might be possible. Over six years, that dream has come true. I thank my party for giving me the chance to stand for office. It has been an absolute honour and an enormous privilege to serve the people of Queensland, and I thank them most sincerely. I thank the Senate.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (17:09): I thank the Leader of the Government in the Senate for this courtesy. Tonight the coalition salutes the service of three outstanding colleagues. All senators have made substantial personal sacrifices to serve their communities and nation—more so, their families. We, the senators get involved in the issues of the day. We are passionate. We are committed. The family and those
around us are often the conscripts. To the conscripts I say: thanks for lending us your senator. We in the coalition have no doubt that you will recognise the full contributions they have been able to make as being as worthwhile as we do.

I turn to Senator Troeth. When I first joined this place my office was next to that of a senator of whom I had not previously heard. I assume Senator Troeth had not previously heard of me either. Nevertheless, she was the first senator into my office and schooled me and acclimatised me to the Senate, for which I am grateful. Those first few weeks, in helping me to orient me, she was most gracious and kind, and it was very beneficial to me. At the time, I was struck by Senator Troeth's personable-yet-no-nonsense style—traits that made her the effective senator we have come to respect.

Her 18 years of service will be remembered for many things, including her passion for the rural community and her very distinguished service as a parliamentary secretary in the agriculture portfolio. Her knowledge and detailed understanding of the levies for various horticultural sectors was phenomenal, her advocacy and capacity beyond question. Her commitment to innovation was greatly valued by the sectors. And, of course, those qualities are what gained her her endorsement in the first place some 18 years ago—an endorsement which was solely based on merit.

In entering the Senate she immediately spoke of the importance of the Senate, rejecting the unfortunate references to this place by the then Prime Minister. She spoke of her passion for the rural sector. She spoke of her commitment to serving the people of Broadmeadows, willingly going out to Labor heartland to serve the people whom Labor had disenfranchised. She spoke of government intervention in the rural economy doing more harm than good and then quoted a certain person in support of that view. That certain person happens to have been one Ross Garnaut, who has now re-emerged in the political spectrum.

Senator Troeth is a principled person. She lived by her first speech when she said:

… we must never lose sight of the fact that political morality means more than just winning, political compassion means more than just clever speeches and ministerial responsibility means more than membership of the right faction.

Senator Troeth has lived by those principles. She crossed the floor and she spoke out, but she has done so with dignity and courage. I trust that when I crossed the floor I did it with half the poise, decency and principle with which Senator Troeth did. Once the issue was over, it was over.

Senator Troeth, whilst being independently minded, was nevertheless a team player and a solid contributor to the fight. In her first speech Senator Troeth quoted GK Chesterton:

In the end, it will not matter to us whether we fought with flails or with reeds. It will matter to us greatly on what side we fought.

I know on what side I am fighting, and there is a great deal for which to fight—Senator Troeth told the Senate. There is no doubt that Senator Troeth knew which side she was on, and fight she did. And, unlike her beloved Hawks last Saturday night—sorry; I could not not mention that, being a Geelong supporter—she usually did win.

Senator Troeth leaves of her own volition and can be well satisfied that she did herself, the Liberal Party, her state of Victoria and the people of Australia proud. Senator Troeth, to refer to the last bit of your valedictory speech, you have succeeded. On behalf of the coalition, we all wish you very well for the future. I turn to my Tasmanian colleague Senator Guy Barnett. Politics is a
rollercoaster ride and people make their judgments on us as individuals and, in this place, more importantly on our parties on a particular day. There is no doubt that if that particular day were today Senator Barnett would have been re-elected. Regrettably, it was not to be in August last year.

Senator Barnett styled himself as the can-do senator in his very first speech. And that he was. It was a big call, but he lived up to it. His electorate work and his committee work were both exemplary and he showed a committed work ethic. I think Senator Ian Macdonald might just beat you on the number of speeches on government documents, but you ran a very close second. But I might call it for Senator Barnett on adjournment speeches. They covered all manner of issues and, to his great credit, no issue was too small or, indeed, too big.

I think of some of the projects for which Senator Barnett was responsible in our home state of Tasmania: from the skate park in Queenstown to the aquatic centre in Launceston he helped develop that much-needed and lasting infrastructure which will bear testament to Senator Barnett's commitment to active lifestyles. He championed local causes: as he mentioned, to get the VC medals to Tasmania, digital radio, helping the locals after the east coast fires, the medical services in Ouse and Rosebery—and the list goes on. He also championed national issues: NetAlert, the definition of marriage, the volunteer sector, health issues, our cultural history and the importance of the Bible and the chaplaincy service. As Chair of the Waste Watch Committee, Senator Barnett excelled.

Being senators for Tasmania, we know our only strength is by hunting in a pack to get the best outcomes for our state. Senator Barnett was an integral part of the Tasmanian Liberal Senate team. He will be missed by his team mates and the Tasmanian people. I am not so sure that the media will miss him. His incessant media releases, whilst always considered, got a fair share of hits and coverage. Up to the very last, Senator Barnett has been active in the party room, in the electorate, in the committees of this place and in this place itself. Given our pending reduced numbers, the coalition will have difficulty in filling all roles. Losing such a prodigious worker will make it all the more difficult.

In his first speech, Senator Barnett courageously tried to pre-empt his political epitaph. He said:

I would hope that at the conclusion of my political life the people who stand in judgment will say that Guy Barnett had a can-do attitude; he encouraged others to achieve their dreams; he was effective and a pioneer; he cared and had compassion; he had a passion for life and a vision for his state and his country; and, finally, more than his work, he loved his wife and family.

Senator Barnett, all those things about you are true, but they will not appear on an epitaph just yet. I have a funny feeling that it is a little bit too early for that and a few other bits and pieces might be added in another chapter which will be written later in your life. But epitaphs aside, all of the descriptions, which Sir Humphrey-like you courageously set yourself, you have lived up to. You can feel well satisfied that you lived up to the high benchmarks that you set yourself. But, more than self-satisfaction, the Liberal Party members and the people of Tasmania you represented share that sense of satisfaction with you, as was so overwhelmingly displayed at your testimonial dinner on 4 June. All the best and, as you get on your bike literally for the Tour de France, take a well-deserved break and ensure that you do employ all those talents you have in the future for the betterment of our community and society. I am sure you...
will. On behalf of the coalition, we wish you every success for the future.

Honourable senators: Hear, hear!

Senator ABETZ: Last but definitely not least, I turn to Senator Trood. If I might opine, like a Queensland predecessor, former senator John Herron, Senator Trood looks like you would imagine a senator should look—distinguished. Not only does he look distinguished but he has distinguished himself. His election victory in 2004 gave the coalition the fourth seat from Queensland in the Senate—an amazing result. For us on this side of politics to get a university type is a big thing these days. To get them to run and then get elected seems nearly unbelievable.

It is no surprise, given Senator Trood's background, that he expressed in his first speech great insights into Australia's educational needs. Whilst being from the tertiary sector, he nevertheless had a broad view of educational needs generally, noting the need for enhanced technical and further education. But it was Senator Trood's expertise in foreign affairs where he most distinguished himself. Never having served on the committee, I understand it is a committee well sought after by many colleagues as a must-get committee, if one can get on to it. So I did wonder how it was that a relatively new senator was able to get onto that committee and chair it. When you realise that there are 50 pieces of work that have been authored by Dr Trood in the area of foreign affairs and that he was a member of the Australia Indonesia Institute and a whole lot of other organisations, you understand that he was the most qualified person in this parliament to be sitting on that committee. The expertise that you, Senator Trood, provided to us in that area was very beneficial not only for our side of politics but for the Australian parliament generally.

Indeed, your concern about our relationship with Indonesia is very important as we currently consider the boats going backwards and forwards—or that are not or should not be going backwards and forwards—between our two countries in relation to the cattle trade and also in relation to illegal entrants.

So Senator Trood's expertise, style and demeanour—if I might say so, especially on one occasion as Acting Deputy President that he may recall—will be missed by us on this side. Senator Trood, we wish you well. You have a clear body of expertise that we trust will not be lost to the Australian community and that you will be able to put to good use. We wish you all the very best for the future as well.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (17:23): I want to address a few remarks on behalf of the government in response to the speeches by three retiring senators. I offered Senator Abetz the courtesy of allowing him to go first because we were addressing the careers of three Liberal senators tonight, but, having seen him steal most of my material, I can say that that will not be happening again. They say great minds and fools think alike, but people make their own judgment about that.

But I do have much pleasure tonight in speaking on the farewells to the three senators. Senator Troeth and I were of the class of '93, along with Senator Minchin. It is a bit worrying; I think I might be the last of them left. No doubt my colleagues will sort that out soon. But I have always had a great deal of respect for Senator Troeth; she is well liked and well respected on our side of politics, although she is known also as steely, I think, for her grit and determination. I saw that during her time as a parliamentary
secretary in the Howard government. She put in, I think, seven years of very hard graft in difficult portfolios and carried a big load in the Senate as well; she did that with great aplomb. Obviously she committed herself to committee service as well and has a fine record in committee service in this parliament. Like Senator Abetz, I remarked on re-reading her first speech that she made a strong commitment to the issues of rural women and representing rural women and also representing and advocating for the role of women in politics. It is interesting to see that Senator Troeth is one of those who actually delivered on her first speech and pursued the issues she raised then. I thought she came full circle tonight and was still advocating the causes that she advocated in her first speech, which I think is a great credit to her.

I wanted to remark on her stand on refugee issues and her crossing of the floor in pursuit of her beliefs on those issues—not to take any delight from an opposition party point of view at all but to make a broader point. I think one of the best speeches given in this parliament was her speech in 2009—not because I agreed with much of it but for its power and its principle. It was a great speech. In that speech Senator Troeth implored the Liberal Party to 'grasp a new opportunity to understand the difference between sending the wrong message to those who truly wish us harm and sending the right message to those who need our help'. It is an enduring message for us all. As I say, I think it was one of the best speeches delivered in this place for many a day. It reflected, I think, the great strength of Senator Judith Troeth, and it was to her great credit. I make the point not, as I say, to highlight the differences there might have been in the Liberal Party at the time but to highlight Senator Troeth's commitment and strength of character, and also to make the point that she will better remembered as a committed, lifelong liberal. I judge her on her career. As Senator Abetz referred to, in her first speech she famously referred to this quote by Chesterton:

I know on what side I am fighting, and there is a great deal for which to fight. I say this as a very positive thing. She is remembered by us as a very strong liberal, and I am sure she would like to be remembered as a very strong liberal. In quoting Waldo regarding success, I can assure her that she goes with the respect of her political opponents.

Senator Guy Barnett from Tasmania came in in 2002, and he has certainly been active and committed. I had the opportunity to travel to an Anzac Day ceremony at Gallipoli—I think in about 2005—with him and his wife, Kate, and it was a fantastic trip. Senator Bishop was on the trip as well, and I certainly recognise his interest in history and the role of our service personnel. I know he took great joy out of it, as did I. It was a tremendous experience.

I think Senator Barnett will be best remembered in this place as an example of how an individual senator can use their position—and I mean this in a positive way—to advocate and promote causes of public importance. We have huge opportunities here. People use them in different ways, but Guy Barnett has certainly used his to provide a platform, through his activity as a senator, to promote awareness of diabetes and the need to do more to combat diabetes and also child obesity. I am very thrilled for him that he has been made an ambassador for Diabetes Australia; it is a great recognition of his work. For new senators thinking about how they can use the great opportunity and privilege of being a senator, his example in pursuing those causes is a good one. People use their opportunities in
different ways. To Senator Guy Barnett I say: you have certainly made good use of the opportunity in promoting those causes. You have also been very active on the question of moral issues. I do not think you and I have agreed on any of them, but I do respect that your views are honestly held and you have been very active and committed on those.

In terms of your offer of the pedometer, I welcome that. I also want someone to use it for me so that I can rack up the figures, because I know last time I had one they were not all that impressive. Senator Faulkner used to quote me how many kilometres he had racked up—and I have since stopped discussing that with him. But I do look forward to it; it might be a spur for me to find more time again for exercise. We wish you all the best too.

Senator Russell Trood only had one term here. In many ways that is a shame because I think he had a lot to contribute and did not get the opportunity to continue to do so in a way that would have been good for the parliament and for the Liberal Party. I know he was famously the third Liberal senator and fourth coalition senator elected in 2004 from Queensland and that gave the Howard government their majority. I know he was famously the third Liberal senator and fourth coalition senator elected in 2004 from Queensland and that gave the Howard government their majority. I know he was famously the third Liberal senator and fourth coalition senator elected in 2004 from Queensland and that gave the Howard government their majority. I know he was famously the third Liberal senator and fourth coalition senator elected in 2004 from Queensland and that gave the Howard government their majority. I know he was famously the third Liberal senator and fourth coalition senator elected in 2004 from Queensland and that gave the Howard government their majority. I therefore have a slightly different slant on that. I reckon it was the seed of the destruction of the Howard government, so I actually regard it in a very positive way. I thought it encouraged the Howard government to overreach—and you referred to Work Choices, which I think is the classic example. So I have a silver lining to that particular cloud at the time, Senator. I think it is a good lesson in politics, the majority that the Howard government achieved, and perhaps it is a broader lesson for us all. That is my take on it.

I think it was good for the Liberal Party and for the Senate that you were elected. I liked Senator Abetz's reference: you do actually look like a senator. You also behave much more like people's image of a traditional senator.

Senator Abetz: He shames us!

Senator CHRIS EVANS: Yes, he shames us. Rather than being a grubby party politician, he brings free thought, an interest in ideas and a style that reflects that sort of approach. I say that very genuinely. I think the parliament and the Senate have benefited from his academic background and expertise— unlike Senator Mason, he's a proper academic!

Senator Brandis: That's not very fair!

Senator CHRIS EVANS: He knows what I mean. Seriously, Russell Trood has brought that experience to the parliament and applied it to foreign affairs and international relations issues in this parliament to great effect. In a parliament where sometimes we are not known for our interest in ideas, Senator Trood's contribution has been notable for that. In his first speech he said:

Ideas and education matter, not just for the prosperity they promise but because free and open societies depend on them.

That was a commendable thought in his first speech, one that he sought to give effect to in his contribution to the parliament and one that, as the current tertiary education minister, I wholeheartedly endorse. I think it is an important reflection on the value of ideas and education in our society.

He referred to the fact that he has been quite an effective senator for raising constituent issues in this place and pursuing them persistently to good effect. I should not say this in front of the other senators but I have actually found him more effective in estimates than many of you because he has used a more reasonable and less aggressive and inquisitorial style that actually puts you under a bit more pressure than perhaps some of the more frontal assaults some of you are
known for. I probably should not say that in case you take heed of what is not meant to be good advice! Certainly from the government's point of view Senator Trood is well-respected. We thought he was an interesting and valuable addition to the Senate and he has made a contribution that I think the Senate will miss. He will be a loss to the Liberal Party in this place.

But there is life after politics, particularly for a well-credentialled academic with a master's degree from the University of Wales. Given the current Prime Minister and the current education minister are of Welsh descent, we regard him as a highly credentialled man, and I am sure there will be life after politics. But, seriously, Russell Trood has made a good contribution to the Senate and one that will be missed.

I think all three senators have records they can be proud of and have brought different contributions to the Senate. Unlike many of my colleagues, I said that before you gave your final speeches, I have said it on the occasion of your final speeches and I will say it after your final speeches as well. I think there is too much in this parliament of remembering people fondly once they have gone and not treating them with respect while they are here. Each of you have made an important contribution to the parliament, and the government acknowledges that. All the best to all three of you.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (17:35): May I join with the remarks of my leader, Senator Abetz, and also take the opportunity to thank the Leader of the Government in the Senate, Senator Evans, for the generosity of his remarks. This is, of course, a very bittersweet occasion for us opposition senators because we are celebrating and, with regret, anticipating the departure on 30 June of three senators who have been very good colleagues and very good friends. We will all miss each of them.

In particular, it is sad to lose two of those colleagues, Senator Guy Barnett and Senator Russell Trood, to electoral defeat. But that is, as Senator Trood pointed out, the way of democracy. Senator Judith Troeth did not suffer that fate and retires graciously.

The word 'gracious' is, I think, a word that springs readily to mind about Senator Judith Troeth because she is a gracious person in everything she does. One of the joys of my life in the Senate is to have befriended Judith Troeth, and that is a friendship I cherish very much. Early in my time in the Senate, shortly after Judith Troeth retired from the frontbench, we sat together in the middle seats at the end of the chamber. For more than two years we shared that bench and we had a very good time. I discovered that Senator Judith Troeth, among her many virtues, has a wicked sense of humour. Our friendship I think was deepened and strengthened in the many conversations we had. I regret to tell you, Madam Deputy President, that there was the occasional quiet reflection upon the shortcomings of others in the course of those many conversations.

Judith Troeth is to me a person who is very close to the heart of what the Liberal Party should be and is very close to the heart of what the Liberal Party was created to be. She is a Liberal in the tradition of Menzies. She knows what it means to be a Liberal. She knows that the purpose for which our party was created was to expand the horizons of individual freedom, opportunity and choice. Everything she has ever done in this chamber in the time in which it has been my privilege to be her colleague has been dedicated to those values.

As Senator Evans pointed out in his remarks, Senator Judith Troeth, although of course a very gracious person, is also a very
strong person. She is one of the strongest people I know in politics. She adhered to her convictions and her principles at times when they were unpopular in the Liberal party room, especially during the Howard government. Her moral courage and strength were a beacon for all of us and in my judgment she has been an exemplar of what a courageous politician ought to be. Judith, thank you for being a friend, a great Liberal and a great parliamentarian.

I turn to Senator Guy Barnett. Guy and I have had a lot to do with each other, particularly in his role as chairman and deputy chairman of the Senate Standing Committee on Legal and Constitutional Affairs. Through the association on that committee and the coalition's backbench committee we have had to negotiate our way around a number of very difficult issues, issues where different members of the coalition parties had quite different perspectives across the spectrum of opinion, which we are proud to say exists within the Liberal Party. Senator Barnett has been one of the most articulate and influential exponents of a morally conservative view on a range of issues. There have been other members of that committee, including Senator Trood, to whom I will come in a moment of course, who have identified with a much more liberal approach to issues. On that committee the conflict or the difference of emphasis between the more socially and morally conservative people in my party and the more socially liberal people in my party came to the fore.

What I particularly appreciate about Senator Guy Barnett was he was always, especially in his role as chairman or deputy chairman, willing to see the other point of view and to accommodate the other point of view. Throughout a number of inquiries into thorny issues, including discrimination law, the bill of rights and family law, through Guy Barnett's decency, spirit of cooperation and willingness to simply be a good colleague all points of view were able to be accommodated so there was never a split in all those years between the most socially liberal and the most morally conservative coalition members on the committee. That was largely because of Senator Barnett's spirit of cooperation, decency and wisdom. It also reflects the fact that, as is so often the case in politics, many of these differences on closer scrutiny are more apparent than real. I want to thank Guy Barnett in particular for that.

As we heard in his valedictory speech, there is a very impressive litany of causes he has championed and has scored significant accomplishment in bringing to public policy outcomes. Whether it be in relation to health, veterans' affairs, school chaplaincy or the Parliamentary Budget Office, Guy Barnett in the nine or so years he has been here has actually achieved measurable, specific beneficial outcomes which but for him would not have been achieved. We all aspire to do that. All three senators to whom we pay tribute today have in their own way done that, but Guy Barnett I must say across an extraordinary range of interests in public policy has certainly achieved that. I do not think anyone on either side of the chamber would gainsay it. Guy, I have enjoyed our friendship and I have enjoyed our association both professional and personal. You leave the Senate at a very young age. I am confident in saying that this may be regarded not as the end of Guy Barnett's political career but as an interruption to that career. Whether that career resumes as a further term in the Senate in years to come, or whether it takes the shape of a career in Tasmanian politics—whatever beckons—we know that Guy Barnett is someone who has given his life to pursuing the causes which his Senate career has embodied and he will
continue to do that for many, many years to come. So we do not say goodbye, Guy; we say au revoir.

Let me now turn to Russell Trood. This is a very difficult speech for me to give because Russell and I are very close friends and we go back a very long way. We first ran into each other in the Ryan branches of the Liberal Party in Brisbane in the mid-1990s and, on every occasion I can think of, Russell was a very strong supporter of mine. In securing majorities in the Ryan branches of the Liberal Party in the early 1990s, in my preselection as a Senator in 2000 and in my election as deputy leader of my party in the Senate last year I have always had the most steadfast of supporters in Russell Trood.

Tony Abbott is fond of saying that politics is a test of character—and it is for all of us. I cannot immediately think of anyone I know who has shown such character as Russell Trood over the years. People speak of Russell's scholarship and learning and intelligence—that is all true—but the thing I most appreciate about my friend Russell Trood is his character. Let me share three anecdotes with you. When former senator Warwick Parer resigned from the Senate in February 2000, Russell and I were both interested in being the Liberal Party's candidate for that vacancy and, as friends should when there is a possibility of conflict, we had a long, long talk about it. In the end, Russell agreed to stand aside and support me—for various reasons—for which I am eternally grateful.

I think Russell would have been entitled to feel a little disappointed that the vacancy among our mutual friends in the party was likely to be won by me, but he supported my preselection campaign not in a token or formal way, or in anyway begrudgingly, but with real enthusiasm and commitment. And I thought that that attested to tremendous character. It exemplified Edmund Burke's remark that 'in politics magnanimity is not seldom the truest wisdom'. I was determined to ensure that Russell Trood's dream of becoming a senator, of which he spoke today, would be fulfilled, and I would do everything I could to bring that to pass. So when former senator John Herron resigned from the Senate in 2002 there was another preselection, in which I very strongly supported Russell and which, sadly, he lost. It is a great shame that he lost that preselection to former senator Santo Santoro; Russell was not preselected on that occasion as well.

In 2004, however, Russell was the No. 3 person on the Liberal Senate ticket, and I must say that the 2004 election campaign in Queensland for the Senate was a glorious affair. It was a ticket led by Senator Mason, with me in the middle and Russell at No. 3. We travelled countless thousands of kilometres around Queensland, with the help and support of Senator Ian Macdonald, who was not a candidate at that particular election. We spent endless days in each other's company, against the background of Senator Mason's rather idiosyncratic choice of music—and the less said about that the better—and very, very arcane conversations about the minutiae of Senate preference strategies. We spent a very enjoyable period in one another's company. Brett and I were determined that every last vote that could be found to get Russell Trood over the line was found. We did not really expect—and, Senator Joyce, I say this without any disrespect to you—that we would get four senators over the line. We thought it was probably going to be a race between Russell Trood and Barnaby Joyce for the third spot. But our efforts were rewarded with such success that both Senator Trood and Senator Joyce were elected. It was the 10th and, I am sad to say, last occasion on which the Queensland Liberal Party ran a separate
Senate ticket. It was the best primary vote we ever achieved by a mile—38.3 per cent—and Russell got over the line.

The second episode I want to share with the Senate which reflects on Russell's tremendous strength of character came about during the very difficult time when the parties amalgamated in Queensland and there were issues about the Senate ticket. The people who made these decisions, the people who negotiated this amalgamation, decided to observe the seniority convention and Russell was given the fourth spot. That was a very difficult spot to win; in fact, there was never a realistic prospect of winning the fourth spot in the political circumstances of the time. Arithmetically, it was effectively impossible to win four seats from a single ticket. Yet Russell dealt with that peril to his political future with extraordinary dignity and grace. It was Ernest Hemingway who said that the definition of courage is grace under pressure. You cannot put a politician under more pressure than giving him an unwinnable seat. Russell dealt with that occasion with the most extraordinary grace that it is possible to imagine and was an exemplar of Hemingway's remark. And then more recently in the difficult times of the Liberal Party at the end of 2009, when nobody's interests would have been better served by Russell Trood than for there to be a double dissolution election, which would have revived his chances of being re-elected—he probably would have been re-elected because he would have been in a winnable position on the ticket—Russell conducted himself by adopting a position based on his true beliefs, directly at variance from his own self-interest. There are very few clearer ways to test integrity in politics than to find a politician who acts directly at variance from his own self-interest in order to do something merely because he thinks it is the right thing to do. But that is the way Russell Trood conducted himself on that occasion and nobody was surprised, because that is the character of the man he is.

We lose, with the departure of Russell Trood, one of the most considerable minds ever to have served in this place. Not only has he borne himself, as Senator Evans pointed out, with the dignity and bearing that everybody would imagine in a senator but also he has brought a specialist knowledge in his own chosen field of international relations rarely seen in this parliament. So we are all the poorer for his departure. It is, on an occasion like this, so sad to realise that that will be lost from us. But the friendships will continue. I just want to say, Russell, for all of those years in which you have been an exemplary colleague and a great personal friend and supporter how grateful I am to you and how much I have appreciated your friendship.

All three of the senators who will retire on 30 June—Judith Troeth, Guy Barnett and Russell Trood—can say to themselves, 'What we set out to do when we first entered this chamber we have accomplished.' In the case of Guy Barnett and Russell Trood, there is more that they would wish to have done had they been re-elected. But what they have done in the time available to them, just as what Judith Troeth did in the three full terms during which she served, has left this chamber and our country a much, much better place by dint of their efforts.

Senator MOORE (Queensland) (17:55): I want to pay my respects and acknowledgement to all the retiring senators of this Senate, but this evening we are here to talk about our experiences with Senator Barnett, Senator Trood and Senator Troeth. Senator Trood: as a Queenslander, thank you. I was not thrilled on the night of your election but, from the experience we have had since, I particularly acknowledge your
work with young people and in education. Many people have spoken about your work in foreign affairs. I have seen that in Senate estimates committees, including in the Senate Foreign Affairs, Defence and Trade Committee, and when we had the opportunity to travel to Africa together. I am aware of the professional knowledge and experience you have as well as your acute assessment and strategic knowledge in that area.

Russell and I have had the chance to talk with young people in Queensland through the Constitutional Convention process and also to work with some schools that were particularly interested in how the Constitution operates and the respect, knowledge and dedication of those who work in this place. Russell, you have been truly inspirational. The young people can sense that. They know the role senators have, the responsibilities they have and the way that they can be dedicated to effective policy and make sure that they make a difference. Senators, despite their political differences, can work effectively together when talking about something that they treasure. Russell, the work you have done through the education process in Queensland will be remembered.

I note that one of the worst places to be is between you and your coffee. On a number of occasions, when arriving at places and getting ready to talk, we have had to wait just a little because Senator Trood has been in search of good coffee. I will not mention the regional centre in Queensland which Russell has damned because strong coffee was not available for him in the mornings before we started our presentations! In the time I have known Russell I have never seen him quite so discomfited. To his credit, he immediately went into a discussion with young people on the intricacies of the wild rivers legislation, bringing to it great preparation and consideration of the range of issues. That is one of the strongest skills that a senator can have. So thank you, Russell.

Senator Barnett, Guy: we know there are very many issues on which we disagree, but throughout some quite significant debates and interactions there has always been goodwill and respect. I value that. As part of the group that was with you last evening, I know the genuine respect, affection and loyalty that so many people in the diabetes area have for you, and that has been reflected in your new appointment. You have energy, commitment and true joy in seeing results. Having shared many adjournment sessions with you, I put on record my appreciation for the many times you have been flexible and helped us out when we have been trying to balance chair duty—and Madam Acting Deputy President Crossin would know this—and speaking duties. We could always do it. That will always be a special memory. I think that I have got to know at least half the Tasmanian population, because you have mentioned them in adjournment speeches in this place over the last years. I would sit in awe as we would find out about people who were members of various organisations across the country, and occasionally I would recognise repeated names. We knew that the work you were doing in Tasmania meant so much to you and that you were here to represent and to be part of the true Tasmanian spirit. So congratulations. It has been a pleasure working with you on the things on which we do agree, particularly in the areas of the student leadership program, health and making sure that our young people know that they have futures. No-one will forget the work you did on the Kids in the House program.

I particularly want to put on record some words about Senator Judith Troeth. Senator Troeth, you are a true inspiration. I have seen that from the time I first came into this place.
You were particularly generous in sharing with me your knowledge on a number of committees when I was very new, and I respect the way you would perform the role of chair with grace and dignity, making sure that there was appropriate behaviour at all times in the committee. That is not an easy task and I do respect the way you did it. I have read your first speech, as many people have. It is one of those things about first speeches: they do come back, don't they?

This evening with the three senators we have heard comparisons drawn with their first speeches and their final contributions in this place. I read your speech, Senator Troeth, and I wish I had made it—except for those few things about the Liberal Party; nonetheless, you brought forward issues around the role of women in our community and the need for more women involved in our participatory parliamentary process. So many of us value and respect and are actually challenged by you. In terms of the work you have done for rural women in particular, and the story about the rural women of the year, we can celebrate those occasions and see the joy of the achievements of other women, and we are all made stronger by it.

During the process around the private member's bill—we have Senator Nash with us in the chamber, and I know that Senator Lyn Allison sends her very best wishes to you—there was a special solidarity, and no one can forget that there was a spirit of joy. I really want to reiterate the term 'joy' in the way that that process was done. It does not matter whether you were someone who felt differently about the principle; we acknowledged that and, through the whole process, we acknowledged that we were supporting a case other people found difficult. The four of us and many supporters, staff and women across the community—across the world, in fact—were engaged in the process and wanted to be part of that and to provide support. Senator Troeth, that would not have happened without you. There is no way. Your seniority, your professionalism and the fact that you were respected by so many people in both chambers of this place made the process more effective and led to important public policy in this country.

I can still remember sitting beside you in the House of Representatives—when we were finally allowed in, which was quite difficult, but we got into the green chamber. There was so much emotion and tension around, and we were all being extraordinarily well behaved, because it was important that we were. We watched the proceedings and they went on for so many minutes. People tell me what happened, but I think I was in a bit of a daze for a lot of it; we were waiting to see what happened. At the end, when we saw that the policy that we were supporting had been successful, Judith Troeth—who had remained so professional and so calm and ensured that we were all behaving well, as I said—leapt to her feet and let out a shout of joy. It was something that I had not seen leading up to that moment. In that one moment, Senator Troeth, you actually expressed for me, and for so many other people, the way that you can make a difference when you work together, and you can express your feelings when it happens. I have told you before, but I wanted to put on record in this place how important your role was. We all know that, and we are made better by it.

For the commitment that you have shown to your constituents and the people across your state but most particularly—and you have never forgotten—the commitment you have shown to women and the need for them to be respected, to have representation and to know that they are valued and have a role in public policy, I want to say thank you. I want
to say 'thank you for the challenge' and I want to wish you good luck for any future challenges.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (18:05): I want to speak briefly about my three departing colleagues. Senator Barnett might not remember this, but we first met in about 1988 or 1989 on a spiritual retreat which had been organised by our mutual good friend Ross Cameron, who was in the gallery earlier today. At the time I was a callow youth, just a young party member, and Guy was a very senior member of the Tasmanian division. I was very impressed with Guy's wisdom and with the integrity that he had and maintains. It was a real delight in the years ahead when I got to work with Guy as a Howard government staffer and then as a colleague.

Senator Barnett has been a good and faithful servant of his state, his party and the nation. I have particularly valued and appreciated his passion and commitment from a portfolio perspective in the voluntary sector. He has had a lot of great policy ideas and I look forward to trying to execute some of those in the years ahead. He has been a thorough, diligent and effective colleague, as Senator Brandis has so eloquently said, and I will certainly miss his contribution in this place. But, Guy, we will certainly stay in touch.

I turn now to Senator Troeth, who has faithfully served my state of Victoria. Senator Troeth is one of two colleagues in this place around whom I always feel that I have to enunciate correctly. Around Senator Troeth and Senator Payne I am always very aware that I should make sure that my elocution is correct. Senator Troeth is the sort of person who is always proper. Senator Troeth has, as they say, a great backstory. She has always been a robust contributor in this place. With her, I took particular delight in the election of Russell Broadbent; we both made a particular contribution in that vein, and that was a great time.

As has been commented on already, Senator Troeth is independent of mind. She has done something which I also have done in this place, and that is to move to the other side of the chamber, or 'cross the floor', as it is put. I might not have agreed with Senator Troeth in the exercise of that right, and she would not have agreed with my exercise of it in relation to the ETS debate; nevertheless, I always respected her right to do so. It is a right which our party jealously guards, and I think that is an important distinction between this side of the chamber and the other. I certainly wish Judith well in the years ahead.

I do particularly, however, want to make comment on Senator Professor Dr Russell Trood. I do not think that is the longest title that anyone in this place has ever had; I think that honour goes to Senator the Hon. Dr Kay Patterson. But both are indeed distinguished. Senator Trood and I were bench buddies for many years. In fact, when I first came into this place, shortly before Senator Trood, I was sitting on my own. Russell was my first bench buddy. You do tend to move around this chamber from time to time, but whenever there was a need to change seating arrangements in this place, Russell Trood and I said that we were happy to sit anywhere in the chamber as long as we were sitting next to each other—that is no reflection on our colleagues, but it certainly served us well. Those years that I had the privilege of sharing the bench with Russell I will remember very fondly.

Russell is the very model of a senator. He is the senator from central casting. He is thoughtful, deliberative and widely read. He has a passion for good policy. He is curious, inquiring and independent of mind. Senator
Trood is—and I think this is the highest tribute that I can pay to a colleague—one of the substantial figures of the Australian Senate. It is my hope that Russell's absence from this place will, in line with his academic heritage, prove to be a mere sabbatical. Senator Trood—Russell—we will see you soon, my friend.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (18:11): It is always sad to hear a valedictory speech, but it is even sadder if you do not, because it probably means you died in the job! Just quickly: I note that my good friend and colleague Senator Nash will have more words to say about Judith Troeth, and, for brevity, I will concentrate on two. But, just at the start, I will say: Judith, you have always held your office with complete dignity. I, too, was always in a quandary as to whether you were scolding me or you talked like that all the time. In the appropriateness of how you have conducted yourself, you have some great fans—including my mother, amongst others. What I do admire about Judith and Guy—and I think they are a good juxtaposition—is that they were both absolutely foremost in the debates on some of the heavier issues in this chamber. And both conducted themselves in the appropriate manner, noting how strongly people felt on either side of those debates. It is somewhat of a concern to see two people who were foremost on the harder issues leaving at the same time. Maybe it is a balance that they both are leaving, but also it is tinged with sadness.

To move to Guy: in a different manner, I always saw Guy as a fellow traveller on the right-to-life issues, and I want, at the start, to congratulate Guy for the work he has done on that matter. I thank him for his diligence and for his capacity to focus on the cause and his capacity to accept that, generally, we were on the losing side of those debates and yet to never give up heart and to soldier on for what one believes is right. It is a great sadness, Guy, to see you go. I know at times I would get phone calls from you, generally when you were not happy with me or something I had done. But I just want to thank you for all the effort you have put in and note that your resoluteness in that cause will continue on, and I want to say that I appreciate that.

Guy, I also want to thank you for your work on the Legal and Constitutional Affairs Committee. You took that committee to a level where it was independent, professional and diligent. That is also a reflection of your capabilities both as a person coming from the legal profession and as a person who always had, from what I could see, extremely good time management skills, given your capacity to get through a quantity of work, to do it without fuss or bother and to get to a result. Your time management skills around this place, when we look at the things you have done, have been exceptional. If a book was written about how to be an effective senator and everybody contributed their part, I think there would be a chapter by you about how to participate in the Senate in such a way as to have the greatest and most effective involvement and about how to utilise the best part of your day. Your chapter would cover your playing tennis in the morning—which I know you are very keen on—your work with diabetes, your work in causes such as right to life, your work in the Senate committees and your writing of articles and books. The way you have conducted yourself is quite incredible.

As a conservative, as I have to call myself, I have always appreciated your work as a conservative. This chamber may be divided between different parties, but I think people have a general idea of where people stand, and your role as a conservative has been much appreciated. School chaplaincy is
another area on which I can remember you working. Your work in this area has effect to this day, and I hope that you get a sense of joy every time you go past a school and see that it has a chaplaincy service. You can reflect on your time this place and what you have contributed to our nation, in this case the way you have reinforced and promoted the idea that schools should have a support mechanism for kids at school during some of the tougher times they go through. At the start people were very cynical about it, but now, if you tried to remove school chaplaincy, there would be a riot. State schools around me really appreciate the work that school chaplaincy does.

There is a strong connection, in a funny way, between Guy Barnett and Russell Trood. I think we should reflect on the fact that Russell was elected to the Senate by reason of our capacity to harvest votes in myriad ways. Russell has lost his job because we have lost our capacity to harvest those jobs, and in a funny way so has Guy. In the Senate—though not so much in the other place—we have to be aware of and in tune with the realities of the political marketplace: that votes are harvested in myriad ways, that sometimes people will go shopping with their vote in the Senate and that, if we narrow our net, we will not catch more fish. We have to make sure that we keep our minds open to how we maintain our numbers in this place. I hope that the people of Tasmania will reflect on the question of whether another person with the attributes of Guy Barnett can get across the line, because there is no point in having two Tasmanian senators here in each cycle when we could have three. I think we need to be aware of that.

Finally, Guy, I do not know whether you made more speeches in the adjournment debate than did Santo Santoro, but I reckon you would be up there, mate! Every night was another chapter in the life and times of Guy Barnett.

Russell, in speaking about you I have to reflect on the start. At the start there was a time when both Russell and I had the improbable task of being up against a sitting Democrat, when the Greens were in the ascendancy and when Pauline Hanson—who was almost an iconic figure—was a sitting One Nation member. Then there were two other people: Russell, who would have had the main billing, and I, whom they had not thought of and were not even considering. It was an extremely torrid time and really put under stress the relationships in the coalition as a whole, because it was a fight to the death. Russell and I fought so well that we both got in, which was a good outcome, and it reflected what you can achieve when you work hard for a vote. We got four senators elected then. Competition is a great thing, and it sometimes breeds the best and the best outcomes.

It is a mark of the character of Russell that there was never any malice in his conduct; I never saw any malice in the way that he conducted things. I do apologise somewhat because after our election to the Senate there was an intense focus on my role, when I was not in fact the last senator elected; Russell was. I think that Russell was cursed by the better side of his nature in that he is a taciturn and considered person and did not want to participate in the limelight—and in that respect he is like me. For me it was self-preservation, but Russell had the dignity to maintain his poise, and I have always respected him for that.

Russell is also incredibly erudite. His work has always been of the highest quality. Even the speech that he gave tonight was a reflection of that quality and of the acumen that goes into his statements—how considered they are, even the word craft of
them. He does not accept second best. All his words are put together in such a way that it is a joy to listen to him, even though at times it can attain such a level that you start to lose sight of the true complexities of what he is saying. That is the nature of Russell Trood. He is a person who has put the utmost work into his profession as a senator. Everybody has been making the same generic comment that he is the model of what a senator should be and how they should conduct themselves. In the chapter of that book about what you should be if you are a senator, if Guy was writing the chapter on time management, Russell would write his chapter on the quality of work and how you can deliver outcomes of quality.

Russell always has been, in the proper sense of the word, a gentleman. Sometimes people find that statement mundane, but I do not think you would find a person around here, on either side of the chamber, who has a bad word to say about him. Once more, it is a credit to him that he has always treated people with respect. He has conducted his work in this place in a completely and utterly professional way. I suppose that is why he leaves here respected by all.

We get to the inevitable end—the fourth person from the conservative side of politics, if that is the way to say it. I do not know how else you would say it. There were two teams or two parties fighting it out; now we have one. Obviously the writing was on the wall.

At that point in time, the pressures on Russell would no doubt have been immense, yet there is nothing—nothing that people can go to, any media piece or anything that was said—that showed any bitterness or any opprobrium. He saw his fate and was completely as he was all the way through, completely dignified to the end. I hope it is not an epitaph and I hope there continues to be an engagement by Russell.

As part of this valete speech amongst all senators, I can say that in the country areas at first people did not know Russell, but once they knew him they respected him immensely. Everywhere he went he touched people. He was known for his quiet nature, his absolute diligence, his academic capacity and the dignity with which he dealt with every person he came across.

So, Russell, to Queensland and to this Senate you are a great loss.

To Guy and Russell, I am sure, as Senator Brandis said, that it is 'au revoir', not 'adieu'.

Judith, you have also done the very best and you have been an adornment in the way you have conducted yourself in this chamber.

Senator IAN MACDONALD (Queensland) (18:25): I want to briefly associate myself with the remarks made by my colleagues to our three retiring senators. The brevity of my remarks is in no way an indication of the expansive regard in which I hold all three retiring senators. This is an occasion when you can absolutely trust and agree with as truthful all of the words said by all of the previous speakers, even including those from the other side of the chamber. Most of the praiseworthy things have been said. I just want to associate myself with those very fine words, because I am aware that a lot of my colleagues want to speak tonight and time is short.

We lose three very fine senators, each of whom, in their own way, has made a very substantial contribution to this Senate, to the parliament, to the nation, to his or her state and, indeed, in these three cases, to the Liberal Party, of which they are all members. I know, as everyone else has also said, that each will have a future in public life in one way or another.

I must briefly mention Judith Troeth, whom I was delighted to see come to the Senate all those years ago. She joined me as
one of the few senators from our state who actually lived in the country and had roots in the country, and we were both Liberals. This does not mean much to me these days because now in Queensland we are all one big happy family, but in those days it was very important to me that Judith as a rural woman had come into the parliament as a Liberal.

I well remember the way Judith fought for rural issues in particular in those early days. I shared some time with Judith in the ministry in the agriculture, fisheries and forestry portfolio. I was very conscious of the work that Judith did in research and development in the organisations there and in many other ways—the way she promoted women in rural industries and in many things that occurred in that area.

I also thank Judith for the guidance she gave me on the RU486 debate. I always thought I agreed with them; I did not quite understand why. Sorry, Guy, but it was Judith who was able to confirm to me that what I was doing was correct. I particularly appreciated that.

I will not go on with my remarks on all three or any of the three because all of the things have been said. I just say ever so briefly of Guy that he is a very passionate exponent of Tasmania. It is good that you are passionate, because some would say there is not much to be passionate about in Tasmania. I know that is wrong. I was spending a lot of time in Tasmania when Guy first entered the Senate. I had a lot to do with him; both of us were trying to help forestry and fisheries in particular in Tasmania in those days. I have known Guy's passion for Tasmania and everything that happens there and all the other causes that have been mentioned.

Guy, I am certain that you will have a future in public life. I know the government in Victoria is just waiting for Judith Troeth to be available to do good things. I have no inside information; I just know that the sort of person that Judith is will always find some sort of role in public life. Similarly with Guy, I was sort of having a wager with him on whether it would be federal parliament, state parliament, local government or perhaps something international but I am sure that Guy will not be lost from public service, and that will be to the benefit of Tasmania and indeed Australia.

Russell is a Queenslander, of course. Russell is a person who really did, as a Queensland senator, change the world, with a remarkable election six years ago. Russell actually changed the dynamics of politics in Australia for those first three or four years. Russell's expertise and indeed the expertise of all of my colleagues who are leaving is demonstrated in the speeches that they have given tonight. Again, I know that Russell will continue in public service, be it political, academic or perhaps international. I said that any government who did not take advantage of Russell's expertise and experience would be seriously failing in their duty to Australia. In that comment I particularly join with—as I rarely do—the Leader of the Government in the Senate, who made a similar reference.

All three, as I say, have made a very significant contribution. I wish all three publicly, as I have done and will do privately, all the very best in the future for them and their families and in their future roles. I am sure it will just be a brief departure from public life and I am sure we will see them around somewhere in the future. All the very best to you all.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (18:31): I want to echo the remarks that have been made this evening about the three departing colleagues, whom we are
going to miss. I also echo Senator Macdonald in saying that the brevity of my remarks in no way reflects on the expansive comments I would like to make, but I am very conscious that there are many colleagues who still want to make a contribution. Certainly, Senator Barnett, I have always been incredibly impressed by your dedication and your tenacity regarding the issues that are important to you. I think that is a view that, as we have seen tonight, has been held by many of us for a very long time, and I wish you all the very best.

To Senator Trood, with whom I have had most interesting conversations and who has tried to sculpt my path into foreign affairs, with some success. It has been a delight to work with you and I must echo Senator Joyce's comments about your word craft. There is no doubt that to me, as a student of English and a grammar pedant, you are an artist who paints with the English word. It is a trait that is not always found in this place and one that has been very well recognised. All the best to you too.

I want to make some comments about my very good friend and colleague Senator Troeth. In this place it is not often you hear the words 'poise' and 'steely' used in relation to the same person. There are not too many women in the National Party room—we have peaked at three so far and at the moment it is just me. It has been a real joy to have a woman in the Senate on this side of parliament to whom I have been able to look for advice and support. She has given me that support and advice with great grace as necessary.

Senator Troeth probably does not remember but I actually met her around 10 years ago when I was a staffer for the Hon. Larry Anthony. Very briefly, he had an issue he was trying to change the then parliamentary secretary's mind about so off we went to see the parliamentary secretary. We came out a very short time later and I thought, 'Minister: one; Larry Anthony: nil'. There was no way in the world that Larry Anthony was going to change Senator Troeth's mind, and I was very impressed by the way this woman who I had not met before handled that meeting.

When Senator Troeth was chairing the Education, Employment and Workplace Relations Committee and we were doing the legislation for Work Choices, all I can say is that I truly came to understand the phrase, 'Brook no argument'. As the chair of the committee it was an extraordinary time. Senator Troeth did a job steering that committee through that period that I think no other senator could have done.

There was a time in this chamber when Senator Troeth gave a speech on her view of the emissions trading scheme. I do not think I have heard a better speech given in this place than the speech that Senator Troeth gave that day. I completely disagreed with what she was saying, but that speech was so well crafted and so brilliantly given that for a moment there I almost found myself agreeing with her—but I pulled myself back from the brink and thought, 'No, don't go to the side of the darkness.' I just wanted to commend her on that. In spite of the fact that I did not agree with what she was saying, it was a most extraordinary speech and one of the best speeches that had been given in this place for quite some time.

There has been some commentary made about what we did with Senator Moore and Senator Allison with respect to the administrative changes to RU486. I have to say, Senator Troeth, that, when asked, you did not flinch in giving advice about, and support and strength to, that particular piece of legislation. Regardless of the fact that there were very different views about that
piece of legislation—it was indeed a very torrid time—there are two things that occur to me about that whole process, neither of which are related to the issue itself. One is the ability for women from all parties to come together and work on a common issue, which to my knowledge had not happened before that time, and it will probably be some time until we see it again. That was something that I will always value. The other was associated with that but, again, is not to do with the issue. We all in this place work hard and hope to be appreciated, and we hope that what we do is appreciated by the community out there. We walked out of this chamber after the successful conclusion to the legislation and Senator Troeth's son was walking towards her. He just looked at her and said, 'Mum!' and gave her a big hug. The reason I say that is that there is probably no greater accolade in this place than our children being proud of us for what we do, and I think that was a most extraordinary moment.

The fact that Judith Troeth was a person who held to her convictions has been mentioned already by a number of speakers. It is not always easy in this place to do this. It sometimes takes great courage and forbearance to adhere to your convictions, sometimes in the face of disagreement from members of your own party. But Judith has shown that courage and forbearance and she has thereby earned the respect of all members of the Senate for having done so.

On a lighter note, Judith and I have shared an enjoyment of films and, after breaks from the Senate, have shared with each other our views on the various films we saw during that break. While we did not always agree on the value, the quality and the worthwhileness of the films we saw, at other times we certainly tipped each other off on some very enjoyable and entertaining films. I thank you very much, Judith, for your interest in films. You will be sadly missed in this place.

I turn now to Guy Barnett. Guy, in his period in the Senate, has made a great contribution in two particular areas, which I will mention. Firstly, Guy was renowned as a driver of the need for increased recognition of the problems faced by those who have diabetes. He has made an outstanding contribution to the cause of more research and a greater understanding of the pathology of diabetes and the treatment of it and has taken this concern about diabetes into the public arena. The Australian community, Guy, owes you a great debt for what you have done in promoting the understanding of diabetes and the need for there to be better treatment facilities, particularly for children.

Children find diabetes very difficult to cope with, particularly small children who have type 1 diabetes and who have to inject themselves, as we heard only yesterday at the event which was held in the Mural Hall. I thank you for what you have done in that area.
Another issue for which Guy Barnett earned my great respect was his opposition to the Victorian legislation permitting mid-term abortions for babies with even the most minor congenital abnormalities, as was detailed in evidence provided a few years ago to a Senate committee inquiry into the provision of Medicare rebates for these procedures.

Sadly, the impression left by the evidence given at that inquiry was that Australia, at least Victoria, was moving down a pathway where eugenics were becoming a consideration as to whether or not a baby should be allowed to live. The comparisons which some people drew between the implications of the Victorian mid-term abortion legislation and its practice and the notorious T4 Program, which existed in Hitler's Germany, was not in my opinion misplaced. The theme in both cases was the same, that only perfect human beings should be allowed to live. As a person who quite obviously has a short-limb condition which would, under Victorian legislation, be an unequivocal ground for termination of a pregnancy—as was stated by the then President of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists at those hearings—but who, like many others with congenital conditions, has lived a successful life and had a successful career, I very greatly respect Guy Barnett for his moral courage in taking a stand against what I regard as pernicious Victorian legislation, which so devalues human life and the potential of human beings to not let themselves be disadvantaged by not being physically perfect.

Lastly, I would like to turn to my esteemed colleague Russell Trood. As has been said by many others, Russell Trood is a universally respected figure in the Senate, both for his innate dignity and his great knowledge of international affairs. International affairs is a matter which I too have a great interest in, and in fact I hold a degree from Murdoch University which focused on East Asian politics and Australia's role in the region. I have to say that I have always greatly respected Russell's understanding of the importance of Australia's need to engage with the nations in our region as being the key to the long-term future of Australia and its role in this part of the world.

All three senators have been great colleagues and have made great and substantial contributions to the Senate and I wish all three of them all the best for their future endeavours. I am sure that all will continue to contribute to public affairs and leave their marks in whatever they do in the future.

Senator COONAN (New South Wales) (18:45): I wish to associate myself with earlier comments paying tribute to esteemed colleagues whose times will shortly expire and who will be leaving this place shortly, namely, Senators Troeth, Barnett and Trood. I know that a lot of colleagues want to speak so I will be jumping around a little bit to try to capture the essence of what I want to say about each of these colleagues. All of these senators have graced this chamber with their presence and by the considerable contributions each has made, albeit in different fields and areas of expertise and interest.

I find it so challenging to try to capture the essence of a colleague's parliamentary career, which typically is diverse and broad in scope. As the speeches go on and the degrees of fabulousness get greater, it is ever more difficult to be able to properly capture rather than diminish the high regard in which they are held. For that reason, rather than attempt to catalogue the myriad public achievements of the three of them, I will just
give a few personal reflections and observations.

Senator Troeth represents and embodies a very important Victorian Liberal tradition, that of having a woman continually representing the state of Victoria since 1949 in this chamber. Judith has continued the tradition and has been a wonderful example of women selected on merit who have forged their careers in a not always accommodating environment. Judith has been a strong representative for women and particularly for rural women across Australia, as others have said. Having that great credential of being from a farming background, as a wife and mother of five children I also come from a rural background, and when someone the other day referred to me as 'Sydney Helen', I did not really know whether to be insulted or not. But Judith of course has got absolutely impeccable credentials to represent her rural constituency.

She has been an indefatigable worker. I am currently chair of the Scrutiny of Bills Committee and I think that she was also chair and a very effective parliamentary secretary, as others have said, to the Minister for Primary Industries and Energy, and the minister for agriculture. On top of all that, her hard work on various Senate committees is topped only by the list of foreign countries she visited during the years she served in the Senate. But these were not the normal places. Our Judith has been to Ethiopia and Tanzania and Mongolia and East Timor, which just shows the interest she has in the far-flung places around the globe.

Finally, if anyone in this chamber has an impression of a mild-mannered senator, let me remind you, as other colleagues have, that Judith is a woman of passion and conviction, prepared to exercise her absolute right to take on unpopular positions particularly in her own party—never an easy thing to do—and to stand her ground even, if necessary, crossing the floor if she thought that was warranted. So there are two things I will always associate with Judith Troeth: her passion and her commitment to causes that she felt strongly about. But most of all, I will always value her friendship.

The second senator that I wish to quickly mention is Guy Barnett. Guy joined us after appointment by the Governor in 2002, replacing our great friend and colleague Senator the Hon. Brian Gibson. He had a stellar career as the youngest senior adviser to a state premier at the age of 25, and then of course as a successful owner and manager of his own government affairs and public relations business prior to his entry to the Senate. These are all things that will serve him well now. He was well qualified to contribute to the long line of very distinguished Tasmanian senators that we have in this place.

From a party point of view, long before being appointed to the Senate, he was a member of the Liberal Party State Executive and Policy Committee, and Chair of its Constitution Review Committee from 1994 to 2001, no doubt ably calling on his legal background. So he is a passionate advocate for truth and transparency. We have all heard about these wonderful attributes of Guy.

My very clear memory of Guy will always be associated with him working closely, even passionately, with me when I was the minister for communications on measures to protect Australian families online, and he always had valuable perspectives. He also had an almost equally passionate denunciation of government waste, although I hasten to say that was not in my capacity as minister for communications. So, Guy, the people of Tasmania should be very proud of you, as we are, and I know that you will be able to use...
the many talents that you have innately and those you have developed.

And as for last of the three amigos—I always like to use that word, drawing on my background as minister for communications—I wish to talk about the stereotype of the diplomat rather than the senator. Senator Trood has performed superbly as a senator. A great friend from Queensland since his election, he came to the chamber as a fully-fledged lawyer and university lecturer. He served on various boards, either as president or board member, such as the Australian Institute of International Affairs, the Australia Indonesia Institute and the Foreign Affairs Council—all before he entered politics. As others have said, he served our party not surprisingly in a most distinguished role as Chair of the Foreign Affairs, Defence and Trade Committee, a member of the state executive and as Vice-Chair of the Liberal Party Development Committee.

As I have heard it said of Senator Trood, when Senate estimates come around, as indeed Senator Evans confirmed, even the most senior bureaucrats are concerned that there is a senator who knows as much, if not more, than they do about their department and its work. But all of this has been very carefully camouflaged behind that urbane, civilised and cultured manner. When I was appointed shadow foreign minister by Malcolm Turnbull I called on Senator Trood several times to represent both me and the coalition at various state functions, totally confident in the knowledge that he would always enhance our position. He never let me down and he has never let us down. He has a deserved reputation for his calm, thoughtful and strong contributions, always listened to, always worth listening to. He is a rare talent, assisted and perfected by his university lecturing over many years, and more recently his visiting fellowship at the Lowy Institute for International Policy.

I know that others want to talk about the three of you. As I said when I started, the briefness of my contribution is in no way meant to diminish the great regard in which I hold all of you. You will be very much missed in the chamber. We are losing three very valuable senators on our side who have made a significant contribution not just to us but to the body politic of this great Senate and to the national debate, both individually and jointly. You will be missed. I salute you and thank you and ask that you not be strangers to us in future.

Senator COLBECK (Tasmania) (18:53):
I would like to associate myself with the remarks of my colleagues across the chamber in relation to the three retiring Liberal senators. Senator Troeth has always been a very warm and friendly colleague. I did get to know her during my time in the organisation before I came to this place. It was some time after I realised a little of how the impact of some of the conversations I might have had with her before I came into the place. It has always been a very warm and friendly association.

The strength of Judith's work was demonstrated at the Rural Woman of the Year awards a couple of weeks ago. She did mention this in her speech earlier tonight: she was specifically recognised for the work that she had done in relation to the development of that award and the raising of its stature and its profile. Having had an association myself with that award, as her successor in the portfolio, I know how valuable it is and how much her work was valued in that area. Her legacy is more than well established through the agricultural sector and the portfolio. She very kindly left me alone and allowed me to make my
mistakes and stumble through my early days in the portfolio, however difficult it might have been for her, having gone through that change process. I very much appreciate the fact that she was prepared to do that, although I did notice her smiling knowingly during some of the occasions when I was dealing with my colleagues in relation to some of the industry fees and levies. I know that she had her moments. I certainly had my own, as well—the knowing smile remains. Judith, all the very best for the future. It really has been great working with you and I appreciate the collegiate and friendly nature of our interactions. I wish you all the very best into the future.

I have not had a huge interaction with Senator Russell Trood during my time here. Because of the nature of this place and the committees we work on, we are often in different places at different times. But I have had the great pleasure of Russell's company a number of times at social events and dinners where we have had the opportunity to sit down. Like all the others who have spoken here before me, I do recognise what Russell has brought to this place. He has always been held in high respect across this chamber for his knowledge and his wealth of research. I certainly hope he remains a friend into the future.

This valedictory process that we are undertaking in this couple of weeks actually demonstrates the strength and the value that the diversity of members of this chamber brings to the chamber's work—the ideas, the expertise and the experience that members bring to this chamber, to the parliament generally and more broadly to what we do. Some of the things that have been said about colleagues tonight and particularly Russell demonstrate the real value of all of those things that come to this place. None of us are the holder of all wisdom, and the strength of this place is being able to work together, as we do in the committees that we are all part of, on so many occasions. Sometimes it can be combative but more often than not, particularly within the committees and the work that we do there, we are genuinely looking to make things better and to find solutions. If we are prepared to work with and consider the ideas of everybody else that sits around the table then more often than not we will come up with a better result. Quite obviously, from what has been said here tonight, Russell's contribution really signifies the value of that.

Finally, I turn to my Tasmanian colleague Senator Guy Barnett. Guy and I go back quite a long way within the Liberal Party organisation in Tasmania. I have not been a member for as long as Guy has—I was not underage when I joined. I had been doing a few other things before I was invited to join the party. But we worked very closely together on a range of things within the organisation. Guy has served the Liberal Party in Tasmania extensively on its constitutional review committee.

Senator Barnett: Chair!

Senator COLBECK: You just cannot keep a good guy down, I suppose, Guy. When I was state president we worked quite closely together on a range of things including reform of elements of the party. As Guy mentioned in his speech, that process continues. It is a long relationship. It goes back 20-odd years now. We were competitors in and around the preselection process. In fact, we had some pretty friendly conversations about who was who in the zoo at particular times, but we walked away quite content that we would compete with each other on our merits. One thing I will say about my interactions with Guy—and this is, unfortunately, something which does not happen within preselection processes—is that we were prepared to compete with each
other on our merits rather than trying to drag each other down. I certainly appreciated that process, Guy. When we finally got to the stage of starting our parliamentary careers, we started here within a month of each other. It is through the cruel vagaries of the political process that, unfortunately, Guy is leaving us. He still has a lot to offer in public life. He has hinted at that during his speech here tonight, and I think that is appropriate. One thing that I think Guy's nine years in this chamber has done is provide him with the tools and skills to set himself up with a large number of options. I was delighted to hear that he is taking up some representative work for something that he has become synonymous with— that is, diabetes. It is highly appropriate that Guy takes that up because we all know the strength of passion that he has for that cause. Obviously he has a personal reason for doing that, but it is not necessary, from Guy's perspective, to have a personal reason to be involved with an issue. One thing about Guy: if you have him on your side on an issue, you know that there is somebody who is just not going to let go. As much as people might like him to let go on occasions, once he is set on a path that is it; he will fight alongside you right through the process.

I reflected at his valedictory dinner a week or so ago, which again demonstrated how well regarded he is in our home state of Tasmania, that he was prepared to take up the really tough issues and to go into places where it was difficult to go. I recall in the lead-up to the election the state government had made some decisions to close hospitals at Rosebery and Ouse. Rosebery, being a mining town, is what you would call dead red Labor; she is a pretty tough place for us conservatives. I can recall campaigning down there for a day at the senior citizens and thinking I was doing a wonderful job. At the end of it they said: 'Well it's been great to meet you. We think you're a lovely bloke, but Dick Adams is good fella too.' That is the nature of the place; they are very set in their ways. But the campaign that Guy waged down there brought close to a 25 per cent swing in that seat. It was Guy's strength of advocacy that really provided the impetus for people to change their vote—which is not an easy thing to get people to do.

It is that strength of advocacy and those skills that Guy has built up over the past nine years in this place that will provide him with an enormous range of options. I am sure that we will see him working into the future. I wish Guy and his family all the best, as I do my other colleagues, and I look forward to working with him not only for the Liberal cause but for the community into the future.

The ACTING DEPUTY PRESIDENT (Senator Ludlam): Before I call on the next speaker, I remind senators that this session concludes at 7.20 and there are still a reasonable number of senators who have indicated that they wish to speak.

Senator FORSHAW (New South Wales) (19:03): Mr Acting Deputy President, I will be very brief. I did get the opportunity last night in my own valedictory to extend best wishes to Senators Troeth, Barnett and Trood. The brevity of my remarks tonight is in no way an indication of the respect I have for each of them and the best wishes that I wish to extend to them. I apologise that I was not here to hear their valedictories. I was doing what all of us are often doing; I was attending a committee meeting, working on a report on Australia's relations with Africa. I will read the speeches.

With regard to Senator Guy Barnett, he is somebody who I have known all of the time he has been here, but I have not worked on that many occasions with him on committees, except most recently on the territories bill, which was an interesting
experience. My association with him has been through his work with the friends of diabetes—that does not mean we like diabetes; it is the group that does such great work. Senator Barnett has been at the forefront of that group's work. And may he continue to ride that bike, too. We shared a plane to Coffs Harbour recently. I arrived and got in a cab and went to the hotel and Guy got in a bigger van and then took his bike with him to ride up the mountain, which I thought was pretty crazy! But congratulations to Guy on all of the great work he has done for that wonderful cause, and best wishes.

I am not going to be here, but the Senate is certainly going to miss Senator Trood because of his excellent work on foreign affairs. I have already referred to that. He, like each of the senators, including me, has been in that terrible spot on the Senate ticket where your future hangs in the balance. Unfortunately, from his perspective and his party's perspective, he was not re-elected. His talent and expertise in foreign affairs will be missed.

Finally I go to Senator Troeth, whom I have known for many years and worked with on a number of committees—including rural and regional in particular and, most importantly for both of us, the Public Works Committee. She has been the deputy chair of that committee for a long time. That is a terrific committee. It does a lot of great work. It is not always written up in lights, but Senator Troeth has been a superb participant. There is also her work for the IPU. We enjoyed a very hardworking trip to Geneva and Paris last year. Best wishes to you all, and I hope to catch up with you all in our respective retirements.

**Senator BOYCE** (Queensland) (19:06): A few weeks ago, at a primary school in Brisbane, a grade 5 student asked me the question, 'Do you have to be good at stuff to be a politician?' My first reaction was to say, 'No'. I had to think about it for a minute. I said: 'You need to be good at reading. And you wouldn't want to be frightened of speaking in public, or your job would be a nightmare.' Then I got into the groove and went on to say the diversity of gender, age, experience and background is what makes parliament a good place and means that we make great laws. I would like to look at our three retiring senators from this side tonight and see it as a great celebration of the Liberal Party and the way it promotes diversity—the different paths and the different backgrounds of our three senators. I also will be very brief because there are others who want to say something. I would initially like to recognise the great and very principled contribution—not always contributions I have agreed with—that Senator Guy Barnett has made to this place. It may not be well known, but Senator Guy Barnett and I share the fact that a close relative of each of us has died of motor neurone disease. His advocacy in this area has been just as passionate and just as long-term and loyal as it has been in the area of diabetes. I am honoured that he has asked me if I would take on some of the advocacy for motor neurone disease in this place. They are big shoes to fill, but thank you for asking.

Senator Trood and I have spent time on the hustings—I think since 2001 we have shared Senate tickets and the like. It certainly is a way to get to know someone. I must associate myself with the remarks that Senator Joyce made about how initially in country areas sometimes people would wonder at the erudite Senator Trood. But the minute he started to speak to them, the minute he understood their issues, the minute they realised that he could reflect back to them their needs, the views changed. I remember one night in the Roma shire council rooms meeting the council came up
with what I found a slightly out-of-the-square solution to their lack of population: the idea of taking in boilermaker apprentices from China for a short course. This struck me as really outside the square, but Senator Trood immediately picked up on the fact that education services are one of our great exports, saw the benefits and expounded them in a way that made them far more understandable to me. That certainly is a role he has played throughout his time here. Senator Trood, we will miss you and I certainly hope that we will see you back here in the near future.

Senator the Hon. Judith Troeth was the person I sat next to when I first came to the Senate. I filled a casual vacancy so I did not get to do the training courses that a lot of other people do. Thank you, Senator Troeth, for the 'get up now', 'sit down now', 'jump now', 'try and stretch that out a bit more' hints that you gave me. Thank you for your mentoring and for your advice around committees.

It has been pretty obvious from what has been said here today that Senator Troeth has paid a far, far greater role in women's issues and assisting and promoting rural women and rural women's leadership—the RU486 debate, which is still talked about wherever women get together and discuss behaving in a bipartisan way in politics, and her comments regarding the disproportionate underrepresentation of women in parliament. I would like to quote from something that she said in a paper that she wrote on this topic in June 2010. She said:

The residual disproportion of women in Parliament should not be seen as a women's issue alone. It should be viewed as a challenge concerning every Australian as it goes to the heart of representative and responsible governance of this nation.

Certainly the existing mechanism for getting more Liberal women into parliament is not working. Clearly this is something we need to address.

Senator Troeth mentioned the need to jump-start the representation of women. I would support that view wholly and I would hope that the three retiring senators jump-start their future careers. Thank you.

Senator HUMPHRIES (Australian Capital Territory) (19:11): I want to be brief because there is not much time and because in some ways these valedictory speeches are like real-time obituaries for the living. I suspect that my colleagues might be happy if it was brought to an end earlier than otherwise.

I want to adopt almost everything that has been said about the three retiring senators, indicate my enormous pleasure at having served with them and the fact that I have learned from all of them, and give them my very best wishes for their futures. With regard to Senator Troeth, I want to record my pride that I was able to co-sponsor with her a couple of years ago the Independent Review of Terrorism Laws Bill—one of those rare pieces of private members' legislation which actually got up in the Senate. It did not pass into law but it has, I think, engendered other legislation to address the issue of reviewing the nature of terrorism laws. The spirit of Senator Troeth's leadership in the Senate on that was very much a legacy to all of us and one that I hope continues beyond her time here.

Members in this debate have commented on Senator Troeth's composure and her sense of being in control all the time, so it is incumbent upon me to record one very conspicuous occasion in which that composure completely disappeared. It was on an occasion when the Chaser team was loose in the building. Their theme was that Mr Alan Cadman, the then member for Mitchell, should challenge Prime Minister
Howard and become the new Prime Minister. Somehow they managed to trap Senator Troeth into an interview and they started with, 'What do you think of your colleague Alan Cadman,' and she dutifully told the camera that she very much admired him and that he was a great member of parliament and so on. They then came with the question, 'So you will be supporting his challenge to the Prime Minister in a few days time?' Senator Troeth dissolved into a great deal of panic on the screen. That was very evident. She lost her composure completely and was terrified by the thought that she might be aiding some kind of challenge to the Prime Minister. For a person who normally exhibits great self-control, it was something of a perverse joy to see her lose that temporarily. I am sure that she will take control of whatever it is that she goes on to do after her time in this place.

Senator Trood is one of those people that my late father would have described as 'a gentleman and a scholar', but in his case there would have been no sense of exaggeration or flattery. Although comparisons are odious, the fact is that I think Senator Trood, of all the senators we are losing at this time, will be the one most missed, particularly with respect to the work of this chamber as a chamber of legislators– as a chamber of people who thoughtfully and carefully consider the legislation delivered to this place from the point of view of its benefit to the people of Australia. His contribution in so many ways to the work of the Senate, and particularly to the Senate committees, will be his legacy, and the loss of that contribution will be a great loss to the Senate.

Finally, there is my colleague Senator Barnett, who I think needs to be recorded as a man who absolutely saw his role in this place as being about making a difference. He came here with a very strong sense of what he wanted to achieve, and worked from the very first day–and will until the very last day–to make those things happen. Anybody who wants to be successful as a politician needs to look at the example that he sets of determination and conviction in politics.

I think he might be characterised quite readily as a conservative Liberal, but I think it is fair to describe him as a Liberal of principle; a person who believes very strongly in certain principles and pursues those with great vigour. I recall, for example, visiting the then Attorney-General, Philip Ruddock, to argue for some consideration to be given to the plight of one David Hicks. Guy Barnett was, in a sense, not a conservative that day. He simply wanted to defend the rights of an Australian who appeared to be overlooked in his treatment in the US judicial system.

It also, though, does need to be recorded that Senator Barnett was my partner and collaborator in, perhaps, my greatest misadventure in the Senate.

Senator Barnett: I'm very sorry about that!

Senator HUMPHRIES: Yes, I am very sorry about it too, Senator Barnett. In about 2003, Senator Barnett and I were giving a press conference to do with Medicare. I think Senator McLucas will recall that Medicare select committee. We were giving a press conference and the division bells rang, and because Senator Barnett was overly loquacious and had to answer the questions being asked at great length, when we finally got out of the press conference and ran to the chamber–I was faster than Senator Barnett but had to wait for him to catch up with me because he was slower than I was–we missed the division.

It may not have been a matter of great moment in ordinary circumstances, but as it happened this particular division was on the
bill for the sale of Telstra. Our omission threatened the government with a $32 billion loss, and although the then Finance Minister, Senator Minchin, was quite forgiving of our tardiness and Senator Barnett's loquaciousness, the then whip, the late Jeannie Ferris, was much less forgiving. I have never had such a fierce roasting at the hands of another politician as I had in the company of Senator Barnett that day. One day I will lift the curse on you, Senator Barnett, for inflicting the great indignity on me of being roasted by Senator Jeannie Ferris. But I know you will go on to do much greater things in your new role, and I want to finish by saying it has been a pleasure and a privilege to serve with all three of these senators.

COMMITTEES

Environment and Communications Legislation Committee

Report

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (19:18): On behalf of the Chair of the Environment and Communications Legislation Committee, Senator Cameron, I present the report on the Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011, together with the Hansard recording of proceedings and documents presented to the committee.

Ordered that the report be printed.

ADDRESS BY THE PRIME MINISTER OF NEW ZEALAND

The ACTING DEPUTY PRESIDENT (Senator Ludlam) (19:19): A message has been received from the House of Representatives inviting senators to attend an address to the House by the Right Honourable John Key, Prime Minister of New Zealand. Copies of the message have been circulated in the chamber.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Ludlam) (19:19): Order! I propose the question:

That the Senate do now adjourn.

Mental Health

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (19:19): Before I proceed to talk to you about the issue I have on adjournment tonight I want to put forward my best wishes to the retiring senators who spoke tonight, Senators Treth, Barnett and Trood.

Senator Troeth led, with three other senators, a moment in this parliament. The issue of RU486 showed we can come together as a parliament across political barriers to debate the issues that divide parties. I was so very happy to be able to be involved in that debate, and also very happy to see the leadership that was given by Senator Troeth and, of course, Senators Moore, Nash and Stott-Despoja. It was an extraordinary experience, and I thank you, Senator Troeth.

And I have to say to Senator Barnett—with whom I do not normally have too many issues that we agree on—that if he had given that speech when I was here in the beginning I think I would have had a different perspective on him. And if he had told me that the Pollie Pedal took in chocolate factories, wineries and cheese factories I think I would have been there, even though my cycling days are long gone. I also look forward to receiving the pedometer that he said he will give to each of us, because certainly I do need to pick up my fitness rate.

Senator Trood has obviously been spoken of in glowing terms. Whilst I have not personally had much to do with Senator Trood in committee meetings we have had the occasional chat in the hallway, and I have
always found him to be extraordinarily generous with his time and informative in the issues which he has been interested in. I thank all three senators for the time they have given to the Senate and I wish them well in their future endeavours. Tonight I would like to speak on mental health.

As we strive to build a more inclusive community and a more inclusive workforce here in Australia, the reality is that people with mental illness still face a number of setbacks and challenges. Those who have experienced mental illness can often find it difficult to fully participate in our society, in study or in the workplace whilst also trying to maintain their mental health. With at least one in every five Australians each year experiencing mental illness, there is no doubt that all of us here in this chamber have at some time supported a friend or a family member or perhaps endured our own personal challenge with mental illness. Too often we focus on what is not being done to promote awareness of mental illness or to support those who have suffered from or are caring for those with mental illness.

That said, tonight I want to take this opportunity to share a few success stories in the area of mental health. I have had the privilege of attending a number of events associated with mental health services in Tasmania. At these events I have met with a range of inspirational people who are working hard to support those with mental illness in our community. I also have had the opportunity to meet with a number of people who have suffered from mental illness and who are now strong advocates for those with mental illness in our community. Many of these individuals have been willing to share their personal experiences—both the setbacks and the successes—as they continue to manage their mental health.

One such event I attended was the launch of the National Disability Coordination Officer Program booklet. The Tasmanian NDCO, in conjunction with the University of Tasmania, Tasmanian Polytechnic, Mental Health Council of Tasmania, Advocacy Tasmania, Wise Employment, CRS Australia and Choose Employment, developed a resource for graduates from university or a VET course with mental illness who are making the transition to employment. The resource is appropriately titled *Mountain Climbing: a resource for tertiary graduates with lived experience of mental illness making the transition to employment* and is the perfect way to describe the challenges faced by people who are trying to navigate their way through study and the workforce whilst maintaining their health. The resource chronicles personal triumphs and setbacks that a diverse range of jobseekers with mental illness have experienced in the pursuit of their careers. They also mythbust issues associated with mental illness.

I want to share just one of the many stories in the booklet. This is Ryan's story:

Ryan turned 51 in August. When he was a little kid something bad happened to him that he doesn't like talking about. The doctors called it trauma and now they say he suffers from post-traumatic stress disorder.

Ryan's had mental health issues all his life. He can count on one hand the years when his health has been plain sailing. But Ryan never gave in to his condition. Over the years he built a strong support network made up of friends, family and counsellors. He spent time in hospitals in Tasmania and interstate. He worked more jobs than he can count but never got a qualification. Finally this year, he completed a Certificate IV in Counselling and landed a job at a Job Network straightaway.

Even though he was really excited to be offered a role so quickly, Ryan found his anxiety build as the start date for the job drew nearer.
When his first day arrived, Ryan was a wreck. His hands were shaking and his thoughts were racing. He knew he couldn’t go to work in that state so he contacted his own Disability Employment Services provider and asked for help. His case manager helped him calm down and asked if he’d disclosed his mental health issues when he applied for the job. Ryan said he had disclosed so his case manager simply called the workplace and told them what had happened. Ryan went to see his psychiatrist who changed his medication. Two weeks later he started at the job.

In reading through this resource, you appreciate the mountain climbing metaphor that both inspires hope and fosters a sense of achievement. For people managing their mental health, the experience really is like navigating a mountain range rather than just climbing to the top of one summit.

As Keith Mahar describes in the foreword of the booklet—Keith is a native, or rather a Canadian, but one who now lives in Tasmania; he made a very wise choice—climbing a mountain requires us to prepare to tackle the challenge. This preparation involves insight, skills, knowledge, the right equipment and the support of a good team. With the right resources and the right networks, we know that we can support and equip those jobseekers to succeed in their journey.

I have no doubt this resource will give graduates and jobseekers with a mental illness the confidence to navigate pathways through study and into the workforce and beyond. I know this resource is already making a difference to the lives of people who refuse to let their mental illness stop them from building a career, giving them the tools necessary to navigate their own journey both in Tasmania and around Australia. Whilst we have some way to go in terms of building a better system and improving the way we care for and support people with mental illness, it is also important to celebrate resources such as the Mountain climbing booklet as part of our progress so far. The Mountain climbing booklet is also a resource that I hope will help assist prospective employers to understand more about mental illness and how they may best be able to support employees with a mental illness.

That said, I am confident that there is a growing willingness amongst employers who foster a more inclusive workplace. At the Commonwealth Rehabilitation Service Awards function in Tasmania earlier this year, I had the benefit of hearing a number of Tasmanian employers share their stories about taking on employees with mental illness. I was heartened that so many employers were committed to supporting people with a mental illness in their transition back to the workforce. Those employers truly understand the importance of an inclusive workplace and were more than willing to negotiate flexible conditions for employees who were struggling to balance their work and their mental health. For those employees that I met at the CRS function, I truly appreciate that for them having a job was not about getting paid; it was about feeling connected to the workplace and to the community. They were able to feel comfortable disclosing their mental illness at the outset, which means that managing their mental health and their work responsibility was far less stressful. What is more, their employers are in a better position to provide them with the support they need to continue to carry out their jobs and stay healthy.

The more we do in the community to build awareness of mental illness and break down the stigma, the more success stories I hope to hear.

Francis, Mr Charlie

Senator NASH (New South Wales—Deputy Leader of The Nationals in the
I rise tonight to speak about a remarkable Australian, Charlie Francis from Forbes. Sadly, Charlie died last month and he is going to be terribly missed by his wonderful sister, Danie, her husband, Bob, and all of his family. Charlie farmed at Forbes and made a huge contribution to regional Australia. It is that contribution that I want to talk about.

I probably would not be here if it had not been for Charlie Francis. I met Charlie over 15 years ago when I first became involved with the National Party at an electorate council meeting in Forbes. At the time I was struck by this fellow and his brother, Jack, and their absolute passion for regional Australia and doing whatever they could to make sure they made regional Australia a better place. Charlie and I went on to become firm friends and he was a wonderful guide and mentor to me.

There was one occasion, probably over 10 years ago now, when I was the electorate council chairman for the Lachlan electorate council, at that stage the seat held by the Hon. Ian Armstrong. To cut a very long story short, I was unceremoniously rolled out of the position of chairman. I drove home thinking that I really should not bother with this politics game any more. I was very miffed that this had happened and thought that I might as well leave the party and disappear if that was the sort of thing that was going to happen. Charlie rang me up that night and said, 'Lass, we need to have lunch; we're going to the Grenfell pub.' I went to the Grenfell pub and had lunch with Charlie. He had a way of looking at you: he would fix you with this gaze and he did that to me. We were having a gin and tonic in the Grenfell pub and he fixed me with his gaze. Knowing how terribly hurt and upset I was at being rolled out of this position and that I was quite likely going to pack up my bat and ball in a fit of pique and disappear, he looked at me and said, 'Lass, you can roll over or you can stand up and fight.' That struck a chord with me and immediately I started thinking: why should I let them get the better of me and huff and puff and roll? By the time I drove home after lunch with Charlie at the Grenfell pub I had decided that it would be a much better idea not to roll over but to stand up and fight—which I did. I stuck to it and I stuck to the party. That was largely due to Charlie Francis.

Charlie always had an opinion and he was relentless. He spent his entire life involved in the community and involved in things that he thought would make regional Australia a better place. He had an opinion on everything and mostly that opinion was pretty much right. When Charlie was 80-something—I cannot remember exactly how old he was—he had a way of being able to cut right to the core, right to the quick of issues and making sure that the right idea was being put forward. He was really quite extraordinary. He never wasted a moment. He was always on the phone and whenever he had yet another issue he would say, 'Lass, I need to talk to you.' He was just tremendous.

Charlie was particularly passionate about water. He watched the changes that this Labor government made to water policy over the last few years. He was terribly, terribly worried about the future of regional Australia because of these changes to the water policy. While he certainly understood the need for infrastructure improvement, he quite rightly raised with me one day: 'But, Lass, what about all of those people out in the bush who have already, of their own volition, made changes? They have already, of their own volition, improved their water infrastructure. What benefit is there going to be for them?' I think it was a really good point that we should be recognising the improvements that have already been made.
by so many of our farmers and irrigators across the country.

Recently, Charlie had been talking about dams and the importance of dams. He was passionate about them. He appeared on the front page of the Forbes Advocate of 17 March this year, very recently:

"There is really only one solution, and that is more dams," Charlie Francis said this week after commenting on the future of the Lachlan Valley.

Mr Francis needs no introduction being a past Shire President and advocate of better farming practices for producers along the Lachlan River and the Forbes district.

"I don't want to be political, I just want a full hearing from the Murray Darling Basin Authority.

"There is a lifetime experience by the locals here, they know the river and that is why they should be listened to.

"We cannot be told there will be no more dams, this is enormously important to the future of towns along the Lachlan.

"I just feel it is crucially important, to the future of Forbes and to the future of our kids," Mr Francis said.

Charlie was passionate about water, and he was quite right in so many of the ideas he had for the future of water in this country. He was a man who understood how regional Australia works and how water works from generations of knowledge that had been passed down to him through his family and decades of his own understanding. He had the week before, on 29 March, a letter to the editor published in, again, the Forbes Advocate.

How many more times will producers and the communities that rely on them be forced to endure negative legislation imposed upon them by government?

There's been the Native Vegetation Act, the carbon tax, threat of beef imports, mulesing bans, and the consistent deregulation of our markets to name but a few—and all of this with little consultation with the people whose lives these decisions mostly affect.

But the most devastating policy threat to regional Australia's existence is the Murray Darling Basin plan—a plan driven by radical talk of climate change and born from the residue of a completely natural decade-long drought.

The single most important factor in the lives of all Australians is water, and the management of our water resources will determine the nation's population and the standard of living that future generations will enjoy.

Governments let everyone be aware that they have "consulted the experts" but I am deeply concerned about the influence extended by academics on our water management.

There is a seemingly endless stream of professors and scientists expressing opinions as absolute truths.

As well meaning as they may be, they cannot possibly grasp the complexities of the cyclical weather patterns that exist in Australia.

There is, however, generations of experience living on our rivers right now and surely their input should be considered invaluable.

We have to throw away this plan and move to gauge the importance of the varying issues within each individual valley. Be it new dams, irrigation, flood control, pest control or the environment, the people must be consulted widely and not treated to ad hoc review committees and the usual government contempt.

And once resolved, the future management of our rivers should then be handed to the same people who live and work on it.

Governments ought to tread carefully from here—the water plan has already been burnt in the streets and any further progression towards legislation that ignores regional communities will warrant more than burning paper.

This issue can be resolved with country common sense.

I think that, if a few more people had the country common sense that Charlie Francis talked about, regional Australia would
certainly be a better place. His country common sense served him very well for all of those years that he was out there batting for regional Australia. He was a great man, he was a great Australian and I was very fortunate to have known him. I shall miss him very much.

**Hopak in the Park**

*Senator BILYK (Tasmania) (19:37):* Tonight I rise to speak on an event called Hopak in the Park, which I attended at Melbourne's Sidney Myer Music Bowl in April. The event was organised by the Australian Federation of Ukrainian Organisations, or AFUO. I had the privilege of speaking on behalf of the government at this event, and I was also attending in my new role as chair of the Australia-Ukraine Federal Parliamentary Group. The inaugural Hopak in the Park, a dance spectacular, was an opportunity to celebrate Ukrainian culture and the relationship between Ukraine and Australia. Over 300 participants from bands and dance groups from across Australia were enthusiastic to showcase their dance, music and costumes in the traditional Ukrainian way. Participants included second-, third- and even fourth-generation Ukrainians who are dedicated to Australia but still remain true to their Ukrainian origins. The Australian participants were joined by HRIM, a Ukrainian band from New York, and it was wonderful to have an international act as part of the event. I have a close association with Ukraine, as my husband, Robert, who attended the event with me, is of Ukrainian descent. This has led me to take a strong interest in Ukraine and its culture, although I have not yet had the pleasure of visiting the country. Hopak in the Park is a cultural event of national significance. It is a chance for Ukrainians in Australia to share their culture with each other and the broader community.

Australia's multicultural policy supports the rights and liberties of Australians of all backgrounds to celebrate, practise and maintain their cultural heritage, traditions and language within the law and free from discrimination. However, Australians do not believe just in protecting and maintaining our cultural diversity; we believe in celebrating and embracing it. The celebration of our cultural diversity and our acceptance of migrants as a valued and integral part of our community make me very proud to be an Australian.

I take this opportunity to give a bit of brief information about Australia’s relationship with the Ukraine. The first permanent Ukrainian settler in Australia was H Donchak, who settled in Brisbane in the 1920s. The 1940s, of course, was an important decade for Ukrainian settlement in Australia, with the arrival of many Ukrainians following World War II, and that included my own father-in-law. April 1949 saw the formation of the first Ukrainian association in South Australia, with other states following later in the year and in 1950, and in June 1950 a representative body for all Ukrainian organisations in Australia was founded. This body was called the Association of Ukrainians in Australia and was renamed the Australian Federation of Ukrainian Organisations in December 1953. According to the latest census, in 2006 there were 13,666 people living in Australia who were born in Ukraine. It is estimated that the Ukrainian community in Australia is somewhere between 30,000 and 50,000 strong. Of course, my home state of Tasmania has a small but very important population of Ukrainians and their descendants. All the communities make a very valuable contribution to Australian society.

But, to get back to Hopak in the Park, it began with the national anthems of Australia.
and Ukraine. The occasion was also used to commemorate the 25th anniversary of the Chernobyl nuclear disaster, with the Australian and Ukrainian flags lowered and one minute's silence observed. In my speech on the day, I spoke of the impact Chernobyl had at the time of the disaster and the continuing effects felt by many people today.

The high-level summit in Kiev dedicated to the 25th anniversary of the Chernobyl accident was attended by Australia's Ambassador and Permanent Representative to the United Nations at Vienna, Michael Potts, who is also the ambassador with responsibility for Ukraine. The Australian government was pleased to sign on to the declaration of the Kiev Summit on Safe and Innovative Use of Nuclear Energy. The anniversary of the Chernobyl disaster and the recent Fukushima disaster in Japan both serve as timely reminders of the importance of nuclear safety. Today Ukraine's nuclear power plant operators follow the internationally agreed nuclear safety standards of the International Atomic Energy Agency. Australia believes that IAEA standards must be adhered to in the development of any new nuclear power plant, and the Australian government is keen to ensure that the impacts of the Chernobyl disaster are well researched and documented and that all steps possible are taken to prevent future such disasters. On behalf of the Australian government, I extended our sympathy to the families of those that died and our prayers to those that continue to suffer.

I would like to take the time tonight to thank the organisers of Hopak in the Park for their efforts in keeping Ukrainian culture alive and vibrant in Australia. As we all know, an event as big as this requires a lot of people with a common goal to work together to make it a success, and it certainly does not happen overnight. Everyone deserves to be congratulated for their hard work and dedication to the event. There are too many people to mention them all, but there are a few I really would like to mention: the two masters of ceremonies, Yuliya Rai and Steven Sikoria; the manager of the Sidney Myer Music Bowl, the Arts Centre, Glen Hirst; and, of course, the performers and backstage people essential to the event going ahead. I would like to acknowledge the efforts of the Australian Federation of Ukrainian Organisations and other organisations concerned with taking a leadership role and encouraging members of Australia's Ukrainian community to be active in community life. I would like to thank them for enriching the experience of Australians by sharing their culture with us. I would also like to thank the sponsors of the event: Myroslaw and Christine Merunovich, the Australian Federation of Ukrainian Organisations, Karpaty Foundation, the national Lubomyr Sklepkowycz Foundation, the Victorian Multicultural Commission, Adel Bassili from Travelwiz, Dnister Credit Union, Event Management Services, the Foundation of Ukrainian Studies in Australia; the supporters, Muirs Good Guys; and those who donated raffle prizes, including Inter Airlines Consolidated Group, Thai Airways, Travelwiz, the Good Guys Discount Warehouses in Essendon, Portobello Restaurant in Essendon, and North Essendon Lotto in Essendon. Their generosity was much appreciated.

I would also like to say thank you to the more than 2,000 people who attended the event. I particularly mention Stefan Romaniw OAM for the invitation to attend this fantastic event and the opportunity to speak. I thoroughly enjoyed Hopak in the Park and the hospitality and generosity of Ukrainian people. They are such generous people. As I said, encouraging people to make the most of Australia's multiculturalism by attending events such as this
is really important. I look forward to attending future events. I am sure Hopak in the Park can only get bigger and better over the next few years.

We are fortunate to live in a nation that provides us with so many opportunities to experience other cultures and we should all make the most of these opportunities. Anyone interested in finding out more about the AFUO or viewing footage of Hopak in the Park can do so by visiting the website, www.ozekes.com.

Victorian Bushfires

Senator FIELDING (Victoria—Leader and Whip of the Family First Party) (19:46): I stand here tonight to raise a matter of public importance about the events that led to a very dark day known as Black Saturday. It is still not easy to talk about the 2009 Black Saturday bushfires. Black Saturday was a day where Victoria experienced a number of extreme bushfires that raged and killed 173 men, women and children, traumatised thousands of people and caused massive environmental damage and property loss. Within days, a royal commission was established, which encouraged many people to put off discussion about the events that led to Black Saturday. Now the royal commission dust has settled, I believe it is appropriate to be part of the ongoing discussion.

As part of that discussion, I have seen evidence that there were advance warnings by two top bushfire experts way back in 2003. They warned that there was a real threat of Victoria experiencing raging, extreme bushfires like we saw in 2009 on Black Saturday. So, six years before Black Saturday, the CFA were forewarned of the real threat of extreme bushfires. They were aware of two expert bushfire reports, known as the Packham report, entitled *Bushfire planning issues in the Shire of Nillumbik*. These two reports predicted that raging, extreme bushfires would engulf Victoria. Indeed, both reports were proven to be accurate some six years later, when Black Saturday occurred in 2009.

The Packham report was written by bushfire expert David Packham. Mr Packham is one of the few people in Australia that the BBC in England rings for informed comment on bushfires. The Incoll report was written by Victoria's former Chief Environmental Fire Officer, Rod Incoll, as an independent second opinion to the Packham report. In 2003 the Packham and Incoll reports outlined that if action was not taken to undertake fuel reduction programs, then the resulting fuel loads would lead to extreme bushfires engulfing Victoria, which is what actually occurred on Black Saturday in 2009.

The Packham report predicted the fire's intensity, with a front cover photograph showing a 130-metre-high wall of flame at Wandong, just next to Kilmore East, where the bushfire that killed and traumatised so many on Black Saturday actually started. The location, the intensity and the full horror of Black Saturday was predicted by two highly reputable and independent bushfire experts six years earlier. Indeed, what was predicted in the Packham and Incoll reports that were written in 2003 was played out on Black Saturday, showing there was clearly a failure to act appropriately on this expert advice.

To help demonstrate how accurate the 2003 Packham report was, about a month after Black Saturday a Victorian CFA member from Nillumbik, who had been through the hell of that horrific day, was given a copy of the report. After reading it, I am told he said: 'So what? We all know what happened on Black Saturday. The media has
been full of it ever since.' He was then told that the report he was reading, the Packham bushfire report, was not written after Black Saturday but before it—in fact, in 2003, six years before Black Saturday. Apparently he was left speechless and in shock. Then he slowly became angry, with the realisation that no-one had acted on the reports. For him, this was not only a public scandal, it was also personal.

When the Black Saturday royal commission was announced, there was hope that finally the public would know that there were two expert reports that predicted, six years earlier, that there was a real risk of bushfires engulfing not only Nillumbik, but also the wider Victorian landscape. Finally, questions could be asked as to why no action was taken to avert the horrific loss of life resulting from Black Saturday. Given the royal commission had very broad terms of reference, there was a high expectation that there would be transparency and therefore accountability on all the issues; that everything and anything would be laid on the table in order to get to the bottom of Black Saturday and how such a terrible tragedy could happen on such a large scale, despite appropriate and timely warning; and, importantly, that the public would realise that Black Saturday would never have happened if the Packham and Incoll reports were properly actioned.

Some members of the community have come to me, questioning why the royal commission did not explore the 2003 Packham and Incoll reports. They are also annoyed that no action was taken on the reports' recommendations, even when Mr Packham had been the first person to raise the alarm bells. David Packham sent an email to several people including a former CFA captain, Ralph Barraclough, at 4.46 am on Thursday, 5 February 2009. Mr Barraclough then widely circulated this email to hundreds of people, including others in high levels of authority dealing with this issue. This was more than 2½ days before Kinglake was burnt to the ground. Mr Packham wrote in his email that next Saturday would be 'the worst that he had ever seen'. His email detailed the size of the devastation that was about to occur two days later on Black Saturday.

Some of those who attended the royal commission have come to me and told me of their dismay that more questions were not asked of the Packham and Incoll reports during the royal commission's hearings and that these reports' recommendations were not implemented, especially given the accuracy of their predictions six years prior to Black Saturday. If the recommendations within the Packham and Incoll reports to reduce the fuel loads in the Nillumbik landscape were acted upon, who knows how many people would still be alive today and how many houses would still be standing.

Councillor Belinda Clarkson, from the Victorian Shire of Nillumbik, has shown great courage in seeking answers to why the 2003 Packham and Incoll reports were not acted upon to prevent Black Saturday. Councillor Clarkson has stood up for her community to endeavour to make sure it is protected from future horrific bushfires. She has been fighting to get answers at some personal cost. If it had not been for the support of the Nillumbik Ratepayers Association and the pro bono support of the Melbourne law firm Piper Alderman, Councillor Clarkson's reputation would have been destroyed. It was Councillor Clarkson and her support group, the Nillumbik Ratepayers Association, who commissioned the independent Packham and Incoll bushfire reports back in 2003.

Turning to the recommendations of the royal commission, there is real concern that
the prescribed burning recommendation does not go far enough. The royal commission's principle bushfire prevention recommendation, No. 56, falls well short of what is required for prescribed burning as it only recommends burns of five per cent plus. This is not enough. Richard Sneeuwjagt, Manager of the Fire Management Services Branch in the Western Australian Department of Environment and Conservation, stated during the royal commission hearings that eight per cent prescribed burning was a much safer figure.

Extreme bushfires are not just a rural problem; towns and cities are vulnerable too. Bushfires extending into Hobart in 1967, Canberra in 2003 and Bendigo in 2009 all clearly demonstrated that towns and cities are vulnerable as well. Victoria must learn from the Western Australian experience on bushfire management, because of its broad depth of research, practical knowledge, operational procedures and nil death toll for over 40 years. If the state government of Victoria fails to increase its prescribed burning, then, as the Packham report says, we are 'living on borrowed time'—and sadly it will be only a matter of time before we have another Black Saturday.

Senate adjourned at 19:55

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.]

Aged Care Act—
Accountability Amendment Principles 2011 (No. 1) [F2011L00822].

Accreditation Grant Principles 2011 [F2011L00821].

Information Amendment Principles 2011 (No. 1) [F2011L00823].

Investigation Amendment Principles 2011 (No. 1) [F2011L00819].

Residential Care Subsidy Amendment Principles 2011 (No. 1) [F2011L00820].

Air Services Act—Statement of expectations for the Board of Airservices Australia for the period 1 July 2011 to 30 June 2013 [F2011L00870].

Airports Act—Select Legislative Instrument 2011 No. 75—Airports (Building Control) Amendment Regulations 2011 (No. 1) [F2011L00944].

Airspace Act—Airspace Regulations—Instruments Nos CASA OAR—
078/11—Determination of airspace and controlled aerodromes etc [F2011L00876].
079/11—Designation of air routes; Determination of conditions for use of air routes [F2011L00878].

Anti-Money Laundering and Counter-Terrorism Financing Act—
Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2011 (No. 2) [F2011L00832].
Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2011 (No. 3) [F2011L00861].

Appropriation Act (No. 2) 2009-2010—Determination to Reduce Appropriations Upon Request (No. 15 of 2010-2011) [F2011L00934].

Appropriation Act (No. 1) 2010-2011—Advances to the Finance Minister—
No. 2 of 2010-2011 [F2011L01014].
No. 3 of 2010-2011 [F2011L01016].

Australian Bureau of Statistics Act—Proposals Nos—
8 of 2011—Survey of Income and Housing.
Australian Meat and Live-stock Industry Act—

Australian Meat and Live-stock Industry (High Quality Beef Exports to the European Union) Amendment Order 2011 (No. 1) [F2011L00728].


Australian Prudential Regulation Authority Act—
Australian Prudential Regulation Authority (Confidentiality) Determinations Nos—
9 of 2011—Information provided by general insurers under Reporting Standard GRS 110.0 (2008), GRS 120.0 (2008), GRS 300.0 (2008), GRS 301.0 (2008), GRS 310.0 (2008), GRS 310.3 (2008), GRS 320.0 (2008) and GRS 400.0 (2008) [F2011L00847].
10 of 2011—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2011L00871].
11 of 2011—Information provided by life insurers and friendly societies under Reporting Standard LRS 100.0, LRS 120.0, LRS 210.0, LRS 300.0, LRS 310.0, LRS 330.0, LRS 340.0, LRS 400.0, LRS 420.0 and LRS 430.0 [F2011L00940].
12 of 2011—Information provided by general insurers under Reporting Standard GRS 110.0 (2008), GRS 120.0 (2008), GRS 300.0 (2008), GRS 301.0 (2008), GRS 310.0 (2008), GRS 320.0 (2008), GRS 400.0 (2008), GRS 110.0 (2010), GRS 120.0 (2010), GRS 300.0 (2010), GRS 301.0 (2010), GRS 310 (2010) and GRS 400 (2010) [F2011L00961].

Australian Research Council Act—
Discovery Indigenous Funding Rules for funding commencing in 2012 [F2011L00850].

Linkage Infrastructure, Equipment and Facilities Funding Rules for funding commencing in 2012 [F2011L00852].

Linkage Projects Funding Rules for funding commencing in 2012 Variation (No. 1) [F2011L00851].

Aviation Transport Security Act—Select Legislative Instrument 2011 No. 61—Aviation Transport Security Amendment Regulations 2011 (No. 1) [F2011L00777].

Broadcasting Services Act—
Broadcasting Services (Events) Notice (No. 1) 2010 (Amendment No. 6 of 2011) [F2011L00885].

Broadcasting Services (Events) Notice (No. 1) 2010 (Amendment No. 7 of 2011) [F2011L00978].


Civil Aviation Act—
Civil Aviation Regulations—Instruments Nos—
175/11—Instructions – for approved use of P-RNAV procedures [F2011L00833].
202/11—Direction – number of cabin attendants [F2011L00901].
203/11—Direction – number of cabin attendants [F2011L00983].
204/11—Instructions under CAR 235A – minimum runway width for aeroplanes [F2011L00900].
215/11—Instructions – for approved use of P-RNAV procedures (Qantas B 767) [F2011L00912].
EX50/11—Exemption – helicopter winching operations [F2011L00872].
EX51/11—Exemption – operations without an approved digital flight data recorder [F2011L00845].
EX53/11—Exemption – requirements for authorised release certificate [F2011L00845].
EX54/11—Exemption – from standard take-off and landing minima – AirBridgeCargo Airlines LLC [F2011L00897].
EX55/11—Exemption – from standard take-off and landing minima – Express Freighters Australia Pty Ltd [F2011L00831].
EX55/11—Exemption – from standard take-off and landing minima – AirBridgeCargo Airlines LLC [F2011L00897].
EX56/11—Exemption – Surveillance Australia Pty Ltd operations into Lord Howe Island [F2011L00899].

EX57/11—Exemption – air traffic controllers for Launceston and Hobart [F2011L00898].

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AD/ATR 42/28—Barrel – Swinging Lever Hinge [F2011L00727].
AD/B747/392 Amdt 1—Fuselage Upper Lobe Doubler [F2011L00836].


Revocation of Airworthiness Directives—
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09/11 [F2011L00731].
010/11 [F2011L00838].
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PR 2011/12-PR 2011/14.

Taxation Determinations—

Taxation Ruling (old series)—Notice of Withdrawal—IT 2645.
Taxation Rulings—
Addendum—TR 97/24.


Corporations Act—
Accounting Standards—
AASB 1054—Australian Additional Disclosures [F2011L00817].
AASB 2011-1—Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project [F2011L00818].
AASB 2011-2—Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project – Reduced Disclosure Requirements [F2011L00824].

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Corporations Amendment Regulations 2011 (No. 1) [F2011L00753].

Currency Act—Currency (Perth Mint) Determination 2011 (No. 2) [F2011L00874].

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Miscellaneous Taxation Rulings—Addenda—MT 2008/1, MT 2008/2 and MT 2009/1.

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AASB 1054—Australian Additional Disclosures [F2011L00817].
AASB 2011-1—Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project [F2011L00818].
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2011/26—Short absence from duty – amendment.
2011/27—Post indexes, definitions and public holidays – amendment.

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No. 33 (May 2011) [F2011L00902].
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2009, 2010 and 2011, dated—

21 April 2011—

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Edith Cowan University.
Griffith University.
Holmesglen Institute of TAFE.
La Trobe University.
Macquarie University.
Monash University.
Murdoch University.
Queensland University of Technology.
Southern Cross University.
Swinburne University of Technology.
The Australian National University.
The Flinders University of South Australia.
The University of Adelaide.
The University of Queensland.
The University of Sydney.
The University of Western Australia.
University of Canberra.
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10 of 2011—Health Skills Australia Pty Ltd [F2011L00949].

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37 of 2011—Amendment determination—conditions [F2011L00867].
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39 of 2011—National Health (Chemotherapy Pharmaceuticals Access Program) Special Arrangement Amendment Instrument 2011 (No. 5) [F2011L00892].
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41 of 2011—Amendment determination—pharmaceutical benefits—early supply [F2011L00865].
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Superannuation Industry (Supervision) Act—Select Legislative Instrument 2011 No. 83—Superannuation Industry (Supervision) Amendment Regulations 2011 (No. 1) [F2011L00936].

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Malignant Neoplasm of the Bile Duct No. 50 of 2011 [F2011L00785].

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Malignant Neoplasm of the Brain No. 38 of 2011 [F2011L00765].

Malignant Neoplasm of the Breast No. 53 of 2011 [F2011L00799].

Malignant Neoplasm of the Breast No. 54 of 2011 [F2011L00779].

Malignant Neoplasm of the Cerebral Meninges No. 57 of 2011 [F2011L00798].

Malignant Neoplasm of the Cerebral Meninges No. 58 of 2011 [F2011L00794].

Malignant Neoplasm of the Colorectum No. 39 of 2011 [F2011L00770].

Malignant Neoplasm of the Colorectum No. 40 of 2011 [F2011L00771].

Malignant Neoplasm of the Gall Bladder No. 51 of 2011 [F2011L00804].

Malignant Neoplasm of the Gall Bladder No. 52 of 2011 [F2011L00802].

Malignant Neoplasm of the Lung No. 41 of 2011 [F2011L00772].

Malignant Neoplasm of the Lung No. 42 of 2011 [F2011L00774].

Malignant Neoplasm of the Oesophagus No. 55 of 2011 [F2011L00778].

Malignant Neoplasm of the Oesophagus No. 56 of 2011 [F2011L00776].

Malignant Neoplasm of the Ovary No. 61 of 2011 [F2011L00793].

Malignant Neoplasm of the Ovary No. 62 of 2011 [F2011L00748].


Malignant Neoplasm of the Salivary Gland No. 64 of 2011 [F2011L00751].

Malignant Neoplasm of the Stomach No. 65 of 2011 [F2011L00754].

Malignant Neoplasm of the Stomach No. 66 of 2011 [F2011L00752].

Malignant Neoplasm of the Thyroid Gland No. 67 of 2011 [F2011L00755].

Malignant Neoplasm of the Thyroid Gland No. 68 of 2011 [F2011L00800].

Malignant Neoplasm of Unknown Primary Site No. 69 of 2011 [F2011L00803].

Malignant Neoplasm of Unknown Primary Site No. 70 of 2011 [F2011L00805].
Non-Melanotic Malignant Neoplasm of the Skin No. 71 of 2011 [F2011L00807].
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Statements of Principles Concerning—
Acoustic Neuroma No. 29 of 2011 [F2011L00735].
Acoustic Neuroma No. 30 of 2011 [F2011L00736].
Irritable Bowel Syndrome No. 27 of 2011 [F2011L00783].
Irritable Bowel Syndrome No. 28 of 2011 [F2011L00766].
Malignant Neoplasm of the Nasopharynx No. 25 of 2011 [F2011L00740].
Malignant Neoplasm of the Nasopharynx No. 26 of 2011 [F2011L00781].
Obstructive and Reflux Nephropathy No. 31 of 2011 [F2011L00767].
Obstructive and Reflux Nephropathy No. 32 of 2011 [F2011L00769].
Subdural Haematoma No. 33 of 2011 [F2011L00784].
Subdural Haematoma No. 34 of 2011 [F2011L00786].
Veterans’ Entitlements (Special Disability Trust) Guidelines 2011 [F2011L01002].
Veterans’ Entitlements (Special Disability Trust – Trust Deed, Reporting and Audit Requirements) Determination 2011 [F2011L00991].
Governor-General’s Proclamations—
Tradex Scheme Amendment Act 2010—Schedule 1—13 May 2011 [F2011L00745].

Tabling

The following documents were tabled:
Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 January to 31 March 2011.
Department of Immigration and Citizenship—Access and equity in government services—Report for 2008-10.
Migration Act 1958—
Reports for the period 1 November 2010 to 28 February 2011—
Section 91Y—Protection visa processing taking more than 90 days.
Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days.
Section 486O—Assessment of detention arrangements—Personal identifiers 622/11, 628/11 and 631/11 to 638/11—Commonwealth Ombudsman’s reports.
Government response to Ombudsman’s reports.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Taxation
(Question No. 423)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 10 March 2011:

With reference to Taxation Determination 2010/D9 (division 7A – unpaid present entitlements):

(1) What is the policy intention of the proposed measure.
(2) How does the proposed measure enable the policy intention to be achieved.
(3) Is the effect of the proposed measure revenue neutral:
   (a) if so, how has revenue neutrality been achieved;
   (b) have other saving measures been needed to achieve revenue neutrality;
   (c) if not, how much revenue is expected to be raised as a result of the measure; and
   (d) can the annual numbers for the forward estimates period be provided, and any further information covering the longer term.
(4) Have the likely administrative and compliance costs of implementing the proposed measure been assessed; if so, what are they.
(5) (a) What stakeholders will be directly affected by the measure;
   (b) have these stakeholders been involved in consultation prior to and during the development of the measure;
   (c) what consultation has the Government been engaged in; and
   (d) have independent bodies or experts been involved in the consultation process.
(6) Is this proposed measure a government response to an identified problem; if so, what problem is it addressing.
(7) Were any alternatives considered before this approach was proposed, if so:
   (a) can details of those alternatives be provided; and
   (b) why was it decided that those options would not be implemented.
(8) Will inaction pose a risk to the integrity of the tax system or broader government administration; if so, how would you rate that risk.
(9) What modelling has been carried out in developing the proposed measure.
(10) Have the broader implications of the implementation of the measure on the economy been forecast; if so, what are they.
(11) Have international comparisons been considered and does the proposed measure accord with international 'best practice'.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

Taxation Determination 2010/D9 is not a proposed measure. Taxation determinations do not alter the existing tax law, but rather set out the Commissioner of Taxation's interpretation of how the existing law works. In a determination, the Commissioner is simply expressing his view of the law enacted by Parliament and he applies accepted principles of statutory interpretation in doing so.
Determinations are not legally binding on taxpayers (that is, they do not create legal obligations under the tax law for them). Once finalised, they are only binding on the Commissioner. Their legal effect is to protect taxpayers who choose to follow the Commissioner's views expressed in them. Taxation determinations have no policy intent, and the government has no involvement in the issuing of taxation determinations. The Commissioner releases draft taxation determinations for public comment before finalising them.

Many taxation determinations are considered by the ATO's Public Rulings Panel. The Panel advises the Commissioner on the issues proposed to be dealt with in taxation rulings and determinations and is made up of senior ATO officers and external experts.

Taxation determinations do not have a revenue impact on the forward estimates because, as far as the law allows, the Commissioner interprets the law consistent with policy intent on which revenue estimates were based. However, they may have a compliance leverage impact by protecting the forward estimates to the extent that revenue is at risk from taxpayers not applying the law properly.

The ATO is therefore unable to provide an answer to questions (1), (2), (3), (5) (c), (6), (7), (8), (9), (10) and (11).

(4) Yes. This draft Determination addresses taxpayers' concerns by providing taxpayers with options to prevent a deemed dividend arising under Division 7A of Part III of the Income Tax Assessment Act 1936 (ITAA 1936) (Division 7A) as a result of the operation of new section 109XI of ITAA 1936. The ATO also consulted closely with tax professional bodies to ensure the draft Determination issued quickly to avoid potential compliance costs for taxpayers.

(5) (a) Individuals, micro enterprises and small and medium enterprises may be affected by this Determination to the extent of the options available to them in relation to section 109XI. No specific industries will be affected.

(5) (b) The normal consultation process for determinations is being followed. The draft determination was published on www.ato.gov.au on 15 December 2010 and public consultation closed on 4 February 2011. In addition, the ATO has consulted with representatives from peak professional bodies prior to issuing this draft Determination and has received submissions from tax practitioners.

(5) (d) No, apart from the consultation process mentioned in the answer to (5) (b).

**Taxation**

(Question No. 424)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 10 March 2011:

With reference to Taxation Determination 2010/D4 (income tax consolidation):

(1) What is the policy intention of the proposed measure.

(2) How does the proposed measure enable the policy intention to be achieved.

(3) Is the effect of the proposed measure revenue neutral:

(a) if so, how has revenue neutrality been achieved;

(b) have other saving measures been needed to achieve revenue neutrality;

(c) if not, how much revenue is expected to be raised as a result of the measure; and

(d) can the annual numbers for the forward estimates period be provided, and any further information covering the longer term.

(4) Have the likely administrative and compliance costs of implementing the proposed measure been assessed; if so, what are they.

(5) (a) What stakeholders will be directly affected by the measure;
(b) have these stakeholders been involved in consultation prior to and during the development of the measure;
(c) what consultation has the Government been engaged in; and
(d) have independent bodies or experts been involved in the consultation process.
(6) Is this proposed measure a government response to an identified problem; if so, what problem is it addressing.
(7) Were any alternatives considered before this approach was proposed, if so:
   (a) can details of those alternatives be provided; and
   (b) why was it decided that those options would not be implemented.
(8) Will inaction pose a risk to the integrity of the tax system or broader government administration; if so, how would you rate that risk.
(9) What modelling has been carried out in developing the proposed measure.
(10) Have the broader implications of the implementation of the measure on the economy been forecast; if so, what are they.
(11) Have international comparisons been considered and does the proposed measure accord with international ‘best practice’.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

Taxation Determination 2010/D4 is not a proposed measure. Taxation determinations do not alter the existing tax law, but rather set out the Commissioner of Taxation's interpretation of how the existing law works. In a determination, the Commissioner is simply expressing his view of the law enacted by Parliament and he applies accepted principles of statutory interpretation in doing so.

Determinations are not legally binding on taxpayers (that is, they do not create legal obligations under the tax law for them). Once finalised, they are only binding on the Commissioner. Their legal effect is to protect taxpayers who choose to follow the Commissioner's views expressed in them. Taxation determinations have no policy intent, and the government has no involvement in the issuing of taxation determinations. The Commissioner releases draft taxation determinations for public comment before finalising them.

Many taxation determinations are considered by the ATO's Public Rulings Panel. The Panel advises the Commissioner on the issues proposed to be dealt with in taxation rulings and determinations and is made up of senior ATO officers and external experts.

Taxation determinations do not have a revenue impact on the forward estimates because, as far as the law allows, the Commissioner interprets the law consistent with policy intent on which revenue estimates were based. However, they may have a compliance leverage impact by protecting the forward estimates to the extent that revenue is at risk from taxpayers not applying the law properly.

The ATO is therefore unable to provide an answer to questions (1), (2), (3), (5) (c), (6), (7), (8), (9), (10) and (11).

(4) Yes. It is not anticipated that taxpayers will have to change any common practices or systems to comply with the extra clarification provided by this Determination in relation to the consolidation regime because it does not introduce any new treatment, over and above standard capital gains rules, that might require any new or amended practices to deal with the treatment explained in the draft Determination.

(5) (a) Micro enterprises, small and medium enterprises and large business may be affected by this Determination, depending on what they propose to do in the future. No specific industries will be affected.
(5) (b) The normal consultation process for determinations is being followed. The draft Determination was published on www.ato.gov.au on 17 November 2010 and public consultation closed on 17 December 2010.

(5) (d) The Public Rulings Panel provided advice in the development of this draft Determination.

**Taxation**

(Question No. 425)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 10 March 2011:

With reference to Taxation Determination 2010/D6:

1. What is the policy intention of the proposed measure.
2. How does the proposed measure enable the policy intention to be achieved.
3. Is the effect of the proposed measure revenue neutral:
   a. if so, how has revenue neutrality been achieved;
   b. have other saving measures been needed to achieve revenue neutrality;
   c. if not, how much revenue is expected to be raised as a result of the measure; and
   d. can the annual numbers for the forward estimates period be provided, and any further information covering the longer term.
4. Have the likely administrative and compliance costs of implementing the proposed measure been assessed; if so, what are they.
5. (a) What stakeholders will be directly affected by the measure;
   (b) have these stakeholders been involved in consultation prior to and during the development of the measure;
   (c) what consultation has the Government been engaged in; and
   (d) have independent bodies or experts been involved in the consultation process.
6. Is this proposed measure a government response to an identified problem; if so, what problem is it addressing.
7. Were any alternatives considered before this approach was proposed, if so:
   a. can details of those alternatives be provided; and
   b. why was it decided that those options would not be implemented.
8. Will inaction pose a risk to the integrity of the tax system or broader government administration; if so, how would you rate that risk.
9. What modelling has been carried out in developing the proposed measure.
10. Have the broader implications of the implementation of the measure on the economy been forecast; if so, what are they.
11. Have international comparisons been considered and does the proposed measure accord with international 'best practice'.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

Taxation Determination 2010/D6 is not a proposed measure. Taxation determinations do not alter the existing tax law, but rather set out the Commissioner of Taxation's interpretation of how the existing law works. In a determination, the Commissioner is simply expressing his view of the law enacted by Parliament and he applies accepted principles of statutory interpretation in doing so.
Determinations are not legally binding on taxpayers (that is, they do not create legal obligations under the tax law for them). Once finalised, they are only binding on the Commissioner. Their legal effect is to protect taxpayers who choose to follow the Commissioner's views expressed in them. Taxation determinations have no policy intent, and the government has no involvement in the issuing of taxation determinations. The Commissioner releases draft taxation determinations for public comment before finalising them.

Many taxation determinations are considered by the ATO's Public Rulings Panel. The Panel advises the Commissioner on the issues proposed to be dealt with in taxation rulings and determinations and is made up of senior ATO officers and external experts.

Taxation determinations do not have a revenue impact on the forward estimates because, as far as the law allows, the Commissioner interprets the law consistent with policy intent on which revenue estimates were based. However, they may have a compliance leverage impact by protecting the forward estimates to the extent that revenue is at risk from taxpayers not applying the law properly.

The ATO is therefore unable to provide an answer to questions (1), (2), (3), (5) (c), (6), (7), (8), (9), (10) and (11).

(4) Yes. It is not anticipated that taxpayers will have to change any common practices or systems to comply with the extra clarification provided by this draft Determination as it deals with incidental costs of disposal of shares which are a common element of capital gains tax cost bases and for which taxpayers would have existing systems or practices in place to deal with. The draft Determination does not introduce any new treatment, over and above standard capital gains tax rules, that might require any new or amended practices to comply with the treatment explained in the draft determination.

(5) (a) Micro enterprises, small and medium enterprises and large business may be affected by this Determination, depending on how they propose to apply the capital gains tax provisions. No specific industries will be affected.

(5) (b) The normal consultation process for determinations is being followed. The draft Determination was published on www.ato.gov.au on 17 November 2010 and public consultation closed on 17 December 2010.

(5) (d) The Public Rulings Panel provided advice in the development of this draft Determination.

**Taxation**

*(Question No. 426)*

Senator Cormann  asked the Minister representing the Treasurer, upon notice, on 10 March 2011:

With reference to Taxation Determination 2010/D10 (Division 7A – payments and loans through interposed entities):

1. What is the policy intention of the proposed measure.
2. How does the proposed measure enable the policy intention to be achieved.
3. Is the effect of the proposed measure revenue neutral:
   a. if so, how has revenue neutrality been achieved;
   b. have other saving measures been needed to achieve revenue neutrality;
   c. if not, how much revenue is expected to be raised as a result of the measure; and
   d. can the annual numbers for the forward estimates period be provided, and any further information covering the longer term.
4. Have the likely administrative and compliance costs of implementing the proposed measure been assessed; if so, what are they.
(5) (a) What stakeholders will be directly affected by the measure;
(b) have these stakeholders been involved in consultation prior to and during the development of the measure;
(c) what consultation has the Government been engaged in; and
(d) have independent bodies or experts been involved in the consultation process.

(6) Is this proposed measure a government response to an identified problem; if so, what problem is it addressing.

(7) Were any alternatives considered before this approach was proposed, if so:
(a) can details of those alternatives be provided; and
(b) why was it decided that those options would not be implemented.

(8) Will inaction pose a risk to the integrity of the tax system or broader government administration; if so, how would you rate that risk.

(9) What modelling has been carried out in developing the proposed measure.

(10) Have the broader implications of the implementation of the measure on the economy been forecast; if so, what are they.

(11) Have international comparisons been considered and does the proposed measure accord with international 'best practice'.

Senator Wong:  The Treasurer has provided the following answer to the honourable senator's question:

Taxation Determination 2010/D10 is not a proposed measure. Taxation determinations do not alter the existing tax law, but rather set out the Commissioner of Taxation's interpretation of how the existing law works. In a determination, the Commissioner is simply expressing his view of the law enacted by Parliament and he applies accepted principles of statutory interpretation in doing so.

Determinations are not legally binding on taxpayers (that is, they do not create legal obligations under the tax law for them). Once finalised, they are only binding on the Commissioner. Their legal effect is to protect taxpayers who choose to follow the Commissioner's views expressed in them. Taxation determinations have no policy intent, and the government has no involvement in the issuing of taxation determinations. The Commissioner releases draft taxation determinations for public comment before finalising them.

Many taxation determinations are considered by the ATO's Public Rulings Panel. The Panel advises the Commissioner on the issues proposed to be dealt with in taxation rulings and determinations and is made up of senior ATO officers and external experts.

Taxation determinations do not have a revenue impact on the forward estimates because, as far as the law allows, the Commissioner interprets the law consistent with policy intent on which revenue estimates were based. However, they may have a compliance leverage impact by protecting the forward estimates to the extent that revenue is at risk from taxpayers not applying the law properly.

The ATO is therefore unable to provide an answer to questions (1), (2), (3), (5) (c), (6), (7), (8), (9), (10) and (11).

(4) Yes. This draft Determination explains that taxpayers are able to take steps to ensure that the value of their deemed loans are reduced (possibly to nil) when the loan from the private company to an interposed entity complies with the requirements of section 109N.

(5) (a) Individuals, micro enterprises and small and medium enterprises may be influenced by clarification provided in this Determination. No specific industries will be affected.
(5) (b) The normal consultation process for determinations is being followed. The draft Determination was published on www.ato.gov.au on 15 December 2010 and public consultation closed on 4 February 2011. In addition, the ATO has consulted with representatives from peak professional bodies prior to issuing this draft Determination.

(5) (d) No, apart from the consultation process mentioned in the answer to (5) (b).

Taxation

(Question No. 427)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 10 March 2011:

With reference to Taxation Determination 2010/20 (income tax treaty shopping):

(1) What is the policy intention of the proposed measure.

(2) How does the proposed measure enable the policy intention to be achieved.

(3) Is the effect of the proposed measure revenue neutral:
   (a) if so, how has revenue neutrality been achieved;
   (b) have other saving measures been needed to achieve revenue neutrality;
   (c) if not, how much revenue is expected to be raised as a result of the measure; and
   (d) can the annual numbers for the forward estimates period be provided, and any further information covering the longer term.

(4) Have the likely administrative and compliance costs of implementing the proposed measure been assessed; if so, what are they.

(5) (a) What stakeholders will be directly affected by the measure;
   (b) have these stakeholders been involved in consultation prior to and during the development of the measure;
   (c) what consultation has the Government been engaged in; and
   (d) have independent bodies or experts been involved in the consultation process.

(6) Is this proposed measure a government response to an identified problem; if so, what problem is it addressing.

(7) Were any alternatives considered before this approach was proposed, if so:
   (a) can details of those alternatives be provided; and
   (b) why was it decided that those options would not be implemented.

(8) Will inaction pose a risk to the integrity of the tax system or broader government administration; if so, how would you rate that risk.

(9) What modelling has been carried out in developing the proposed measure.

(10) Have the broader implications of the implementation of the measure on the economy been forecast; if so, what are they.

(11) Have international comparisons been considered and does the proposed measure accord with international 'best practice'.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

Taxation Determination 2010/20 is not a proposed measure. Taxation determinations do not alter the existing tax law, but rather set out the Commissioner of Taxation's interpretation of how the existing
law works. In a determination, the Commissioner is simply expressing his view of the law enacted by Parliament and he applies accepted principles of statutory interpretation in doing so.

Determinations are not legally binding on taxpayers (that is, they do not create legal obligations under the tax law for them). Once finalised, they are only binding on the Commissioner. Their legal effect is to protect taxpayers who choose to follow the Commissioner's views expressed in them. Taxation determinations have no policy intent, and the government has no involvement in the issuing of taxation determinations. The Commissioner releases draft taxation determinations for public comment before finalising them.

Many taxation determinations are considered by the ATO's Public Rulings Panel. The Panel advises the Commissioner on the issues proposed to be dealt with in taxation rulings and determinations and is made up of senior ATO officers and external experts.

Taxation determinations do not have a revenue impact on the forward estimates because, as far as the law allows, the Commissioner interprets the law consistent with policy intent on which revenue estimates were based. However, they may have a compliance leverage impact by protecting the forward estimates to the extent that revenue is at risk from taxpayers not applying the law properly.

The ATO is therefore unable to provide an answer to questions (1), (2), (3), (5) (c), (6), (7), (8), (9), (10) and (11).

(4) Yes. Taxpayers who have similar structured investments into Australia may re-examine their arrangements in the light of the views expressed in this Determination on the proper application of the current law.

(5) (a) The private equity industry and non-resident investors may be affected if they propose to engage in treaty shopping arrangements with the dominant purpose of avoiding Australian tax.

(5) (b) The normal consultation process for determinations was followed. The draft Determination issued (as TD 2009/D17) on 16 December 2009, the consultation period ran until 29 January 2010, and the final Determination issued on 1 December 2010. In addition, meetings were held in February 2010 with representatives of the Institute of Chartered Accountants Australia, the Taxation Institute of Australian, the Certified Practicing Accountants of Australia and the Australian Private Equity & Venture Capital Association Limited. These bodies also provided written submissions on the draft Determination.

(5) (d) No, apart from the consultation process mentioned in the answer to (5) (b).

Taxation

(Question No. 428)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 10 March 2011:

With reference to Practice Statement Law Administration 2010/4 (Division 7A: trust entitlements):
(1) What is the policy intention of the proposed measure.
(2) How does the proposed measure enable the policy intention to be achieved.
(3) Is the effect of the proposed measure revenue neutral:
   (a) if so, how has revenue neutrality been achieved;
   (b) have other saving measures been needed to achieve revenue neutrality;
   (c) if not, how much revenue is expected to be raised as a result of the measure; and
   (d) can the annual numbers for the forward estimates period be provided, and any further information covering the longer term.
(4) Have the likely administrative and compliance costs of implementing the proposed measure been assessed; if so, what are they.

(5) (a) What stakeholders will be directly affected by the measure;

(b) have these stakeholders been involved in consultation prior to and during the development of the measure;

(c) what consultation has the Government been engaged in; and

(d) have independent bodies or experts been involved in the consultation process.

(6) Is this proposed measure a government response to an identified problem; if so, what problem is it addressing.

(7) Were any alternatives considered before this approach was proposed, if so:

(a) can details of those alternatives be provided; and

(b) why was it decided that those options would not be implemented.

(8) Will inaction pose a risk to the integrity of the tax system or broader government administration; if so, how would you rate that risk.

(9) What modelling has been carried out in developing the proposed measure.

(10) Have the broader implications of the implementation of the measure on the economy been forecast; if so, what are they.

(11) Have international comparisons been considered and does the proposed measure accord with international 'best practice'.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

PSLA 2010/4 is not a proposed measure. This practice statement provides guidance on the administration of Taxation Ruling TR 2010/3. Law Administration Practice Statements are instructions to Australian Taxation Office staff. They provide direction/assistance to staff on the approaches to be taken in performing duties involving the application of the laws administered by the Commissioner. They in no way bind or impact on taxpayers other than making transparent the ATO's approach to matters within their purview. In doing so, they provide taxpayers with guidance on options that may be available to them. The ATO is therefore unable to provide an answer to these questions.

Taxation

(Question No. 429)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 10 March 2011:

With reference to Taxation Determination 2010/21 (profit on the sale of shares in a company group acquired in a leveraged buyout):

(1) What is the policy intention of the proposed measure.

(2) How does the proposed measure enable the policy intention to be achieved.

(3) Is the effect of the proposed measure revenue neutral:

(a) if so, how has revenue neutrality been achieved;

(b) have other saving measures been needed to achieve revenue neutrality;

(c) if not, how much revenue is expected to be raised as a result of the measure; and

(d) can the annual numbers for the forward estimates period be provided, and any further information covering the longer term.
(4) Have the likely administrative and compliance costs of implementing the proposed measure been assessed; if so, what are they.

(5) (a) What stakeholders will be directly affected by the measure;

(b) have these stakeholders been involved in consultation prior to and during the development of the measure;

(c) what consultation has the Government been engaged in; and

(d) have independent bodies or experts been involved in the consultation process.

(6) Is this proposed measure a government response to an identified problem; if so, what problem is it addressing.

(7) Were any alternatives considered before this approach was proposed, if so:

(a) can details of those alternatives be provided; and

(b) why was it decided that those options would not be implemented.

(8) Will inaction pose a risk to the integrity of the tax system or broader government administration; if so, how would you rate that risk.

(9) What modelling has been carried out in developing the proposed measure.

(10) Have the broader implications of the implementation of the measure on the economy been forecast; if so, what are they.

(11) Have international comparisons been considered and does the proposed measure accord with international 'best practice'.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

Taxation Determination 2010/21 is not a proposed measure. Taxation determinations do not alter the existing tax law, but rather set out the Commissioner of Taxation's interpretation of how the existing law works. In a determination, the Commissioner is simply expressing his view of the law enacted by Parliament and he applies accepted principles of statutory interpretation in doing so.

Determination are not legally binding on taxpayers (that is, they do not create legal obligations under the tax law for them). Once finalised, they are only binding on the Commissioner. Their legal effect is to protect taxpayers who choose to follow the Commissioner's views expressed in them. Taxation determinations have no policy intent, and the government has no involvement in the issuing of taxation determinations. The Commissioner releases draft taxation determinations for public comment before finalising them.

Many taxation determinations are considered by the ATO's Public Rulings Panel. The Panel advises the Commissioner on the issues proposed to be dealt with in taxation rulings and determinations and is made up of senior ATO officers and external experts.

Taxation determinations do not have a revenue impact on the forward estimates because, as far as the law allows, the Commissioner interprets the law consistent with policy intent on which revenue estimates were based. However, they may have a compliance leverage impact by protecting the forward estimates to the extent that revenue is at risk from taxpayers not applying the law properly.

The ATO is therefore unable to provide an answer to questions (1), (2), (3), (5) (c), (6), (7), (8), (9), (10) and (11).

(4) Yes. Some taxpayers might currently operate on the basis that profits on the sale of private equity investments will invariably constitute capital gains and be exempt from tax in Australia. Such taxpayers will need to re-examine their own circumstances in light of the view of the law provided in this Determination.
(5) (a) The private equity industry and non-resident investors will be affected if they operate on the basis that the profit on the sale of their investments will invariably be on capital account and exempt from tax in Australia.

(5) (b) The normal consultation process for determinations was followed. The draft Determination issued (as TD 2009/D18) on 16 December 2009, the consultation period ran until 29 January 2010, and the final Determination issued on 1 December 2010. In addition, meetings were held in February 2010 with representatives of the Institute of Chartered Accountants Australia, the Taxation Institute of Australia, the Certified Practicing Accountants of Australia and the Australian Private Equity & Venture Capital Association Limited. These bodies also provided written submissions on the draft Determination.

(5) (d) The Public Rulings Panel provided advice in the development of the draft Determination.

Finance and Deregulation
(Question No. 430)

Senator Cormann asked the Minister for Finance and Deregulation, upon notice, on 11 March 2011:

With reference to the Monthly Financial Statements of December 2010:

(1) Is the Government still borrowing an average of $100 million per day; if not, what is the revised figure.

(2) Total liabilities for the 2010-11 financial year to December were at $388.8 billion, whereas the full year estimate for 2010-11 is $380 billion:

(a) why has this figure already reached the budgeted allocation; and

(b) does the Government plan to revise this estimate; if so, what is the new estimate.

(3) Can the estimated interest expenses of $10.5 billion for the 2010-11 financial year be confirmed and how is this estimate determined.

(4) In relation to expenses by function, fuel and energy costs for the 2010-11 financial year to December are $2.8 billion, while the full year estimate is expected to be $7.2 billion:

(a) does the Minister expect this figure to be reached; and

(b) if so, why is there such a significant increase on the first half of the financial year.

(5) What is the estimated full year draw down on the Contingency Reserve and where these funds will be allocated.

(6) The GST revenue for the 2010-11 financial year to December is $23.7 billion—does the Government expect to meet the full estimate of $49.1 billion; if not, why not and what is the updated estimate.

(7) Income tax revenue for the 2010-11 financial year to December is only $92.5 billion—does the Government expect to meet the full estimate of $214.5 billion; if not, why not and what is the updated estimate.

(8) Company tax revenue for the 2010-11 financial year to December is $26.3 billion—does the Government expect to meet the full estimate of $63.6 billion:

(a) if not, why not and what is the updated estimate; and

(b) if so, is this based predominantly on the anticipated increase in activity in the commodity sector.

(9) Can a breakdown be provided detailing the company tax paid by the industry sector.
Senator Wong: The answer to the honourable senator's question is as follows:

(1) Budget Paper No.1, Table 2 on page 9-4 provides details of the Australian Government general government sector balance sheet.

(2) The difference in total liabilities as at December 2010 compared to the full year MYEFO estimates is mainly driven by the difference in Australian Government's superannuation liabilities and higher account payables, offset by Commonwealth Government Securities on issue.

(3) Budget Paper No.1, Note 10 on page 9-21 provides the details.

(4) Care needs to be taken when comparing and interpreting the monthly collections data against the full year estimate. Updated expenses estimates by function, for the 2010-11 financial year were published in the 2011-12 Budget released on 10 May 2011. See page 6-38 of Budget Paper 1.

(5) A description of the Contingency Reserve (CR) is at page 6-55 of Budget Paper No. 1. The CR ensures that aggregate estimates are as close as possible to expected outcomes, but it is not appropriated. Estimates that are included in the CR can only be drawn down upon once they have been appropriated by Parliament to an individual agency. These estimates are removed from the CR and allocated to specific agencies for appropriation and for outcome reporting closer to the time when the associated events eventuate.

Estimates of the CR profile are at page 6-54 of Budget Paper No. 1.

(6) to (8) Care needs to be taken when comparing and interpreting the monthly collections data against the full year estimate. This is due to the lumpy nature of tax collections, meaning monthly outcomes may not necessarily provide an accurate indication of how collections are tracking. Updated revenue estimates were published in the 2011-12 Budget released on 10 May 2011. See pages 5-38 and 5-39 of Budget Paper 1.

(9) Company tax paid by industry sector is provided in Taxation Statistics, published annually by the Australian Taxation Office. Please note the published data available has a two year lag.

Taxation

(Question No. 438)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 11 March 2011:

With reference to Taxation Ruling 2011/1:

(1) What is the policy intention of the proposed measure.

(2) How does the proposed measure enable the policy intention to be achieved.

(3) Is the effect of the proposed measure revenue neutral:

(a) if so, how has revenue neutrality been achieved;

(b) have other saving measures been needed to achieve revenue neutrality;

(c) if not, how much revenue is expected to be raised as a result of the measure; and

(d) can the annual numbers for the forward estimates period be provided, and any further information covering the longer term.

(4) Have the likely administrative and compliance costs of implementing the proposed measure been assessed; if so, what are they.

(5) (a) What stakeholders will be directly affected by the measure;

(b) have these stakeholders been involved in consultation prior to and during the development of the measure;

(c) what consultation has the Government been engaged in; and
(d) have independent bodies or experts been involved in the consultation process.

(6) Is this proposed measure a government response to an identified problem; if so, what problem is it addressing.

(7) Were any alternatives considered before this approach was proposed; if so:
   (a) can details of those alternatives be provided; and
   (b) why was it decided that those options would not be implemented.

(8) Will inaction pose a risk to the integrity of the tax system or broader government administration; if so, how would you rate that risk.

(9) What modelling has been carried out in developing the proposed measure.

(10) Have the broader implications of the implementation of the measure on the economy been forecast; if so, what are they.

(11) Have international comparisons been considered and does the proposed measure accord with international 'best practice'.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

Taxation Ruling 2011/1 is not a proposed measure. Taxation rulings do not alter the existing tax law, but rather set out the Commissioner of Taxation's interpretation of how the existing law works. In a ruling, the Commissioner is simply expressing his view of the law enacted by Parliament and he applies accepted principles of statutory interpretation in doing so.

Taxation rulings are not legally binding on taxpayers (that is, they do not create legal obligations under the tax law for them). Rulings, once finalised, are only binding on the Commissioner. Their legal effect is to protect taxpayers who choose to follow the Commissioner's views expressed in them. Taxation rulings have no policy intent, and the Government has no involvement in the issuing of taxation rulings. The Commissioner releases draft taxation rulings for public comment before finalising them.

Most taxation rulings are considered by the ATO's Public Rulings Panel. The Panel advises the Commissioner on the issues proposed to be dealt with in taxation rulings and determinations and is made up of senior ATO officers and external experts.

Taxation rulings do not have a revenue impact on the forward estimates because, as far as the law allows, the Commissioner interprets the law consistent with policy intent on which revenue estimates were based. However, they may have a compliance leverage impact by protecting the forward estimates to the extent that revenue is at risk from taxpayers not applying the law properly. The ATO is therefore unable to provide an answer to questions (1), (2), (3), (5) (c), (6), (7), (8), (9), (10) and (11).

(4) Yes. It is not anticipated that taxpayers will have to change any common practices or systems to comply with the extra clarification provided by this Ruling because it does not require any work beyond that needed to adopt the (pre-existing) process envisaged in the law and Organisation for Economic Co-operation and Development (OECD) commentary and explained in Taxation Ruling 98/11 (Income tax: documentation and practical issues associated with setting and reviewing transfer pricing in international dealings) in developing and documenting a reliable arm's length outcome for a dealing under a business restructuring arrangement.

(5) (a) Large businesses may be affected by this Ruling, depending on how they propose to comply with the transfer pricing rules in the law in relation to business restructures. No specific industries will be affected.
(5) (b) The normal consultation process for rulings was followed: The draft ruling issued (as TR 2010/D2) on 2 June 2010, the consultation period ran until 30 July 2010, and the final ruling issued on 9 February 2011.

(5) (d) The Public Rulings Panel provided advice in the development of this draft ruling.

Nationwide House Energy Rating Scheme
(Question No. 445)

Senator Ludlam asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 16 March 2011:

With reference to residential building codes being changed from five to six star minimum standards, and to follow up on figures provided during the 2010-11 Budget Estimates of the Environment, Communications and the Arts Legislation Committee in May 2010 (in particular, question no. 68):

(1) The answer states, ‘As noted in the RIS, the cost estimates are conservative and are not “low” or “least cost”. There is significant scope for planners, designers and builders to minimise capital costs by better dwelling orientation, design and material selection’, when are these factors expected to be included in minimum standards.

(2) What is the average dwelling lifetime of concrete, a material that is being used widely in housing, particularly medium to high density constructions, and commercial ‘tilt ups’.

(3) When will commercial buildings be subject to minimum energy efficiency standards.

(4) Why is there currently no national minimum energy efficiency standard for commercial buildings and when is one expected to be put in place.

(5) How many people within the department are devoted specifically to improving the design and efficiency of commercial buildings.

Senator Wong: The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator’s question:

(1) The rating tools accredited under the Nationwide House Energy Rating Scheme, which can be used for determining compliance with the energy efficiency provisions of the Building Code of Australia (BCA), take into account dwelling orientation, design and material selection in calculating the star rating.

It is up to the building designer to select the mix of building features that will achieve the required star rating for a particular dwelling, taking into account the client requirements and site constraints.

(2) If undisturbed, concrete can last 200 to 300 years, or even longer. The ultimate strength of concrete depends on the ratio of the materials used to make it (normally aggregate, sand and cement) and the proportion of water used to hydrate the mixture. There is a range of Australian standards which specify the minimum required strength of concrete under different conditions and for different applications.

(3) and (4) Energy efficiency provisions for commercial buildings were first introduced in the 2005 BCA, and covered class 2, 3 and 4 buildings – these included residential apartments, aged care facilities and boarding facilities.

In 2006, energy efficiency requirements were introduced for the remainder of commercial buildings types (classes 5, 6, 7 and 8 – these include typical office buildings, warehouses, laboratories, retail centres, hospitals and schools).

(5) There are approximately 25 staff members working specifically on energy efficiency in commercial buildings. There are additional staff members who work partly on issues related to commercial buildings.
Sustainability, Environment, Water, Population and Communities

(Question No. 447)

Senator Ludlam asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 16 March 2011:

Most recent National Rental Affordability Scheme (NRAS) figures

(1) How many NRAS project incentives have been awarded since the scheme began.

(2) (a) Can a breakdown be provided, by state and territory, of the total approvals so far; and (b) in relation to each state and territory total can the figure be divided into inner metro and outer metro, regional and rural areas.

(3) What is the average time it takes to have applications processed from the time of application to final approval stage.

(4) What percentage of Round 3 applications have been processed to the notification stage.

(5) Can an update be provided on the progress of Round 4.

(6) Why do developers benefit from indexation of the NRAS incentive but recipients of Commonwealth rent assistance do not.

Not for profit housing providers and NRAS

Given that, in order to receive their tax offset or cash grant (for NFPs), NRAS recipients must use the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) Online Funding Management System (FOFMS) to provide information required by the Australian Government about their management of NRAS incentives:

(1) Is FOFMS still a FaHCSIA system, which has as yet not been transferred to the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) management.

(2) Has the NRAS team, or anyone else at SEWPaC, requested access to FOFMS.

(3) Can SEWPaC officers make changes to the way that FOFMS operates, for example, the type of information collected.

(4) Has any officer from SEWPaC been able to access information provided by NRAS recipients to FOFMS since the machinery of government changes.

Ministerial representation at the Housing Ministers' Conference of 16 December 2010

(1) Was there a representative from SEWPaC or the Minister's office at the Housing Ministers' Conference.

(2) Was there a representative from SEWPaC or the Minister's office at the meeting of the Housing Ministers' Advisory Committee.

(3) Did either of the abovementioned meetings discuss any matter pertaining to the SEWPaC's portfolio, for example, NRAS or the Housing Supply Council; if not: (a) is there another forum where SEWPaC officers can discuss these issues with their state counterparts; and (b) how is this information shared between FaHCSIA and SEWPaC.

Coordination across Departments following portfolio split

With reference to the split of the Housing portfolio between three ministers and its coordination across two departments:

(1) Can an outline be provided as to what mechanisms are now in place to facilitate communication between people within the SEWPaC and FaHCSIA portfolios, with relation to: (a) interdepartmental meetings; (b) interdepartmental memos; (c) joint seminar series/training days etc; and (d) secondment programs.
(2) What mechanisms are now in place to facilitate communication between people within the
SEWPaC, FAHCSIA and the Department of the Treasury (Treasury) portfolios.

(3) Recent changes to NRAS to better facilitate institutional investment were announced at just about
the same time as the proposed cuts – is this evidence of a lack of communication between Treasury and
SEWPaC.

The transitional safety net to cover charities participating in NRAS

Given that in November 2008 the Government introduced a transitional safety net to cover charities
participating in the NRAS, that this safety net amended both charity and tax law to ensure that
charitable organisations, such as not-for-profit housing providers, would not have their charitable status
jeopardized and lose tax concessions because of their participation in NRAS, and that this safety net
was targeted to charitable organisations participating during the establishment phase of the NRAS that
is for dwellings built in 2008-09 and 2009-10 and would expire at the end of that establishment phase.

(1) What is current situation for charitable organisations participating in NRAS.

(2) Did the transitional safety net expire as noted; if so, are those charitable organisations currently
participating in NRAS in danger of losing their charitable status and loss of valuable tax concessions.

Council of Australian Governments' (COAG) Housing Supply and Affordability Reform agenda

Given that Treasury's brief to the incoming Government (the 'Red Book') warned of Australia's
worsening housing affordability, and said this, along with problems of low density living, declining
amenity and growing congestion, results from fractured and ineffective governance arrangements, and
that the brief advised the incoming Government to enhance the effectiveness of funding to help
Australians in housing need, to investigate taxation and planning reforms, and to expedite a National
Urban Policy Reform, which includes a Housing Supply and Affordability Reform agenda:

(1) How is the SEWPaC looking at implementing COAG's Housing Supply and Affordability
Reform agenda, which as the 'Red Book' advised, includes examining the ways under-utilised
government land could be reallocated to affordable housing.

(2) What specific resources within SEWPaC are devoted to the agenda.

(3) Can a description be provided of any interdepartmental groups, or units, training days, or
programs that have been specifically set-up between SEWPaC, Treasury and FaHCSIA to progress the
agenda.

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

Most recent National Rental Affordability Scheme figures

(1) As at 20 April 2011, 23,112 National Rental Affordability Scheme (NRAS) Incentives have been
approved.

(2) (a) and (b) The following table provides a breakdown of the total NRAS Incentives approved by
state/territory and by region as at 20 April 2011:

<table>
<thead>
<tr>
<th>State</th>
<th>ABS Remoteness Area</th>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Major Cities</td>
<td>Inner Regional</td>
<td>Outer Regional</td>
<td>Remote</td>
<td>Information not sufficient to allocate to remoteness area</td>
<td>Total</td>
</tr>
<tr>
<td>ACT</td>
<td>1,154</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,154</td>
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<tr>
<td>NSW</td>
<td>2,517</td>
<td>229</td>
<td>15</td>
<td>0</td>
<td>0</td>
<td>2,761</td>
</tr>
<tr>
<td>NT</td>
<td>0</td>
<td>0</td>
<td>850</td>
<td>0</td>
<td>350</td>
<td>1,200</td>
</tr>
<tr>
<td>QLD</td>
<td>4,534</td>
<td>1,046</td>
<td>746</td>
<td>0</td>
<td>80</td>
<td>6,406</td>
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<tr>
<td>SA</td>
<td>1,239</td>
<td>88</td>
<td>5</td>
<td>3</td>
<td>21</td>
<td>1,356</td>
</tr>
</tbody>
</table>
(3) In accordance with the National Rental Affordability Scheme Regulations 2008, the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) attempts to notify all applicants of the result of their application within six months of receipt. While we do not maintain statistics on overall average processing times, the majority of applications are fully processed within four months.

(4) DSEWPaC has processed 100 per cent of Round Three applications.

(5) DSEWPaC received 297 applications for 61,133 NRAS Incentives under Round Four. These applications are currently being assessed by the department.

(6) The NRAS Incentive is indexed for all approved participants. Questions about the indexation of Commonwealth Rent Assistance should be directed to the Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) portfolio.

**Not for profit housing providers and NRAS**

(1) Yes. FaHCSIA continues to host the Online Funding Management System (FOFMS) as it would not be practical or efficient to replace or replicate this major system in DSEWPaC.

(2) Yes. Members of both the NRAS and Housing Affordability Branches within DSEWPaC continue to have access to FOFMS.

(3) Yes. DSEWPaC officers work with FaHCSIA where necessary to make changes to the way FOFMS operates.

(4) Yes. DSEWPaC officers can and do access information provided by NRAS recipients.

**Ministerial representation at the Housing Ministers’ Conference of 16 December 2010**

(1) No. The meeting primarily focused on social housing and homelessness issues which are the responsibility of FaHCSIA.

(2) Yes. The head of DSEWPaC’s Housing Supply and Affordability Division attended this meeting on 4 February 2011.

(3) Yes. An update on NRAS was provided at the Housing Ministers' Advisory Committee.

**Coordination across Departments following portfolio split**

(1) (a) There is regular contact at Deputy Secretary, First Assistant Secretary, and Assistant Secretary level, both bilaterally and through Inter-Departmental Committee meetings.

(b) Relevant documents are shared between agencies (such as policy and meeting papers, and briefs).

(c) DSEWPaC and FaHCSIA SES staff participate in regular discussions on policy and program issues. Where suitable opportunities arise, staff from both departments will participate in joint seminars with guest speakers.

(d) No, but a number of FaHCSIA staff now work in DSEWPaC either on permanent or temporary transfer.

<table>
<thead>
<tr>
<th>State</th>
<th>ABS Remoteness Area</th>
<th>Inner Cities</th>
<th>Major Regional</th>
<th>Outer Regional</th>
<th>Remote</th>
<th>Information not sufficient to allocate to remoteness area</th>
<th>Total</th>
</tr>
</thead>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TAS</td>
<td>0</td>
<td>416</td>
<td>158</td>
<td>9</td>
<td>30</td>
<td></td>
<td>613</td>
</tr>
<tr>
<td>VIC</td>
<td>5,535</td>
<td>695</td>
<td>25</td>
<td>0</td>
<td>292</td>
<td></td>
<td>6,547</td>
</tr>
<tr>
<td>WA</td>
<td>1,126</td>
<td>210</td>
<td>278</td>
<td>0</td>
<td>1,461</td>
<td></td>
<td>3,075</td>
</tr>
<tr>
<td>Total</td>
<td>16,105</td>
<td>2,684</td>
<td>2,077</td>
<td>12</td>
<td>2,234</td>
<td></td>
<td>23,112</td>
</tr>
</tbody>
</table>
(1) There is regular contact through Inter-Departmental Committee meetings, bilateral meetings and sharing of documents.

(2) No. Treasury and DSEWPaC consult on relevant NRAS matters. The two announcements were communicating different issues. The taxation changes announced had been in train for some time, and are required regardless of the size of the number of NRAS Incentives to be issued.

**The transitional safety net to cover charities participating in NRAS**

(1) and (2) The High Court Word Investments decision (Commissioner of Taxation of the Commonwealth of Australia v Word Investments Ltd [2008] HCA 55) determined that where an organisation raised funds exclusively for a charitable purpose, the fact that it did so through a commercial enterprise did not preclude it from being a charity. Treasury has advised DSEWPaC that this decision replaced the need for an extension of the temporary safety net that was put in place to provide certainty that charitable Community Housing Organisations would retain their charitable status if participating in NRAS.

**Council of Australian Governments' (COAG) Housing Supply and Affordability Reform agenda**

(1) COAG's Housing Supply and Affordability Reform Agenda is being progressed through the Housing Supply and Affordability Working Party led by Treasuries and First Ministers' departments. DSEWPaC contributes to this work through a Treasury-led Inter-Department Committee and through the provision of input on the suitability of land for housing to the Land Audit Taskforce.

(2) Senior Executives within the Housing Supply and Affordability Division, and members of the Policy and Land Audit Section in the Division are contributing to the Reform Agenda both through input to the Treasury-led working party, and advice on specific land supply issues.

(3) Treasury is leading an Inter-Departmental Committee to coordinate the whole of government response to the Reform Agenda. DSEWPaC, Treasury and FaHCSIA are members of the Treasury Inter-Departmental Committee.

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**Olympic Dam**

(Question No. 448)

**Senator Ludlam** asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 16 March 2011:

With reference to the Olympic Dam's Environmental Impact Statement (EIS) and the Minister's answer to question on notice no. 366 (Senate *Hansard*, 1 March 2011, p. 874) regarding the proposed expansion of the Olympic Dam, and specifically parts (1) (b) to (d) which state: 'It would therefore not be appropriate to limit the assessment or decision on the basis of a specific rate of mine production':

(1) Does this leave open the option for the Federal Government to approve a larger scale project, with consequent larger scale impacts, than was assessed in the draft EIS and that underwent public consultation.

(2) Is this not contrary to the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* to ensure the public is 'properly' informed throughout the environment assessment process.

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

(1) As stated in the response to question on notice no. 366, the proposal being considered under the Environment Protection and Biodiversity Conservation Act 1999 is that described in the referral received on 16 August 2005 and as varied on 24 October 2008 and 9 June 2010. Under the EPBC Act, the minister may only accept the variation if satisfied that the character of the varied proposal is
substantially the same as the character of the original proposal, having regard to the nature of the activities proposed to be carried out and the nature and extent of the impacts of the action.

(2) See answer to question (1).

Superannuation
(Question No. 450)

Senator Cormann asked the Minister representing the Assistant Treasurer, upon notice, on 17 March 2011:

With reference to the changes to concessional superannuation caps and the answer to question on notice no. 367 (Senate Hansard, 3 March 2011, p. 1195):

(1) What is the number of individuals exceeding the concessional contributions caps, as per Table 1 in the answer to question on notice no. 367, broken down by the marginal income tax rate brackets for the each of the following financial years: (a) 2008-09; (b) 2009-10; and (c) 2010-11 (as an estimate).

(2) What percentage of the individuals who have breached the concessional contribution caps are defined benefit members.

(3) How many of the individuals with excess contributions tax will be expected to pay the proposed flood levy.

(4) How does the Government propose to spend the excess contributions tax collected.

(5) Given that in the answer to question on notice no. 367 says that the Government does not assume a rise in excess contributions tax, has there been an assumption elsewhere that the personal income tax collected will increase; if so, by how much.

(6) Are the costs of administering the excess contribution tax expected to continue to grow in the future; if so, what are the projected costs over the forward estimates.

(7) At what point is it expected that the costs of administering the system will outweigh the excess contributions tax.

Senator Sherry: The Assistant Treasurer has provided the following answer to the honourable senator's question:

(1) The number of individuals exceeding the concessional contributions caps, as per Table 1 in the answer to question on notice number 367 broken down by the marginal income tax rate brackets is as follows:

(a) Financial Year 2008-09

<table>
<thead>
<tr>
<th>Marginal Tax Rate</th>
<th>Concessional Cap</th>
<th>Non Concessional Cap</th>
<th>Both caps</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
<td>437</td>
<td>627</td>
<td>24</td>
</tr>
<tr>
<td>15%</td>
<td>2,086</td>
<td>1,612</td>
<td>90</td>
</tr>
<tr>
<td>30%</td>
<td>6,226</td>
<td>1,118</td>
<td>205</td>
</tr>
<tr>
<td>40%</td>
<td>8,798</td>
<td>624</td>
<td>194</td>
</tr>
<tr>
<td>45%</td>
<td>9,764</td>
<td>457</td>
<td>324</td>
</tr>
<tr>
<td>No Income tax return</td>
<td>980</td>
<td>360</td>
<td>16</td>
</tr>
<tr>
<td>Total</td>
<td>28,291</td>
<td>4,798</td>
<td>853</td>
</tr>
</tbody>
</table>

* Individuals in this category are those who either are not required to lodge a return or have an outstanding tax return. The ATO is following up these cases where required.

(b) Financial Year 2009-10
Table 2: Number of individuals potentially exceeding contribution caps in 2009-10 by marginal tax rate

<table>
<thead>
<tr>
<th>Marginal Tax Rate</th>
<th>Concessional Cap</th>
<th>Non Concessional Cap</th>
<th>Both caps</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
<td>333</td>
<td>317</td>
<td>20</td>
</tr>
<tr>
<td>15%</td>
<td>2,103</td>
<td>922</td>
<td>46</td>
</tr>
<tr>
<td>30%</td>
<td>8,625</td>
<td>627</td>
<td>80</td>
</tr>
<tr>
<td>40%</td>
<td>17,409</td>
<td>328</td>
<td>96</td>
</tr>
<tr>
<td>45%</td>
<td>13,449</td>
<td>186</td>
<td>102</td>
</tr>
<tr>
<td>No Income tax return</td>
<td>23,814</td>
<td>1,959</td>
<td>197</td>
</tr>
<tr>
<td>Total</td>
<td>65,733</td>
<td>4,339</td>
<td>541</td>
</tr>
</tbody>
</table>

Individuals in this category are those who still have to lodge their return in accordance with the Tax Agent Lodgment Program and those who either are not required to lodge a return or have an outstanding tax return. The ATO is following up these cases as required.

Note:
- In the above tables, not all individuals identified as exceeding the contribution caps will receive an assessment. A number of cases will be subject to correction of reporting errors by funds. Additionally, the ATO takes a practical, risk based approach in relation to cases where the caps are exceeded by only a small amount.
- Figures for 2009-10 will change as self managed super funds and some individuals are not required to lodge 2009-10 information until May and June of 2011.
- An estimate for 2010-11 is currently not available.
- The percentage of the individuals who have exceeded the concessional contribution caps that are defined benefit members is outlined in the below table.

Table 3: Percentage of individuals who have exceeded the concessional cap who are members of a defined benefit fund

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>% Defined Benefit Fund Members</th>
<th>% Hybrid Defined Benefit Fund Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>1.0%</td>
<td>44.9%</td>
</tr>
<tr>
<td>2008-09</td>
<td>1.0%</td>
<td>44.1%</td>
</tr>
<tr>
<td>2009-10</td>
<td>1.7%</td>
<td>58.8%</td>
</tr>
</tbody>
</table>

Source: The defined benefit numbers shown in the table are ascertained by matching data from the Australian Prudential Regulation Authority Statistics - Superannuation fund-level profiles June 2010 (issued 27 January 2011) with excess contribution data.

Note: Hybrid defined benefits funds will have both a defined benefit and accumulation element (eg Commonwealth Superannuation Scheme). The ATO is unable to determine the proportion of members in the hybrid funds who would only receive defined benefits.

- Information for 2010-11 financial year is not available and the ATO is unable to provide percentage figures at this time.

(3) Revenue is generally not hypothecated to spending. The excess contributions tax will become part of general revenue.

(4) This estimate has not been calculated.

(5) The net impact for 2009-10 and 2010-11 were made public as part of the 2010 11 Budget Estimates in Treasury’s written response to BET68. An electronic copy of this response can be found on the Australian Parliament House website, located at:

(6) It is not possible to provide projected forward estimates given the legislative detail for some measures are still being finalised, e.g. concessional contributions cap for those over 50.

(7) Excess contributions tax is an integrity measure to ensure the tax concessions provided to superannuation are both fiscally sustainable and targeted appropriately.

**Soccer World Cup**

*(Question No. 451)*

**Senator Ronaldson** asked the Minister for Sport, upon notice, on 17 March 2011:

1. As part of Australia's bid to host the Fédération Internationale de Football Association (FIFA) World Cup, was a consulting company known as Square1 Consulting Limited (Square1) engaged by either the Australian Government or the Football Federation of Australia (FFA); if so, why was Square1 engaged and when.

2. How much money was spent by either the FFA, the Australian Government or both on retaining Square1.

3. Were the costs of retaining Square1 paid for by the FFA or by the Australian Government.

4. What service did Square1 provide to the FFA and/or the Australian Government.

5. Was Ms Bonita Mersiades, a former FFA public relations manager, involved in anyway in the decision to appoint Square1.

6. Does the Minister know if Ms Mersiades was ever consulted about the appointment of Square1 by either the FFA or the Australian Government; if so, by whom and when.

7. Did Mr Peter Hartigay or Mr Fedor Radmann lobby either the FFA or the Australian Government for Square1 to be engaged.

8. Did any company in which Mr Hartigay or Mr Radmann were either employees or officers lobby either the FFA or the Australian Government for Square1 to be engaged.

9. Did any other person or company lobby either the FFA or the Australian Government for Square1 to be engaged.

10. Was Square1 appointed following a tender process.

11. What relevant experience did Square1 have justifying its appointment as a consultant company in the FIFA World Cup bid.

12. (a) How many staff did Square1 allocate to FFA's bid; and (b) what was each Square1 staff member's role.

13. As part of Australia's bid to host the FIFA World Cup was Mr Hartigay engaged by either the Australian Government or the FFA.

14. As part of Australia's bid to host the FIFA World Cup was any company or firm in which Mr Hartigay was either an officer or employee (Mr Hartigay's company) engaged by either the Australian Government or the FFA; if so, what was the name of the company.

15. How much money was spent by either the FFA, the Australian Government or both on retaining Mr Hartigay and/or Mr Hartigay's company.

16. Were the costs of retaining Mr Hartigay and/or Mr Hartigay's company paid for by the FFA or by the Australian Government.

17. What service did Mr Hartigay and/or Mr Hartigay's company provide to the FFA and/or the Australian Government.

18. Is the Minister aware if Mr Hartigay has ever been arrested or charged overseas for any criminal offences.
(19) Is the Minister aware if Mr Hartigay has ever been the subject of an international arrest warrant.

(20) Is the Minister aware if Mr Hartigay has ever been refused bail while awaiting trial in any overseas jurisdiction; if so, is the Minister aware of the reasons given by the court for such bail being refused.

(21) As part of Australia's bid to host the FIFA World Cup was Mr Radmann engaged by either the Australian Government or the FFA.

(22) As part of Australia's bid to host the FIFA World Cup was any company or firm in which Mr Radmann was either an officer or employee (Mr Radmann's company) engaged by either the Australian Government or the FFA; if so, what was the name of the company.

(23) How much money was spent by either the FFA, the Australian Government or both on retaining Mr Radmann and/or Mr Radmann's company.

(24) Were the costs of retaining Mr Radmann and/or Mr Radmann's company paid for by the FFA or by the Australian Government.

(25) What service did Mr Radmann and/or Mr Radmann's company provide to the FFA and/or the Australian Government.

(26) Is the Minister aware if Mr Radmann was ever involved in any capacity in Germany's bid to host the 2006 FIFA World Cup.

(27) Is the Minister aware of any allegations of improper conduct by Mr Radmann during Germany's bid for the 2006 FIFA World Cup.

(28) Is the Minister aware of any recent litigation in Switzerland involving Mr Radmann and/or Mr Radmann's company.

(29) Were the engagements of Mr Hartigay, Mr Radmann or companies linked to them supported by the Minister.

Senator Arbib: The answer to the honourable Senator's question is as follows:

The Department of Health and Ageing entered into a funding agreement on behalf of the Government with Football Federation Australia (FFA) to host the 2018 or 2022 FIFA World Cup on 4 June 2009 for an amount of $45,486,000 (GST exclusive) over three years.

FFA was sole responsible for the bid strategy and was at liberty to subcontract within the terms of the funding agreement with the Government. The funding agreement was drafted to ensure the appropriate controls were in place regarding the use of funds including a requirement that FFA staff and contractors adhere to appropriate standards of integrity and behaviour.

The Government was not involved in any decision-making over who was contracted by the FFA for the World Cup bid. It is understood that FFA selected contractors based on their expertise and experience in international football and major sporting events.

Information is being provided in response to Question on Notice PM 35 regarding expenditure acquitted to date under the funding agreement with FFA for the World Cup Bid, including details on funding to consultants. A copy of that information is attached.

**Acquitted Expenditure on 2022 World Cup Bid**

<table>
<thead>
<tr>
<th>Item</th>
<th>Total ($m)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FFA Staff and Related Costs</strong></td>
<td>$4.606</td>
</tr>
<tr>
<td>This expenditure relates to staff salaries and associated on-costs (eg, superannuation, payroll tax, annual leave loading, etc) for bid staff contracted by FFA to work on the FIFA World Cup and AFC Asian Cup bids. Staff numbers have fluctuated depending on the phase of the Bid, with staff numbers at the peak during the period leading up to the Bid Book submission and...</td>
<td></td>
</tr>
</tbody>
</table>
Inspection Visits, but on average have numbered between 12 and 14.

Areas of Staff Employment:
- Executive/Management
- Strategic Planning
- Finance
- Legal
- Marketing (including social media)
- Events
- Logistics
- Media Relations
- Government Relations
- Public Relations
- Commercial
- Accommodation, Training Sites and Stadium Infrastructure Planning
- CSR

Several members of FFA staff contributed significant time and attention to the bids but were funded by FFA and not Government funding. This included the CEO, Head of Legal, Chief Financial Officer, Head of Corporate and International Affairs and finance and accounts teams.

Consultants/Agencies $6.595

This expenditure does not relate to all consultants and agencies engaged to work on the Bid. For example, marketing specialist agencies were engaged and recorded under the budget line item “Marketing and Advertising”.

Expenditure on consultants and agencies which do not directly relate to other prescribed budget line items is recorded here. This included advocacy services provided by European Consultancy Network and Abold (through its sub-contractor Fedor Radmann) and strategic analysis performed by PwC and LEK on projects such as economic and financial modelling; cost benefit analyses; jurisdictional business cases; analysis of the impact to other sporting codes; budget preparation; analysis of the commercial value to FIFA of staging the World Cup in Australia; and an economic valuation of World-Cup associated and ancillary events and “assets” available to jurisdictions.

Business Operations $2.958

Business operations expenditure includes expenditure primarily of an overhead nature, including pro-rated office rental, cleaning, security, postage, printing, IT services, phone calls, office supplies and other incidental costs.

Please note that this figure also includes $1.323 million of value-in-kind (VIK) from official bid partners:
- Cisco Systems
- Optus

Cisco provided telepresence hardware and support as well as audio visual equipment and Optus provided iPads and telepresence related cabling and IT services.
Events related expenditure includes service fees to FFA's UK-based international events planner and coordinator, JKB International, as well as costs incurred in staging targeted events. Major events staged or participated in during the bidding process include the International Football Arena in Zurich, which was attended by several members of the FIFA Executive Committee; the Australia Lounge, which FFA established at the Sandton Convention Centre in Johannesburg during the 2010 FIFA World Cup and used as a key networking and lobbying hub; and the Sydney Festival Ferrython, which featured a bid-branded "Come Play Ferry" and received significant international coverage.

The Bid also arranged more intimate events in connection with opportunities surrounding key FIFA meetings, tournaments and international fixtures.

Community Programs
Community Programs includes expenditure incurred in respect of FFA's Corporate Social Responsibility (CSR) and International Football Development (IFD) initiatives. These initiatives were a critical part of the bid process, mandated by the bidding documentation and providing strong opportunities to enhance the Bid's credentials and reputation.

CSR initiatives served to reinforce Australia's commitment to CSR as part of its Bid Book submission to FIFA. For example, FFA provided support to Football United, a charity which through football assists refugees and other marginalized groups integrate into Australia society. Support was also provided to The Big Issue's Street Soccer program.

International Football Development initiatives were undertaken in Australia, Oceania, Asia, Africa and the Caribbean. These initiatives are intended to demonstrate Australia's capacity and willingness to assist in the growth of participation or to improve the technical standard of football in a particular region. These initiatives have included the provision of equipment, technical advice and support and funding to develop football in these regions. FFA has funded significant contributions from its own resources (not using Government funding) in Australia, South Africa, East Timor, Thailand, Vietnam, Philippines, Israel and Palestine and the Caribbean.

Public Relations
Public relations expenditure includes fees payable to Square 1 Consulting who were engaged to provide international exposure of and attention for Australia’s bid, as well as the production of promotional materials, merchandise and premiums for distribution at key events. FFA also utilised Inner Sanctum Media to produce video footage of key bid events for distribution to various media outlets and bid Partners.

Other Public relations activities included the "Breakfast on the Bridge" held in Sydney in conjunction with the NSW State Government which achieved significant domestic and international exposure.

Marketing and Advertising
This expenditure included fees to marketing and advertising agencies for the research and development of Australia's brand themes, the development of a bid logo, the production of a television commercial and the development of Australia's bid website.

In addition, costs related to the promotion of the bid, including television advertising or media space at key events, are included in this description.

Please note that this figure also includes $1.161 million of value-in-kind (VIK) from ...
official bid partner QANTAS for marketing and advertising they provided in the form of in-terminal advertising space.

**Infrastructure Planning**

FFA appointed an Australian based consortium of engineers, architects, cost planners, stadium security experts, transport experts, project management staff and environmental experts to develop detailed designs and plans with respect to stadiums and other key tournament sites and event related infrastructure (for example, Fan Fests, training sites, accommodation and airports). FFA contracted Populous, Australia's leading stadium architects, and Populous sub-contracted all other members of the consortium of companies, including ARUP, Aurecon, MI Associates, Davis Langdon, Intelligent Risk, Cox Architects and Ways and Means. The plans developed were necessary in order to provide a high level of detail on stadium and infrastructure plans when preparing the Bid Book and liaising with government and other stakeholders. Populous also provided similar services in respect of the Asian Cup bid.

FFA also engaged ISFM to undertake a national facilities audit in relation to potential training sites for inclusion in the bid proposal.

**Travel**

This includes flights, taxis, accommodation, subsistence meals and other incidental costs incurred whilst travelling in connection with the Bid.

Domestic Travel expenditure was necessary to co-ordinate the various activities across all proposed Host Cities and was also used for FFA’s preparation and participation in key events to support the bid. International travel was undertaken in relation to key FIFA workshops or observer tours, lobbying, International Football Development or other international events.

**Bid Book, Presentation and Other Marketing**

This relates to the development, production and distribution of Australia's Official 760 page Bid Book.

The cost of Bid Book preparation included service fees to Abold and other local agencies specifically in relation to the Bid Book design and production, as well as other specialist consultants and subject-matter experts with experience in technical writing in Australia. Bid Book costs also included the cost of scanning of approximately 60,000 pages of contracts and other documentation as well as the shipment and logistical costs of transporting documentation from Australia to FIFA headquarters in Europe.

These expenses also included costs related to the FIFA Inspection Visit (e.g. rehearsals, transport and accommodation, promotional videos, etc) and Final Presentation (e.g. film shooting and production, transport and accommodation, security, etc).

Significant aspects of Bid Book expenditure include:

- Design, project management, content review, layout and production coordination for both World Cup and Asian Cup Bid Books;
- Staff secondments, economic impact analysis, financial modelling, and strategic consulting;
- Infrastructure analysis, auditing and research;
- Transport strategy development and planning;
- Security strategy development and planning;
Wednesday, 15 June 2011

SENATE

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QUESTIONS ON NOTICE

Item | Total ($m)
--- | ---
- Environmental strategy development; and  
- Design and production of slip cases and interactive Bid Book DVD.  

TOTAL $40.726 (ex GST)

Tasmanian Wilderness World Heritage Area
(Question No. 453)

Senator Bob Brown asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 21 March 2011:

With reference to the ongoing removal and salvage of Huon pine logs from the Tasmanian Wilderness World Heritage Area (TWWHA) in Macquarie Harbour:

(1) Who has been authorised to undertake such salvage since 1989, including: (a) the period of that authorisation; and (b) the exact location.

(2) In each case, what volume of Huon Pine was: (a) retrieved to Strahan; and (b) gathered but left in the TWWHA.

(3) How far up the Gordon River has salvage been authorised and with what promises.

(4) Has an excavator been used during the salvage.

(5) Who is currently permitted to undertake the salvage.

(6) When will this salvage end.

(7) Are branded logs (cut long ago upstream) returned to their owners; 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:

The Tasmanian Wilderness World Heritage Area Management Plan 1999 provides the policy framework and management prescriptions that guide the management of the Tasmanian Wilderness World Heritage Area. The plan has been endorsed by the Australian and Tasmanian governments.

The plan provides for the salvage of Huon Pine along selected parts of the shores of Macquarie Harbour, excluding Sarah and Grummet Island and the Gordon River and its banks, in accordance with a heads of agency agreement between the Tasmanian Parks and Wildlife Service and Forestry Tasmania.

A process to review and update the plan commenced in December 2004. The public consultation conducted during the review did not reveal the Huon Pine salvage as an issue of concern. Tasmanian Government officials have raised concerns with salvage in the sensitive Wrights Bay area of Macquarie Harbour. It is proposed that this area be declared off limits in the updated plan.

The detailed questions asked by Senator Brown are best directed to the Tasmanian Minister for Environment, Parks and Heritage, Hon Brian Wightman MP, as the minister responsible for managing the Tasmanian Wilderness World Heritage Area.

References:

Tasmanian Wilderness World Heritage Area Management Plan 1999 pp 188-189. The full version of the Plan can be found on the Parks and Wildlife Service website:
Defence: Staffing
(Question No. 454)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

As at 31 December 2010, how many:
(a) full-time, permanent uniformed staff; and
(b) civilian staff, both part-time and full-time, were in each of the three service areas (i.e. Army, Navy, Air Force).

Senator Chris Evans: The Minister for Defence Science and Personnel has provided the following answer to the honourable senator's question:

The number of uniformed and civilian staff in each of the three Services as at 31 December 2010 is detailed below. Numbers are for individuals, i.e. headcount.

(a) The numbers of full-time, permanent uniformed members within each Service, including Gap Year members and those Reserve members serving full-time were.
   (i) Navy: 14,306;
   (ii) Army: 30,414; and
   (iii) Air Force: 14,729.

(b) The civilian numbers in each Service group were
   (i) Navy: 867;
   (ii) Army: 1,098; and
   (iii) Air Force: 915.

Defence: Staffing
(Question No. 455)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

For the period 1 July to 31 December 2010, how many uniformed full-time, permanent personnel were recruited to each of the service areas (i.e. Army, Navy and Air Force).

Senator Chris Evans: The Minister for Defence Science and Personnel has provided the following answer to the honourable senator's question:

The numbers of personnel recruited into the Regular forces over the period 1 July to 31 December 2010 were as follows:
   (i) Navy: 597;
   (ii) Army: 1,279; and
   (iii) Air Force: 310.

These figures are inclusive of Gap Year members and those who have prior service in the military.

Defence: Staffing
(Question No. 457)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:
For the period 1 July to 31 December 2010, how many temporary civilian positions, both full-time and part-time, were created in the department and in the Defence Materiel Organisation.

Senator Chris Evans: The Minister for Defence Science and Personnel has provided the following answer to the honourable senator’s question:

During the period 1 July to 31 December 2010, a total of 127 temporary civilian positions, both full-time and part-time, were created within the Department of Defence. Of these 62 were in the Defence Materiel Organisation.

Defence: Staffing
(Question No. 458)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

For the period 1 July to 31 December 2010, how many temporary civilian positions, including part-time, existed in the department and in the Defence Materiel Organisation.

Senator Chris Evans: The Minister for Defence Science and Personnel has provided the following answer to the honourable senator’s question:

During the period 1 July to 31 December 2010, there was an average of 158 temporary civilian positions in the Department of Defence and an average of 74 in the Defence Materiel Organisation. This is an overall average of 232 positions.

Defence: Staffing
(Question No. 459)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

For the period 1 July to 31 December 2010, how many civilian employees, including full-time and part-time, were employed on contract and at what levels of remuneration.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator’s question:

The following table indicates the number of APS civilian employees who were employed on a non-ongoing basis during the period 1 July to 31 December 2010. The table also includes details of the level of remuneration of those employees:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Salary Range</th>
<th>Count of Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>APS</td>
<td>39671—44532</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>44896—50471</td>
<td>70</td>
</tr>
<tr>
<td></td>
<td>44896—55880</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>51139—55880</td>
<td>42</td>
</tr>
<tr>
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<td>51139—63243</td>
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<td>57929—63243</td>
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<td>57929—68092</td>
<td>10</td>
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<td></td>
<td>63244—68092</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>63570—68092</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>69642—79555</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td>81954—81954</td>
<td>1</td>
</tr>
<tr>
<td>APS Total</td>
<td></td>
<td>267</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

For the period 1 July to 31 December 2010, what was the average cost in recruiting each new uniformed person into each of the service areas (i.e. army, navy and air force)?

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

The simple average cost per recruit for the period 1 July to 31 December 2010 was $14,103 per recruit across Navy, Army and Air Force.

This is a simple average based on the total expenditure by Defence Force Recruiting in the period 1 July to 31 December 2010 ($55,256 million) divided by the total number of uniformed personnel recruited to the Australian Defence Force through Defence Force Recruiting in this period (3,918).

While ceremonial activities and community based activities have an indirect benefit to recruitment, they are not classified as direct recruitment costs and as such are not included in these costs.

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

What was the total expenditure on recruiting for the periods:
(a) 1 July to 31 December; and
(b) 1 January to 31 December 2010.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

The total direct expenditure by Defence Force Recruiting on recruitment into the Australian Defence Force in the period:
(a) 1 July to 31 December was $55.256 million; and
(b) 1 January to 31 December 2010 was $152.627 million.
While ceremonial activities and community based activities have an indirect benefit to recruitment, they are not classified as direct recruitment costs and as such are not included in these costs.

The expenditure in the twelve month period was abnormally high largely as a result of the transition of the Recruiting Services contract from Chandler McLeod Group (CMG) to Manpower Services (Australia) (Manpower). These additional costs related to the resolution of a number of contractual issues as part of the termination of the CMG contract and payments to Manpower to facilitate their transition-in during the period 14 December 2009 to 1 February 2010.

Defence: Staffing
(Question No. 462)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

For the period 1 July to 31 December 2010, how much was paid to the Australian Defence Force prime recruiting agency for the provision of services.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator’s question:

The total amount paid to Manpower Services (Australia) for the provision of Australian Defence Force recruiting services in the period 1 July to 31 December 2010 was $29.446 million.

Contract expenditure has significantly reduced in this period to $29.446 million from $53.482 million during the period 1 January to 30 June 2010.

Contract expenditure in the previous period (1 January to 30 June 2010) was abnormally high largely as a result of the transition of the Recruiting Services contract from Chandler Macleod Group (CMG) to Manpower Services (Australia) (Manpower). CMG was paid $12.321 million for services to 1 February 2010, including costs associated with the resolution of contractual issues as part of the contract closure. Manpower Services (Australia) was paid $41.161 million for services from 1 February to 30 June 2010, including transition costs associated with the seven week contract transition period, which commenced in mid December 2009. In addition, Defence Force Recruiting usually recruits a higher number of recruits in the second six months of the financial year than in the first six months, primarily because of the January intakes for the Australian Defence Force Academy and other recruit schools.

Defence: Strategic Reform Program
(Question No. 470)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

With reference to the White Paper and the Strategic Reform Program 'Indicative Workforce Implications – Military Workforce':

For the period 1 July to 31 December 2010, what reduction has there been in the number of personnel, including part-time, employed in implementing:

- (a) efficiency improvements;
- (b) civilianisation; and
- (c) support productivity improvements.

Senator Chris Evans: The Minister for Defence Science and Personnel has provided the following answer to the honourable senator’s question:
(a) Implementation of the efficiency improvements component of the SRP, which includes Shared Services initiatives and business improvement within Groups and Services, has led to a reduction of 72 Average Funded Strength (AFS).

(b) Civilisation is part of the workforce reform element of Workforce Shared Services Reform (WSSR) and forms part of Defence's move to establish the best workforce mix of its non-combat related workforce, allowing the military workforce to primarily undertake combat or combat related roles. The first step in civilisation is through the disestablishment of 152 military positions across financial year 2010-11. A phased implementation has realised 63 AFS reductions to the end of December 2010.

(c) Implementation of the support productivity improvements component of the SRP is scheduled to commence in financial year 2014-15. This program is a continuous improvement plan, following on from the completed implementation of the other WSSR components of the SRP.

Defence: Strategic Reform Program
(Question No. 474)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

With reference to the White Paper and the Strategic Reform Program 'Indicative Workforce Implications – Civilian Workforce':

For the period 1 July to 31 December 2010, what reduction has there been in the number of Australian Public Service staff or contractors employed in implementing:

(a) efficiency improvements;
(b) civilisation;
(c) support productivity improvements; and
(d) contractor conversion (reduction to contractors).

Senator Chris Evans: The Minister for Defence Science and Personnel has provided the following answer to the honourable senator's question:

(a) Implementation of the efficiency improvements component of the Strategic Reform Program (SRP), which includes Shared Services initiatives and business improvement within Groups and Services, has realised 213 reductions in the number of Australian Public Service (APS) full-time equivalent employees.

(b) Civilisation is part of the workforce reform element of Workforce Shared Services Reform (WSSR) and forms part of Defence's move to establish the best workforce mix of its non-combat related workforce, allowing the military workforce to primarily undertake combat or combat related roles. Implementation of the civilisation component of the SRP will increase APS full time equivalent positions by 152 over financial year 2010-11 with a commensurate reduction of 152 military personnel for the same period. Due to phased implementation the increase in APS from civilisation has been 31 to the end of December 2010.

(c) Implementation of the support productivity improvements component of the SRP is scheduled to commence in financial year 2014-15. This program is a continuous improvement plan, following on from the completed implementation of the other WSSR components of the SRP.

(d) Implementation of the contractor conversion component of the SRP has led to 248 conversions undertaken in the period 1 July to 31 December 2010. The effect of these conversions is that 248 contractor positions have been reduced, and there has been a corresponding increase of 248 APS full time equivalent personnel.
Senator Johnston asked the Minister for Defence upon notice, on 21 March 2011:

Given that video communications are integrated into robots, soldiers and unmanned aerial vehicles, network centric warfare is becoming the organising principle of war fighting, and frontline demands for bandwidth are rising at a rapid rate, for the period 1 July to 31 December 2010, what did the Australian Defence Force do and how much did it spend on:

(a) establishing a network centric warfare capability; and
(b) addressing the issue of increased bandwidth.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(a) The Australian Defence Force's (ADF) network centric warfare capability is being delivered primarily through the Defence Capability Plan (DCP). Defence was engaged in the following network centric warfare activities from 1 July to 31 December 2010:

(i) Over the period there have been a number of developments supporting network centric warfare milestones in the Network Centric Warfare Roadmap 2009:

- On 29 September 2010, it was agreed that the 2009 Network Centric Warfare Roadmap would become a 'live' document that informs and is influenced by the DCP.
- Defence also endorsed the Network Centric Warfare Integration and Implementation Strategy. Through seven capability integration and implementation imperatives and 28 supporting initiatives, it provides the 'who' and the 'how' (as opposed to the 'what, why and when' provided in the 2009 Network Centric Warfare Roadmap), to develop a networked Force 2030 by outlining how capability integration will be delivered, and who will be responsible for each activity that will contribute to it.
- The first version of the Satellite Communications (SATCOM) Capability Management Plan 2011-2030 was completed and is being circulated among stakeholders. SATCOM is an integral enabler for network centric warfare. Over the next two years Defence will develop a Strategic Communications Capability Management Plan that, rather than focusing on a bearer (e.g. SATCOM), will take a system view to include all bearers such as SATCOM, High Frequency and terrestrial links.
- Chief Information Officer Group is managing the Specialist Communications Modernisation Program - Land which seeks to remediate the Deployable Wide Area Network (D-WAN) by conducting a comprehensive technology refresh. The D-WAN is a critical enabler for the provision of networks of various classification levels to the field. Based on improvements to communications technology over the past decade, the remediated D-WAN will be able to leverage external networks such as wireless broadband (for example 3G), Wi-Fi, Hotel Ethernet and Asynchronous Digital Subscriber Line. This offers substantial bandwidth increases, improved quality of service and greater flexibility in connection methods, while significantly reducing bearer operating costs. During the subject period, the Requirements Definition Phase was completed, which included the development of Technology Concept Demonstrators and conducted trials using the Technology concept demonstrators to assess whether solutions would be technically feasible, and to confirm the validity of the requirements definition documentation.
- Navy commenced drafting the Navy Information Warfare Master Plan in late 2010, which will provide strategic direction for the development of maritime electronic warfare intelligence surveillance and reconnaissance, cyber and information operation capabilities out to 2030 and will provide an essential component of Navy's overall network centric approach to maritime warfare. The Master Plan will also provide advice to industry on Navy's future requirements in these fields to
enable Australian industry to better shape itself to meet Navy's requirements. The Navy Information Warfare Master Plan will be completed and signed by July 2011.

- Defence has maintained an initial operating capability of the networked maritime units milestone through continued Link 16 operation installed on the Adelaide class Frigates.
- Defence has developed improved situational awareness tools to support major fleet units and minor war vessels.
  
  (ii) Defence has facilitated nine Defence and industry activities to increase networked capability. $9.876 million has been directly attributed to developing and implementing network centric warfare. Expenditure on projects within the DCP is not included in the summation of expenditure attributed to the establishment of a networked ADF capability.

  (b) The requirement to meet frontline demands for increased bandwidth is being addressed through various projects to acquire satellite capabilities and enhanced tactical networks, including data link communications for ADF elements and weapon systems. On the specific matter of increasing bandwidth, Defence was engaged in the following activities from 1 July to 31 December 2010:

  (i) The ADF’s information exchange requirements are routinely assessed using the Defence Science and Technology Organisation to model, run and assess results. This modelling provides a good degree of fidelity as to the ADF’s bandwidth requirements. The issue is not necessarily one of increasing bandwidth, but increasing the data rate. New technologies and improved information management practices are enabling better use of existing bandwidth. Network optimisation technology was introduced on some strategic communications links into the Middle East Area of Operations, resulting in significant data throughput improvements of up to three times the previous rate. A more expanded use of this technology is being examined.

  (ii) Defence continued milestone payments ($40.88 million) for the sixth Wideband Global SATCOM satellite.

  (iii) Defence continued the development of a long term satellite ground station capability on the Australian west coast ($15.64 million).

  (iv) Defence continued the acquisition ($87.94 million) of an ultra high frequency payload on the IS-22 commercial satellite over the Indian Ocean region, which will become operational in 2012.

  (v) Defence continued to utilise increased wide band satellite communications bandwidth to support major fleet units.

  (vi) Defence increased its utilisation of commercial bears (e.g. Telstra Next G) for minor war vessels when operating in vicinity of the Australian coastline, increasing from nine to 15 minor war vessels. This has saved approximately $2.3 million per year in leased commercial satellite costs. The Specialist Communications Modernisation Program - Maritime will enable Navy to more widely implement this capability across an additional 20 platforms which will realise significant additional savings.

  (vii) Navy sponsored the Defence Science and Technology Organisation research to identify and trial alternate high bandwidth communications bears so as to conduct communications outside the current radio frequencies.

  (viii) Navy achieved enhanced situational awareness and threat warning through the installation of capabilities delivered through Joint Project 2065 Phase One, which enables the delivery of intelligence information via both networked and through air bearers.
Defence

(Question Nos 485 to 487)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

(1) For the period 1 July to 31 December 2010, for each agency within the responsibility of the Minister, how much was spent on media monitoring.

(2) As at 1 July and 31 December 2010:

(a) how many staff, uniformed and civilian, full-time and part-time, were employed in public relations and/or the media in the department or each agency within the responsibility of the Minister;

(b) what were the position levels of these staff; and

(c) how many of these staff were: (i) permanent, (ii) temporary, or (iii) contractors.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) Department of Defence $280,705 (GST inclusive), Defence Housing Australia $17,445 (GST exclusive).

(2) (a) At 1 July 2010 the Defence Public Affairs Branch employed 65 civilians, four contractors and 49 military employees. At 31 December 2010 the Defence Public Affairs Branch employed 46 military, 65 civilian's employees and 4 contractors.

Outside of the Public Affairs Branch on 1 July 2010 there were a further 46 Defence employees who provided public affairs or media support as a part of their regular duties, on 31 December 2010 this figure was 41 Defence employees and 3 contractors.

(2) (b) and (c) The following table details the position levels and employment status of staff:

<table>
<thead>
<tr>
<th>Responsibility</th>
<th>Staffing as at 1 Jul 2010</th>
<th>Staffing as at 31 Dec 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive</td>
<td>1 x permanent BRIG,</td>
<td>1 x permanent BRIG,</td>
</tr>
<tr>
<td></td>
<td>1 x permanent COL,</td>
<td>1 x permanent COL,</td>
</tr>
<tr>
<td></td>
<td>1 x permanent EL2,</td>
<td>1 x permanent MAJ,</td>
</tr>
<tr>
<td></td>
<td>1 x permanent/part time EL1</td>
<td>1 x permanent EL2,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 x permanent/part time EL1,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 x permanent APS6</td>
</tr>
<tr>
<td>Defence Service Newspapers</td>
<td>1 x permanent SGT,</td>
<td>1 x permanent EL2,</td>
</tr>
<tr>
<td></td>
<td>3 x permanent CPL,</td>
<td>4 x permanent EL1,</td>
</tr>
<tr>
<td></td>
<td>1 x permanent LS,</td>
<td>1 x temporary EL1,</td>
</tr>
<tr>
<td></td>
<td>1 x permanent EL2,</td>
<td>4 x permanent APS6,</td>
</tr>
<tr>
<td></td>
<td>4 x permanent EL1,</td>
<td>1 x permanent APS4-5,</td>
</tr>
<tr>
<td></td>
<td>1 x temporary EL1,</td>
<td>1 x permanent/part-time APS,</td>
</tr>
<tr>
<td></td>
<td>5 x permanent APS6,</td>
<td>1 x permanent LCDR,</td>
</tr>
<tr>
<td></td>
<td>1 x part time APS6,</td>
<td>1 x permanent SGT,</td>
</tr>
<tr>
<td></td>
<td>1 x permanent APS5,</td>
<td>1 x permanent CPL,</td>
</tr>
<tr>
<td></td>
<td>1 x permanent/part-time APS4</td>
<td>1 x LS</td>
</tr>
<tr>
<td>Communication Advisors</td>
<td>1 x permanent EL2,</td>
<td>7 x permanent EL1</td>
</tr>
<tr>
<td></td>
<td>9 x permanent EL1,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 x permanent APS6</td>
<td></td>
</tr>
<tr>
<td>Responsibility</td>
<td>Staffing as at 1 Jul 2010</td>
<td>Staffing as at 31 Dec 2010</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Media Operations</strong></td>
<td>1 x permanent EL2, 1 x permanent EL1, 2 x permanent APS6, 2 x permanent APS4/5</td>
<td>1 x permanent EL2, 3 x permanent EL1, 1 x permanent APS6, 1 x temporary APS6, 4 x permanent APS4/5</td>
</tr>
<tr>
<td><strong>Defence Internet</strong></td>
<td>2 x permanent EL1, 2 x contractors</td>
<td>1 x permanent EL1, 2 x contractors</td>
</tr>
<tr>
<td><strong>Video and Imagery Library</strong></td>
<td>1 x permanent EL1, 1 x permanent APS6, 2 x contractors</td>
<td>1 x permanent EL1, 1 x permanent APS6, 1 x permanent part time APS4, 1 x permanent APS3-4, 1 x WO2, 2 x contractors</td>
</tr>
<tr>
<td><strong>Internal Communications</strong></td>
<td>1 x permanent /part-time EL1, 2 x permanent/part-time APS6</td>
<td>1 x permanent/part-time APS6</td>
</tr>
<tr>
<td><strong>Military Public Affairs</strong></td>
<td>1 x permanent MAJ, 1 x permanent CAPT, 1 x permanent APS6</td>
<td>1 x APS6, 1 x permanent MAJ, 1 x LT (Reserve), 1 x CAPT (Reserve)</td>
</tr>
<tr>
<td><strong>Preparedness, Plans and Training</strong></td>
<td>1 x permanent EL1, 1 x permanent EL1, 1 x permanent APS6</td>
<td>1 x permanent EL1, 1 x permanent EL1, 1 x permanent APS6</td>
</tr>
<tr>
<td><strong>Research, Policy and Entertainment Media Liaison</strong></td>
<td>1 x permanent EL2, 1 x permanent EL1, 1 x permanent APS6</td>
<td>1 x permanent EL2, 1 x permanent EL1, 1 x permanent APS6</td>
</tr>
<tr>
<td><strong>Regional Public Affairs</strong></td>
<td>5 x permanent EL1, 1 x temporary EL1, 2 x temporary/part-time EL1 (1=job share), 2 x permanent APS2</td>
<td>7 x permanent EL1, 1 x permanent APS6, 2 x permanent APS2</td>
</tr>
<tr>
<td><strong>Military Headquarters Support</strong></td>
<td>1 x permanent LTCOL, 6 x permanent MAJ, 1 x permanent SQNLDR, 3 x permanent CAPT, 1 x permanent LEUT</td>
<td>2 x permanent LTCOL, 2 x permanent MAJ, 7 x permanent CAPT, 2 x permanent LEUT, 1 x permanent FLTTLT, 2 x permanent LEUT, 1 x permanent FLTTLT, 1 x permanent LT</td>
</tr>
<tr>
<td><strong>Joint Public Affairs Unit</strong></td>
<td>1 x permanent MAJ, 5 x permanent CAPT, 2 x permanent LEUT</td>
<td>1 x permanent LEUT, 2 x permanent FLTTLT, 2 x permanent LT</td>
</tr>
<tr>
<td>Responsibility</td>
<td>Staffing as at 1 Jul 2010</td>
<td>Staffing as at 31 Dec 2010</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>--------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>2 x permanent FLTLT, 3 x permanent WO2, 5 x permanent SGT, 1 x permanent PO, 1 x permanent LS, 1 x permanent AB, 1 x permanent AC, 1 x permanent APS4</td>
<td>1 x WO2, 3 x permanent SGT, 1 x permanent PO, 7 x permanent CPL, 1 x permanent LS, 1 x permanent AB, 1 x permanent APS4</td>
</tr>
<tr>
<td>Administration Support</td>
<td>1 x permanent APS6, 1 x temporary permanent APS4, 1 x permanent APS4</td>
<td>1 x permanent APS6, 1 x permanent part time APS4</td>
</tr>
<tr>
<td>Extended leave/Maternity leave/Temp transfer to another Group</td>
<td>1 x permanent EL1, 2 x permanent APS6, 1 x permanent APS4-5, 2 x permanent APS4</td>
<td>3 x permanent EL1, 1 x permanent part time EL1, 1 x permanent APS6, 2 x permanent part time APS6, 3 x permanent APS4-5</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Service/Group</th>
<th>Staffing as at 30 June 2010</th>
<th>Staffing as at 31 Dec 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vice Chief of the Defence Force</td>
<td>6 x permanent EL1, 2 x permanent APS6</td>
<td>5 x permanent EL1, 1 x permanent MAJ, 1 x permanent APS6, 1 x non-ongoing APS6, 1 x contractor</td>
</tr>
<tr>
<td>Army</td>
<td>2 x permanent APS6, 1 x permanent Major</td>
<td>2 x permanent APS6, 1 x permanent Major</td>
</tr>
<tr>
<td>Navy</td>
<td>1 x permanent CMDR, 1 x permanent LCDR, 4 x permanent LEUT, 3 x permanent EL1, 1 x permanent APS6</td>
<td>1 x permanent CMDR, 1 x permanent LCDR, 4 x permanent LEUT, 3 x permanent EL1, 1 x permanent APS6</td>
</tr>
<tr>
<td>Air Force</td>
<td>1 x permanent SQNLDR, 2 x permanent APS6, 2 x permanent FLTLT, 1 x permanent EL1</td>
<td>1 x permanent SQNLDR, 2 x permanent APS6, 2 x permanent FLTLT, 1 x permanent EL1</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Service/Group</th>
<th>Staffing as at 30 June 2010</th>
<th>Staffing as at 31 Dec 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>People Strategies and Policy</td>
<td>1 x permanent EL1,</td>
<td>1 x permanent EL1,</td>
</tr>
<tr>
<td></td>
<td>1 x permanent APS6</td>
<td>1 x permanent APS6</td>
</tr>
<tr>
<td>Intelligence and Security</td>
<td>1x permanent EL1,</td>
<td>1 x permanent EL1,</td>
</tr>
<tr>
<td></td>
<td>1 x permanent/part time EL1,</td>
<td>1 x permanent APS5,</td>
</tr>
<tr>
<td></td>
<td>1 x permanent APS6,</td>
<td>1 x permanent APS4</td>
</tr>
<tr>
<td></td>
<td>1 x permanent APS5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 x permanent/part time APS5</td>
<td></td>
</tr>
<tr>
<td>Defence Science and Technology Organisation</td>
<td>1 x EL2,</td>
<td>1 x permanent EL2,</td>
</tr>
<tr>
<td></td>
<td>4 x permanent EL1,</td>
<td>2 x permanent EL1,</td>
</tr>
<tr>
<td></td>
<td>3 x permanent APS6</td>
<td>1 x permanent APS6,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 x contractor</td>
</tr>
<tr>
<td>Defence Materiel Organisation</td>
<td>1 x permanent EL1,</td>
<td>1 x permanent EL2,</td>
</tr>
<tr>
<td></td>
<td>1 x permanent APS6</td>
<td>1 x permanent EL1,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 x permanent APS 6</td>
</tr>
<tr>
<td>Defence Support</td>
<td>1 x permanent EL1</td>
<td>1 x permanent/part time EL1</td>
</tr>
<tr>
<td>Capability Development</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Chief Finance Office</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Chief Information Office</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>


At 1 July and 31 December 2010 Defence Housing Australia (DHA) had no specific staff members responsible for the stated functions. DHA has a Marketing Communication Team, comprised of four staff members. The team is responsible for marketing communication and media campaigns to provide product and service information. There is relatively little day to day media interest in DHA’s activities, so an incidental proportion of the team's time is involved in responding to media requests.

**Defence**

*(Question Nos 488 to 490)*

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

For the period 1 July to 31 December 2010, for each agency within the responsibility of the Minister/Parliamentary Secretary:

(a) what communications programs were undertaken or were planned to be undertaken; and

(b) what was the total spend in each communications program.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

(a) to (b) During the period 1 July to 31 December 2010, Defence undertook or planned to undertake the following communications programs. The expenditure for each communications program is listed.
<table>
<thead>
<tr>
<th>Group/Service</th>
<th>Communications Program – 1 July to 31 December 2010</th>
<th>Total Spend $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intelligence and Security Group</td>
<td>Spatial Industry Day (in conjunction with the Victorian Government)</td>
<td>$6,370</td>
</tr>
<tr>
<td></td>
<td>Defence Geospatial Intelligence Conference</td>
<td>$7,943</td>
</tr>
<tr>
<td></td>
<td>Australian Government Security Vetting Agency Communications Plan</td>
<td>$73,319</td>
</tr>
<tr>
<td></td>
<td>Graduate Recruitment Campaigns (DSD and DIGO)</td>
<td>$19,640</td>
</tr>
<tr>
<td>Defence Science and Technology Organisation</td>
<td>Eureka Prize</td>
<td>$28,000</td>
</tr>
<tr>
<td></td>
<td>Land Warfare Conference</td>
<td>$61,100</td>
</tr>
<tr>
<td></td>
<td>Graduate recruitment advertising</td>
<td>$848.37</td>
</tr>
<tr>
<td>Defence Support Group</td>
<td>Fortuna property disposal project website (Community Consultation programs)</td>
<td>$154</td>
</tr>
<tr>
<td></td>
<td>Stockton Rifle Range and Fort Wallace property disposal project website (Community Consultation programs)</td>
<td>$370</td>
</tr>
<tr>
<td></td>
<td>Defence Support Group Industry consultation</td>
<td>$1,302</td>
</tr>
<tr>
<td></td>
<td>Two advertisements for Public Notification of 27 Heritage Management Plans</td>
<td>$18,648</td>
</tr>
<tr>
<td>People Strategies and Policy Group</td>
<td>Navy job specific advertising</td>
<td>$1,261,220</td>
</tr>
<tr>
<td></td>
<td>Army and Army Reserve</td>
<td>$3,669,077</td>
</tr>
<tr>
<td></td>
<td>Air Force job specific advertising</td>
<td>$561,675</td>
</tr>
<tr>
<td></td>
<td>Education advertising for Tri-Service Education, Sponsored Undergraduate positions and Professional Graduate Health and engineering positions</td>
<td>$144,624</td>
</tr>
<tr>
<td></td>
<td>Multicultural recruitment</td>
<td>$11,754</td>
</tr>
<tr>
<td>Army</td>
<td>Army Brand and Style Guide</td>
<td>$80,000</td>
</tr>
<tr>
<td></td>
<td>Facebook advertising</td>
<td>$20 per day</td>
</tr>
<tr>
<td></td>
<td>Royal Army Corps of Transport Style Guide</td>
<td>$10,000</td>
</tr>
<tr>
<td>Chief Information Officer Group</td>
<td>Official opening of the Defence Service Centre – Mitchell</td>
<td>$1,577.34</td>
</tr>
<tr>
<td>Office of the Secretary and Chief of the Defence Force</td>
<td>The Defence Export Control Office (DECO) Outreach Program</td>
<td>$72,873.27</td>
</tr>
<tr>
<td>Vice Chief of Defence Force Group</td>
<td>Post Traumatic Stress Disorder brochure</td>
<td>$7,805</td>
</tr>
<tr>
<td></td>
<td>Post Traumatic Stress Disorder DVD product and marketing</td>
<td>$150,000</td>
</tr>
</tbody>
</table>
Defence: Overseas Travel
(Question Nos 494, 495 and 496)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

For the period 1 July to 31 December 2010:

(1) (a) Did the Minister/Parliamentary Secretary travel overseas on official business; if so: (i) to what destination, (ii) for what duration, and (iii) for what purpose; and (b) what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

(2) (a) Which departmental and uniformed personnel accompanied the Minister/Parliamentary Secretary on each trip; and (b) for those personnel, what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

(3) (a) Apart from ministerial staff and uniformed and civilian departmental personnel, who else accompanied the Minister/Parliamentary Secretary on each trip; and (b) for each of these people, what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) (a) (i)-(iii) Yes. Ministers Smith and Clare travelled overseas during this period. Minister Snowden and Senator Feeney did not travel during this period. Full details are provided in the attached table.

(b)(i)-(ii) All costs of official overseas travel by Ministers, Parliamentary Secretaries and advisers are paid for by the Department of Finance and Deregulation (Finance). Dates, destinations, the purpose and costs of all official overseas travel are tabled in the Parliament every six months in a report titled 'Parliamentarians' Travel paid by the Department of Finance and Deregulation and its supporting information. These reports are now also published to the Finance web site. Where available, expenditure for these visits has been provided to Defence by the Department of Finance via regular reporting.

Where the Minister undertook travel via special purpose aircraft (SPA) the Schedule of Special Purpose flights for 1 July to 31 December 2010 will be tabled in June 2011.

(b) (iii) Some Ministerial expenses are a direct portfolio cost to Defence and those costs are included under item 1(b)(iii) with any ministerial incidentals in the attached table.

(2) Details are provided in the attached table.

(3) (a)-(b)(i)-(iii) Details are provided in the attached table. Costs for additional persons accompanying the Ministers and Parliamentary Secretary are stated where known. Costs and details for ministerial advisers are reflected in this column, as are details of non-Defence delegates or media that were invited to join the delegation. Spouses did not accompany the Ministers and Parliamentary Secretary on overseas travel during the period of 1 July to 31 December 2010.

<table>
<thead>
<tr>
<th>Minister / Parliamentary Secretary</th>
<th>(1) (a) Travel undertaken (i)</th>
<th>(b) Ministerial costs (i)</th>
<th>(ii) (iii) Destination, duration and purpose</th>
<th>(2) (a) Defence personnel costs (i)</th>
<th>(ii) Accommodation (ii)</th>
<th>(iii) Other</th>
<th>(3) (a) Advisers (i)</th>
<th>(ii) Accompanying (ii)</th>
<th>(iii) Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for Defence, Mr Smith</td>
<td>Afghanistan from 22 to 25 September 2010.</td>
<td>$12,180.14</td>
<td>1. Dr Ian Watt, Secretary</td>
<td>$60,703.08</td>
<td>1. Two advisers: $18,352.96</td>
<td>Media: not known</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Minister</td>
<td>$386.51</td>
<td>2. ACM Angus</td>
<td>$2,531.28</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Minister / Parliamentary Secretary</th>
<th>(1) (a) Travel undertaken (i) (ii) (iii)</th>
<th>(b) Ministerial costs (i) (ii) (iii)</th>
<th>2(a) Defence delegation (i)</th>
<th>(b) Defence personnel costs (i) (ii) (iii)</th>
<th>(3)(a) Advisers and others accompanying (i) (ii) (iii)</th>
<th>(b) Costs (i) Travel (ii) Accomm. (iii) Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Visited Afghanistan for introductory calls on his counterpart, to meet officials in Kabul and to visit troops. The Minister was accompanied by two advisers, Ms Frances Adamson, Chief of Staff and Ms Michaela Browning, Adviser, and four defence personnel to Afghanistan.</td>
<td>Houston, Chief of Defence Force.</td>
<td>$1,424.67</td>
<td>2. Four media representatives, Mr Brendan Nicholson, Mr Nick Butterly, Mr David Speers and Ms Sally Sara accompanying Mr Smith on this visit.</td>
<td>(i) $6,450.18 (ii) $0 (iii) $7,098.04</td>
<td>(i) $44,697.96 (ii) $4,967.35 (iii) $3,327.96</td>
</tr>
<tr>
<td>Vietnam from 11 to 13 October 2010. The Minister visited Hanoi, Vietnam to attend the inaugural ASEAN Defence Ministers' Meeting and hold bilateral meetings with counterparts. The Minister was accompanied by two advisers, Mr Greg Wilcock, Adviser and Ms Jenny Da Rin, Media Adviser, and six defence personnel.</td>
<td>1. Dr Ian Watt, Secretary 2. ACM Angus Houston, Chief of Defence Force. 3. Mr Andrew Nikolic, First Assistant Secretary International Policy Division.</td>
<td>3. LEUT Scott Carter, MINDEF Aide de Camp.</td>
<td>2. Four media representatives, Mr Brendan Nicholson, Mr Nick Butterly, Mr David Speers and Ms Sally Sara accompanying Mr Smith on this visit.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>Minister / Parliamentary Secretary</th>
<th>(1) (a) Travel undertaken (i) (ii) (iii) Destination, duration and purpose</th>
<th>(b) Ministerial costs (i) Travel (ii) Accommod. (iii) Other</th>
<th>2(a) Defence delegation</th>
<th>(b) Defence personnel costs (i) Travel (ii) Accommod. (iii) Other</th>
<th>(3)(a) Advisers and others accompanying (i) Travel (ii) Accommod. (iii) Other</th>
<th>(b) Costs (i) Travel (ii) Accommod. (iii) Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. LEUT Elizabeth Clayton, CDF Aide-de-Camp.</td>
<td>1. Dr Ian Watt, Secretary (i) $10,059.14 (ii) $2,288.38 (iii) $2,465.96</td>
<td>2. ACM Angus Houston, Chief of Defence Force (i) $97,867.26 (ii) $560.00 (iii) $2,400.39</td>
<td>3. LEUT Scott Carter, MINDEF Aide de Camp. (i) $37,731.04 (ii) $1,075.70 (iii) $98.68</td>
<td>5. Ms Fleur Hill, Director Afghanistan Section.</td>
<td>No media accompanied Mr Smith on this visit.</td>
<td></td>
</tr>
<tr>
<td>5. Ms Fleur Hill, Director Afghanistan Section.</td>
<td>1. Dr Ian Watt, Secretary (i) $10,059.14 (ii) $2,288.38 (iii) $2,465.96</td>
<td>2. ACM Angus Houston, Chief of Defence Force (i) $97,867.26 (ii) $560.00 (iii) $2,400.39</td>
<td>3. LEUT Scott Carter, MINDEF Aide de Camp. (i) $37,731.04 (ii) $1,075.70 (iii) $98.68</td>
<td>5. Ms Fleur Hill, Director Afghanistan Section.</td>
<td>No media accompanied Mr Smith on this visit.</td>
<td></td>
</tr>
<tr>
<td>Minister for Defence, Mr Smith</td>
<td>Portugal from 18 to 22 November 2010. The Minister visited Lisbon, Portugal to attend the NATO Leaders' Summit in support of the Prime Minister and hold bilateral meetings with counterparts. The Minister was accompanied by two advisers, Ms Michaela Browning, Adviser and Ms Mary Bagnall, Media Adviser, and five defence personnel. The Prime Minister invited the Minister to return on the Special Purpose Aircraft (SPA).</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minister for Defence, Mr Clare</td>
<td>United States from 5 to 17 December 2010. Minister</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minister / Parliamentary Secretary</td>
<td>(1) (a) Travel undertaken (i) (ii) (iii) Destination, duration and purpose</td>
<td>(b) Ministerial costs (i) Travel (ii) Accommodation (iii) Other</td>
<td>2(a) Defence delegation</td>
<td>(b) Defence personnel costs (i) Travel (ii) Accommodation (iii) Other</td>
<td>(3)(a) Advisers and others accompanying (iii) Other</td>
<td>(b) Costs (i) Travel (ii) Accommodation (iii) Other</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>------------------------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>-----------------</td>
<td>-------------------------------------------------</td>
<td>---------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Clare</td>
<td>met with US Defense and Government officials, industry representatives, and Congressional leaders. He visited the US Naval Air Systems Command at Patuxent River, US Naval Sea Systems Command at Carderock, the Super Hornet production line in St Louis Missouri and the Joint Strike Fighter production line in Fort Worth Texas. The Minister also visited New York and met with Crye Precision in Brooklyn, Northrop Grumman in Bethpage, and attended a conference at the United Nations organised by the Center for American Progress. The Minister was accompanied by his Chief of Staff, Mr Dan Fankhauser. Air Marshal John Harvey, Chief Capability Development Group, travelled independently to the United States but participated in elements of the</td>
<td>$5,422.36</td>
<td></td>
<td></td>
<td>No media accompanied Mr Smith on this visit.</td>
<td>$414.37</td>
</tr>
</tbody>
</table>
Minister / Parliamentary Secretary

<table>
<thead>
<tr>
<th>(1) (a) Travel undertaken (i)</th>
<th>(b) Ministerial costs (i)</th>
<th>2(a) Defence delegation</th>
<th>(b) Defence personnel costs (i)</th>
<th>(3)(a) Advisers (i) and others</th>
<th>(b) Costs (i) and others</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii) (iii) Destination, duration and purpose</td>
<td>(ii) Travel</td>
<td>(ii) Accomm.</td>
<td>Travel (ii)</td>
<td>Accomm.</td>
<td>Accomm.</td>
</tr>
<tr>
<td></td>
<td>(iii) Other</td>
<td>(iii) Other</td>
<td>(iii) Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Minister's program in Washington DC, St Louis and Fort Worth.

**Defence: Helicopters**

*(Question No. 505)*

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

1. When will the final decision be made to 'introduce 46 new MRH-90 helicopters as a pooled fleet shared between the Royal Australian Navy and the Australian Army to replace the Navy's Sea Kings and Army's general troop lift Blackhawk fleets' *(Defence White Paper 2009, p. 72, paragraph 9.17).*
2. When will the first of these helicopters be delivered and fully operational.
3. What type or variant of the MRH-90 has been recommended for purchase.
4. What will be the expected purchase price of the 46 new MRH-90 helicopters.
5. What will be the total cost of through-life support and operating costs of the MRH-90 over a 30 year operating life.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

1. Government granted Second Pass Approval in August 2004 for the purchase of 12 Multi-Role Helicopters (MRH90) under AIR 9000 Phase 2, and in April 2006 for the purchase of an additional 34 MRH90 under Air 9000 Phases 4 and 6. The contract for Phase 2 was signed in June 2005 while Phases 4 and 6 contracts were signed in June 2006.

These helicopters will be nominally split with 40 allocated to Army and six to Navy. The support systems will include an electronic warfare self protection support system; a ground mission management system; a software support centre; an instrumented system, with telemetry capable of being installed into three instrument-capable aircraft; two full flight and mission simulators; and facilities infrastructure at Townsville, Oakey, Brisbane and Nowra.

2. The first two MRH90 aircraft were accepted in December 2007 and the first Australian assembled MRH90 aircraft was accepted in December 2008. As at 23 March 2011, 13 aircraft have been delivered and accepted. The final fully operational aircraft is contracted and scheduled for delivery in June 2014.

3. The MRH90 is the Australian variant of the Troop Transport Helicopter (TTH) version of the NH Industry (NHI) NH90 helicopter.
4. As outlined in the 2010–11 Portfolio Budget Statements, the total approved Air 9000 Phases 2, 4 and 6 project expenditure is $3.755 billion.
5. Until a capability matures it is always difficult to quantify platform sustainment costs over a 30 year operating life. However, current estimates indicate that through-life support and operating costs may be around $4.7 billion (December 2010 constant dollars).
Defence: Reserves
(Question No. 518)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

For the period 1 July to 31 December 2010:

(1) (a) How many training days have been allocated to Reserves in each State and Territory; and (b) what is the budget allocation to provide these training days.

(2) (a) How many training days were actually used by Reserves in each State and Territory; and (b) what was the actual expenditure to provide these training days.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator’s question:

(a)-(b) For the period 1 July to 31 December 2010 the Navy and Air Force allocation of Reserve training by State and Territory and the budget allocation to provide these days is as follows:

<table>
<thead>
<tr>
<th>State/Territory</th>
<th>Reserve Training Day Allocation</th>
<th>Budget Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>Navy – 26,946</td>
<td>$8,234,000</td>
</tr>
<tr>
<td></td>
<td>Air Force—11,217</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>NSW</td>
<td>Navy – 28,894</td>
<td>$8,007,000</td>
</tr>
<tr>
<td></td>
<td>Air Force—28,977</td>
<td>$6,900,000</td>
</tr>
<tr>
<td>NT</td>
<td>Navy – 5,085</td>
<td>$1,066,000</td>
</tr>
<tr>
<td></td>
<td>Air Force—2,409</td>
<td>$500,000</td>
</tr>
<tr>
<td>QLD</td>
<td>Navy – 9,441</td>
<td>$2,240,000</td>
</tr>
<tr>
<td></td>
<td>Air Force—27,139</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>SA</td>
<td>Navy – 3,414</td>
<td>$872,000</td>
</tr>
<tr>
<td></td>
<td>Air Force—12,248</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>TAS</td>
<td>Navy – 3,215</td>
<td>$723,000</td>
</tr>
<tr>
<td></td>
<td>Air Force—1,476</td>
<td>$320,000</td>
</tr>
<tr>
<td>VIC</td>
<td>Navy – 9,263</td>
<td>$2,198,000</td>
</tr>
<tr>
<td></td>
<td>Air Force—13,563</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>WA</td>
<td>Navy – 8,997</td>
<td>$2,133,000</td>
</tr>
<tr>
<td></td>
<td>Air Force—6,952</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Totals:</td>
<td>Navy – 95,255</td>
<td>$25,473,000</td>
</tr>
<tr>
<td></td>
<td>Air Force—103,981</td>
<td>$24,220,000</td>
</tr>
</tbody>
</table>

Army

(a) Army is unable to produce an accurate figure as it does not allocate training days, it only allocates an annual budget and is unable to accurately forecast the number of training days that will be used until those days are consumed. It is the responsibility of Commands within Army to assign Reserve salary funding to groups and units for Reservist training.

(b) Approximately $61,000,000 for the period 1 July to 31 December 2010 based on 50 per cent of the total Reserve salary budget.

(2) (a) The amount of Reserve training days that were actually used by Reserves in each State and Territory are as follows:

Navy

Navy allocates training days to individual Funded Reserve Commitment (FRC) positions. These FRC positions are allocated to establishments, units and departments across Navy and non-Navy groups. These days can be used any time during the training (financial) year, and are not allocated on a half yearly basis. Navy can supply training day and budget allocation by state, but actual training day
and budget expenditure can only be provided on a national basis. A total of 74,923 training days have been used across Navy between 1 July to 31 December 2010. While this represents an underspend against the approximately 95,000 days allocated for this period, Navy intends to re-allocate the unused days for usage in the second half of the year.

**Army**

Approximately 384,018 days have been used by Army on a national basis. Given that many units are spread across state borders, determining a breakdown of training days for each state is difficult. An approximation based on a pro-rata calculation of the number of Reserve personnel active in each state as at 31 December 2010, is as follows:

<table>
<thead>
<tr>
<th>State/Territory</th>
<th>Pro-Rata Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>17,364</td>
</tr>
<tr>
<td>NSW</td>
<td>111,144</td>
</tr>
<tr>
<td>NT</td>
<td>13,234</td>
</tr>
<tr>
<td>QLD</td>
<td>96,153</td>
</tr>
<tr>
<td>SA</td>
<td>28,316</td>
</tr>
<tr>
<td>TAS</td>
<td>13,485</td>
</tr>
<tr>
<td>VIC</td>
<td>66,148</td>
</tr>
<tr>
<td>WA</td>
<td>38,174</td>
</tr>
<tr>
<td>Total</td>
<td>384,018</td>
</tr>
</tbody>
</table>

(b) The actual expenditure to provide the training days detailed above are as follows:

**Navy**

A total of around $19,983,000 has been expended across Navy between 1 July to 31 December 2010 on Reserve salaries.

**Army**

The table below is the approximate expenditure of Army funding on Reserve salaries by state for the period 1 July to 31 December 2010. Due to the way in which Army allocates funding for Reserve salaries to formations to manage, it is not possible to determine the exact figure for each state without interrogating the exact number of days paraded by each individual within their specific state. The table below is based on a pro-rata apportionment of the expenditure of Reserve salary for the period in question based on the number of Reserve personnel active in each state as at 31 December 2010.

<table>
<thead>
<tr>
<th>State/Territory</th>
<th>Total ARes Pers</th>
<th>% ARes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>761</td>
<td>4.52</td>
<td>$2,759,000</td>
</tr>
<tr>
<td>NSW</td>
<td>4,871</td>
<td>28.84</td>
<td>$17,661,000</td>
</tr>
</tbody>
</table>
**Defence: Hospitality**

*(Question No. 523)*

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

With reference to the answer provided to Question on Notice No's. 117-119:

(1) Who attended the Chief of Navy Counterpart Visit to Australia – Chief of Navy France events between 4 July and 7 July 2010.

(2) What was the cost per head for this function.

(3) What was the official purpose of this function.

(4) Who approved the expenditure.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) French Personnel

There were five personnel in the French Delegation, which was led by The Chief of Naval Staff France, Admiral Pierre-François Forrissier, FN, who was accompanied by his wife.

Australian Personnel

There were eleven personnel from the Australian Delegation, which was led by the Chief of Navy, Vice Admiral Russ Crane, AO, CSM, RAN, who was accompanied by his wife. The delegation also included relevant officers within Navy International Engagement, and several supporting staff.

(2) Cost per function

<table>
<thead>
<tr>
<th>Function</th>
<th>Location</th>
<th>Cost Per Head A $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dinner</td>
<td>Canberra x 1</td>
<td>$42.12</td>
</tr>
<tr>
<td>Lunch</td>
<td>Perth x 1</td>
<td>$48.58</td>
</tr>
<tr>
<td>Lunch</td>
<td>Canberra x 3</td>
<td>$48.58</td>
</tr>
<tr>
<td>Lunch</td>
<td>Sydney x 2</td>
<td>$48.58</td>
</tr>
<tr>
<td>Cultural Programs</td>
<td>Perth/Canberra/Sydney</td>
<td>$56.15</td>
</tr>
</tbody>
</table>
Chief of Navy counterpart visits between Australia and France are generally held every two years with hosting duties rotating between each country. The aim of the visit is to promote the relationship and discuss areas of mutual interest. The visit involves briefings and special committee meetings in Canberra and tours of naval ships and establishments. An important component of a counterpart visit is an associated strong cultural and spouse program.

Chief of Navy's approved delegate, Director General Navy Business and Governance (DGNGB).

**Defence: Hospitality**

(Question No. 524)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 21 March 2011:

With reference to the answer provided to Question on Notice No's. 117-119:

(1) Who attended the Chief of Navy official end of year reception function on 14 December 2010.

(2) What was the cost per head for this function.

(3) What was the official purpose of this function.

(4) Who approved the expenditure.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1)

- Total Defence personnel: 120
- Total attendees external to Defence: 80
- Invitees included:
  - ADF 3 Stars and Deputies
  - ADF Group Heads
  - Retired and Reserve Admirals
  - Command Warrant Officers
  - Defence Academy Midshipmen
  - Defence/Naval Attaches
  - 2010 Peter Mitchell Prize winners
  - 2010 CN Commendation Award recipients
  - 2010 CN Sword recipient
  - 2010 Faces of Navy's value posters
  - Industry Heads (BAE, Raytheon, ASC, CEA, Thales, Navy Health) and
  - Association Heads (Naval Association, Naval Historical Society, Returned Services League of Australia).

(2) $21.34 per head.

(3) An event where Navy prize winners, senior serving and retired Defence personnel, members of the Navy, senior Industry figures and others involved in various Navy-related associations are brought together in an informal setting to acknowledge their support to Navy throughout the year.

(4) Chief of Navy's approved delegate, Director General Navy Business and Governance (DGNGB).
Defence: Hospitality
(Question No. 525)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

With reference to the answer provided to Question on Notice No's. 117-119:
(1) Who attended the Australian Army to US Army dinner on 9 November 2010.
(2) What was the cost per head for this function.
(3) What was the official purpose of this function.
(4) Who approved the expenditure.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) The dinner was attended by the forty-five participants of the annual Australia – US Army to Army Staff Talks. Eighteen of the participants were Australian Army, including the Deputy Chief of Army and Commander Force Command. The other 27 participants are from the US Army with the delegation being led by the US Army Director Army Staff, who is the second-in-command of the US Army.

(2) The cost of the function, including set menu food, beverages, compulsory service charges and tax was $154.82 per person.

(3) Staff Talks occur with our major allies on an annual basis and host responsibilities rotate between Australia and the partner. The Staff Talks represent the premier bilateral strategic dialogue between the US and Australian Army. The talks serve as a platform and coordination measure to maintain and improve interoperability and monitor achievements and work in progress. This forum is also utilised to review and endorse priorities and target goals. The agreed bilateral Terms of Reference for the talks agree that the host nation will host a dinner, wherever possible during the conduct of the talks.

(4) In accordance with standard approval procedures for Army hospitality, this expenditure was approved by Director General Army Operations.

Defence: Hospitality
(Question No. 526)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

With reference to the answer provided to question on notice No's. 117-119:
(1) Who attended the meeting with Commanding General US Dinner at the Wildfire Restaurant on 2 November 2010.
(2) What was the cost per head for this function.
(3) What was the official purpose of this function.
(4) Who approved the expenditure.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) Senate Question on Notice 117-119 has no reference to a Commanding General US Dinner at the Wildfire Restaurant on 2 November 2010. Defence only has record of a dinner for the Australian Army to US Army Talks held at the Wildfire Restaurant on 9 November 2010. Please see response to Senate
Defence: Hospitality
(Question No. 527)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

With reference to the answer provided to Question on Notice No's. 117-119:

(1) Who attended the US Army delegation dinner at the Custom House Brasserie, Brisbane, on 11 November 2010.

(2) What was the cost per head for this function.

(3) What was the official purpose of this function.

(4) Who approved the expenditure.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) On 13 November 2010, Defence hosted a delegation of 16 United States Army personnel to dinner at the Custom House Brasserie, Brisbane. The dinner was the formal welcome for the delegation attending the:

a. Autonomous Ground Robotics Challenge, a joint United States-Australian unmanned vehicle competition over the period 8 to 12 November 2010;

b. Senior National Representative-Army bi-lateral talks (senior United States Army and Australian Army representatives) over the period 15 to 17 November 2010; and

c. Land Warfare Conference in Brisbane over the period 15 to 19 November 2010.

A total of 26 people attended the dinner, comprising 16 United States Army personnel and 10 Australian Defence personnel. The Australian delegation was from Army, Capability Development Group, the Defence Science and Technology Organisation and the Australian Embassy, Washington, USA.

(2) The cost per head was $100 with a total cost of $2600.00.

(3) The official purpose of the dinner was to formally welcome a delegation of 16 United States Army personnel attending the Autonomous Ground Robotics Challenge, a joint United States-Australian unmanned vehicle competition over the period 8 to 12 November 2010; the Senior National Representative-Army bi-lateral talks (senior United States Army and Australian Army representatives) over the period 15 to 17 November 2010; and the Land Warfare Conference in Brisbane over the period 15 to 19 November 2010.

(4) The Head Capability Systems, pre-approved the function on 5 November 2010 for expenditure not to exceed $3000.

Defence
(Question No. 528)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

With reference to the answer provided to question on notice numbers 117-119:

(1) How many attended the VIP catered event at the Williamstown Air Show from 10 November to 1 November 2010.
(2) What was the cost per head for this function.
(3) What was the official purpose of this function.
(4) Who approved the expenditure.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

1. Forty-six Defence attendees and 230 non-Defence attendees.
2. $60.14.
3. The Williamtown Air Show was the major Defence Force air show for 2010. The VIP facility allowed the Chief of Air Force to host, in an appropriate style, influential and important members of the Federal, NSW and Local Governments, the Hunter community and the Australian Defence Organisation. This is an established practice which is essential given the nature of the air shows which draw up to 30,000 members of the public each day. The VIP enclosure provides shade, seating, catering and toilet facilities appropriate to a VIP hosted function.

   (b) The Head Special Events—Air Force and Director Coordination – Air Force.

**Defence**

**(Question No. 529)**

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 22 March 2011:

With reference to the answer provided to Question on Notice No's. 117-119:

2. Why is this a regular fortnightly recurring expense.
3. What is the official purpose of this expenditure.
4. Who approved the expenditure.

**Senator Chris Evans:** The Minister for Defence has provided the following answer to the honourable senator's question:

1. The information supplied under Question on Notice 117-119 for Representational Allowance was the amount paid to officers within the Defence Materiel Organisation (DMO) as a fortnightly allowance. Actual expenses must be acquitted biannually with any unused allowance paid back to the DMO at the end of an officer's posting. Actual expenses incurred over the same period for the five Washington based Defence Materiel officers are as follows:

<p>| Table 1 |
|-------------------------|-------------------------|-------------------------|
| <strong>Defence Materiel Washington</strong> |
| <strong>Representation Expenditure 1 July 2010—31 December 2010</strong> |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
<th>Cost $United States Dollar</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 July</td>
<td>Embassy</td>
<td>US DoD Roundtable with SA Deputy Premier Dinner at Counsellor Materiel's</td>
<td>$56.00</td>
</tr>
<tr>
<td>28 July</td>
<td>Residence</td>
<td>Residence for DoD OSD(AT&amp;L) Armaments Co-operation Guests</td>
<td>$424.60</td>
</tr>
<tr>
<td>30 July</td>
<td>Residence</td>
<td>Dinner at Counsellor Materiel's</td>
<td>$254.74</td>
</tr>
<tr>
<td>Date</td>
<td>Location</td>
<td>Purpose</td>
<td>Cost $</td>
</tr>
<tr>
<td>------------</td>
<td>----------</td>
<td>--------------------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>31 July</td>
<td>Embassy</td>
<td>Residence for US Department &amp; UK Embassy guests</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Embassy Hospitality Events Annual</td>
<td></td>
</tr>
<tr>
<td>1 August</td>
<td>Embassy</td>
<td>Membership – Defence Materiel Attaché</td>
<td>$150.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Embassy Hospitality Events Annual</td>
<td></td>
</tr>
<tr>
<td>6 August</td>
<td>Rosslyn</td>
<td>Air Force International Affairs liaison</td>
<td>$201.00</td>
</tr>
<tr>
<td>10 August</td>
<td>Arlington</td>
<td>Defence Technology Security Administration liaison</td>
<td>$148.00</td>
</tr>
<tr>
<td>16 August</td>
<td>Embassy</td>
<td>Embassy Hospitality Events Annual</td>
<td>$150.00</td>
</tr>
<tr>
<td>1 September</td>
<td>Arlington</td>
<td>SAGA Membership—Evolved Sea Sparrow Missile Project Officer</td>
<td>$80.00</td>
</tr>
<tr>
<td>9 September</td>
<td>Washington</td>
<td>Function for Dept of State, DoD, UK Evolved Sea Sparrow Missile Office</td>
<td>$250.00</td>
</tr>
<tr>
<td>14 October</td>
<td>Ottawa</td>
<td>Function with Canadian National Defence officials</td>
<td>$115.00</td>
</tr>
<tr>
<td>29 October</td>
<td>Crystal City</td>
<td>US DoD Materiel Co-operation liaison</td>
<td>$142.00</td>
</tr>
<tr>
<td>23 November</td>
<td>Swiss</td>
<td>Co host MOU Attaché &amp; Foreign Procurement Group</td>
<td>$277.25</td>
</tr>
<tr>
<td>1 December</td>
<td>Arlington</td>
<td>Function for US DoD officials at ESSM Office</td>
<td>$60.00</td>
</tr>
</tbody>
</table>

(2) See (1) above.

(1) Representational funds assist the Australian Defence Organisation (ADO) members posted on long term duty overseas to meet the costs of officially entertaining host country nationals. The sole purpose of providing such hospitality is to enable ADO members to conduct Australian and Defence business more efficiently and effectively.

(2) General Manager Commercial, Defence Materiel Organisation or Head of Australian Defence Staff Washington.

**Australian Taxation Office**

*(Question No. 533)*

**Senator Abetz** asked the Minister representing the Treasurer, upon notice, on 22 March 2011:

(1) How many prosecutions for 'sham' contracting has the Australian Taxation Office undertaken in the past 2 years.

(2) How many of those cases: (a) have been successfully prosecuted; and (b) are still outstanding.

(3) Can details be provided, with some exactitude, in what areas the 'sham' contracting arrangements have been observed, for example, in building, cleaning and security.

**Senator Wong:** The Treasurer has provided the following answer to the honourable senator's question:
(1) There are no provisions in the law enabling prosecutions for 'sham' contracting. The ATO refers cases for possible prosecution for pay as you go withholding offences to the Commonwealth Director of Public Prosecutions, who decides whether to prosecute a particular case. There have been no prosecutions for 'sham' contracting.

(2) Not applicable (see question 1).

(3) The ATO targets businesses engaging contractors based on criteria that indicate risk of non compliance. The criteria include, but are not limited to, the industry involved. Compliance activity has been conducted across a wide range of industries including building and construction, cleaning, retail, hospitality and accommodation, restaurants and cafes, information technology, security services, call centres and telemarketing, education, health and aged care, agriculture and fishing, meat and chicken packing and processing, transport and logistics, professional services, real estate, and sports and entertainment.

Audits have revealed evidence of sham contracting, and consequent non compliance with taxation and superannuation obligations, in all these industries, with particular concentration identified in the building and construction and cleaning industries.

National E-Health Transition Authority

(Question No. 535)

Senator Boyce asked the Minister representing the Minister for Health and Ageing, upon notice, on 22 March 2011:

With reference to statements made in the department's annual report for 2009-10 which claimed the department provided 'the oversight of NEHTA [National E-Health Transition Authority], including reporting against agreed deliverables' and 'the department assessed and accepted progress reports for a total of 52 deliverables from the authority': Can copies of the progress reports be provided; if not, why not.

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

There are a range of mechanisms by which the Department provides oversight of National E-Health Transition Authority (NEHTA) in relation to COAG funding.

The National Partnership Agreement on eHealth signed by COAG on 7 December 2009 sets out the $218 million funding being provided to NEHTA to 2012. The Australian Health Ministers' Conference (AHMC) has key oversight of NEHTA and its large work program to progress eHealth in Australia.

NEHTA's accountability to the Commonwealth is reflected in a funding agreement with the department. Under this agreement, the Department requires NEHTA's achievement of a range of key deliverables provided on a bi-monthly basis. Some deliverables contain several components and can be very technical in nature. Deliverables may include drafts to demonstrate NEHTA's progress being made and sometimes represent NEHTA's progress in a particular area, rather than achievement of a final outcome.

During 2009-10, NEHTA provided six reports to the Department covering a total of 52 deliverables.

The 52 deliverables were assessed and accepted by the Department. A list of the deliverables is provided:

1: Business Requirements for Northern Territory DHF
2: National Certification Capability for eHealth: Towards a Concept of Operations, discussion paper
3: Product design for NT DHF
4: Roadmap for Australian Medicines Terminology (AMT) activity
5: Core Electronic Transfer of Prescriptions (ETP) package supporting the GP to community pharmacy exchanges draft
6: Initial industry analysis for CCA Industry Test Capability
7: Decision on NEHTA involvement in test services and tool development
8: CCA Website operational and ready for PIP and other projects
9: PIP Conformance assessment scheme
10: Solutions Development for NT DHF (Release 1 - Build of Web Services application)
11: First Site Live (Communicare)
12: SNOMED CT R1 Approval
13: Clinical Terminologies strategic planning documents
14: First Site Live (PEN Sidebar)
15: Collaboration project support for NT DHF and DHS Victoria
16: PIP Connectivity technical architecture for clinical document delivery
17: Messaging from Communicare and PEN sidebar to SEHR
18: Interfaces (UHI and HSD) for Collaboration Partern project support - DHS Victoria
19: Expansion of National Product Catolgue with 50 top vendors
20: Compliance and Conformance Assessment
21: Support completed for NEHTA collaboration projects
22: Enhanced compliance and conformance assessment methodology
23: QLD Health Alignment Study
24: NASH Options Board Paper
25: Business Blueprint reviewed by Stakeholder Reference Group
26: NEHTA Security and Access Framework Business Case
27: Go to Market Strategy issued to NEHTA Board
28: Extension of the National Product Catalogue with health jurisdictions
29: eReferrals Release 1 - Core draft for public comment
30: SNOMED CT AU Release 2 - Planning Phase
31: Core ETP Package supporting the GP to community pharmacy - Second draft for consultation
32: AMT in Cerner Multum product adoption in Victorian Hospitals
33: Formal Review of the Pathology Program
34: Production of a Concept of Operations for Pathology (draft for internal discussion)
35: Development of a Pathology Program Board Paper (NEHTA Board paper)
36: Current Medication List - Planning Stage deliverables for internal review
37: Production of a draft Briefing Paper pertaining to a Universal Description and Discovery Interchange (UDDI) based solution for Endpoint Location Service (ELS)
38: Initial planning for Stage Two of NT Department of Health and Families
39: Early Adopters Release
40: Expansion of National Product Catalogue with 60 top vendors
41: Expansion of National Product Catalogue with WA Health
42: ePathology Release 4 development
Senator Ludlam asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 22 March 2011:

With reference to the answer provided to Question no. 97 taken on notice during the 2010-11 Supplementary Budget Estimates of the Environment and Communications Legislation Committee regarding the status of management plans for National Heritage List places, and noting that, of 89 National Heritage List places, 9 have no plan in place (1 of which is the Dampier Archipelago, including the Burrup Peninsula), and 5 of these do have management arrangements in place:

(1) During the estimates hearing in October 2010, the department advised that the Western Australian Government is developing an Aboriginal Heritage Management Plan that will also protect heritage values – can details be provided describing what progress has been made in developing a management plan, and what is the timeframe for completion.

(2) Is the Dampier Archipelago on Australia's tentative list for World Heritage listing; if not, why not and when will it be included in the next updated tentative list.

(3) When will the updated tentative list be released to the public.

(4) Is the process to develop the tentative list a robust, comprehensive and expert process.

(5) Does the department have a position on the Western Australian Environment Protection Authority recommendation to the Western Australian Minister for the Environment that the Technical Ammonium Nitrate Production Facility of Burrup Nitrates Pty Ltd be approved when it is located immediately adjacent to the National Heritage place and will destroy known Aboriginal artefacts.

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

(1) The Western Australian Government will be responsible for the preparation of the management plan for the proposed Murujuga National Park (which comprises the majority of the Burrup Peninsula). The establishment of the jointly owned national park is pending legislative amendment by the Western Australian Parliament. Western Australian officials have advised that there is no set date for finalisation of the management plan.

(2) The Dampier Archipelago in not on the World Heritage Tentative List. Under the World Heritage Intergovernmental Agreement the preparation of a world heritage nomination is the responsibility of the state or territory in which the place is located. The Western Australian Government has not proposed the Burrup Peninsula for inclusion on Australia's World Heritage Tentative List.
(3) The World Heritage Tentative List was last updated in 2010, and the Environment Protection and Heritage Council agreed that further additions to the tentative list may be considered in 2011. Australia's current tentative list is always available to the public on the World Heritage website (http://whc.unesco.org/en/tentativelists/).

(4) A thorough process has been developed and agreed by all Australian governments and includes consideration of the tentative list by a COAG ministerial council.

(5) The department does not have a position on the Western Australian Environment Protection Authority's recommendation to the Western Australian Minister for the Environment regarding this proposed facility.

Defence: Special Purpose Aircraft

(Question No. 548)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 25 March 2011:

For each calendar year, from 2005 to 2010:

(1) How many delegations used the Government's Special Purpose Aircraft and what were the delegations.

(2) What was the: (a) cost to the Government of each flight; and (b) total cost to the Government for the flights.

Senator Chris Evans: The Minister for Defence has provided the following answer to the honourable senator's question:

(1) and (2) The information sought over the period from 2005 to 2010 can be found in Defence's biannual publication 'Schedule of Special Purpose Flights'. While the schedule does not detail the number of or which delegations use Special Purpose Aircraft, it does provide the full manifest of passengers and also details the total costs of flying each flight without specifying individual passenger costs. Defence seeks cost recovery for passenger costs from the Department of the Prime Minister and Cabinet. The schedule is publicly available from the National Library of Australia.

AusAID

(Question No. 555)

Senator Johnston asked the Minister representing the Minister for Foreign Affairs, upon notice, on 25 March 2011:

(1) How many cases of alleged corruption in the Government's aid program: (a) are currently being investigated; and (b) were investigated in each calendar year, from 2005 to 2010, including how many of these cases resulted in: (i) dismissal, (ii) a fine, (iii) demotion, and (iv) any other penalty being handed down.

(2) For each calendar year, from 2005 to 2010, what sum of money was lost to corruption.

Senator Conroy: The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

(1) (a) As of 25 March 2011 there were a total of 191 cases of alleged corruption in the Government's aid program currently being investigated.

(1) (b) In the calendar year 2005 a total of 25 cases of alleged, suspected or detected fraud were reported to AusAID and subsequently investigated. Of these, 4 cases are still currently under investigation with 21 cases requiring no further action.
In the calendar year 2006 a total of 56 cases of alleged, suspected or detected fraud were reported to AusAID and subsequently investigated. Of these, 8 cases are still currently under investigation, 43 cases require no further action and 5 cases were found not to have involved fraud against AusAID.

In the calendar year 2007 a total of 43 cases of alleged, suspected or detected fraud were reported to AusAID and subsequently investigated. Of these, 7 cases are still currently under investigation, 29 cases require no further action and 7 cases were found not to have involved fraud against AusAID.

In the calendar year 2008 a total of 66 cases of alleged, suspected or detected fraud were reported to AusAID and subsequently investigated. Of these, 24 cases are still currently under investigation, 23 cases require no further action and 21 cases were found not to have involved fraud against AusAID.

In the calendar year 2009 a total of 74 cases of alleged, suspected or detected fraud were reported to AusAID and subsequently investigated. Of these, 31 cases are still currently under investigation, 22 cases require no further action and 21 cases were found not to have involved fraud against AusAID.

In the calendar year 2010 a total of 125 cases of alleged, suspected or detected fraud were reported to AusAID and subsequently investigated. Of these, 90 cases are still currently under investigation, 24 cases require no further action and 24 cases were found not to have involved fraud against AusAID.

Please note that the year in which a case was reported to AusAID may not in all cases be the year that alleged, suspected or detected fraud occurred.

(1) (b) (i) to (1) (b) (iv) The following table represents the number of cases reported to AusAID in the calendar years 2005-2010 which include penalties being handed down.

<table>
<thead>
<tr>
<th></th>
<th>Dismissal</th>
<th>Fine</th>
<th>Demotion</th>
<th>Other Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>4</td>
<td></td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>2006</td>
<td>8</td>
<td>1</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>8</td>
<td>1</td>
<td>5</td>
<td></td>
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<td>2008</td>
<td>12</td>
<td></td>
<td></td>
<td>20</td>
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<tr>
<td>2009</td>
<td>12</td>
<td>1</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>19</td>
<td>1</td>
<td>1</td>
<td>7</td>
</tr>
</tbody>
</table>

(2) For cases reported to AusAID in the calendar year 2005 AUD $216,975 has been lost to suspected or detected fraud/corruption.

For cases reported to AusAID in the calendar year 2006 AUD $105,100 has been lost to suspected or detected fraud/corruption.

For cases reported to AusAID in the calendar year 2007 AUD $63,154 has been lost to suspected or detected fraud/corruption.

For cases reported to AusAID in the calendar year 2008 AUD $31,156 has been lost to suspected or detected fraud/corruption.

For cases reported to AusAID in the calendar year 2009 AUD $151,528 has been lost to suspected or detected fraud/corruption.

For cases reported to AusAID in the calendar year 2010 AUD $2,115 has been lost to suspected or detected fraud/corruption.

A number of cases remain under investigation as indicated in the response to question (1) (a) and are therefore not included in the losses reported above.

**Foreign Affairs**

(Question No. 560)

**Senator Johnston** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 25 March 2011:
Has the department and/or AusAID provided any briefings to members of the Australian Greens and/or independent members of parliament; if so: (a) how many; and (b) on what dates.

Senator Conroy: The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

The department does not centrally maintain records of briefings provided to individual Members of Parliament. The department regularly provides assistance, including briefings, to Members of Parliament who travel overseas. To provide the information sought would entail a significant diversion of resources and I do not consider the additional work can be justified.

**Australian Taxation Office**  
(Question No. 561)

Senator Abetz asked the Minister representing the Treasurer, upon notice, on 25 March 2011:

(1) What is the target timeframe for the Australian Taxation Office (ATO) to reimburse business proprietors with owed monies accrued from the goods and services tax (GST).

(2) Can details be provided of: (a) the greatest length of time it is has taken to reimburse an individual business owner with GST monies owed by the ATO; and (b) why it took so long.

(3) What is the average time taken for a business owner to be reimbursed with GST monies owed.

(4) Can an outline be provided of the percentages of reimbursed monies owed to business owners as per the ATO's key performance indicator, for example, more than: (a) 7 days; and (b) 14 days, etc.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

(1) The ATO service standard for processing of credit activity statements (paper and electronic) is 92% within 14 days of receipt in the ATO. Should there be a delay in processing for any reason, interest on the refund amount is payable where the taxpayer has not contributed to the delay.

(2) (a) Not including any confirmed fraudulent GST refund cases, the case that was held the longest by the ATO was 1,093 days. This case related to a GST refund claim lodged in 2008 which the ATO assessed as being a potentially fraudulent claim.

At the time of this case, potential fraud cases involving GST refunds were managed so that no preliminary contact was made until there was contact from the taxpayer querying the progress of the refund or the matter was prioritised for review or audit in due course.

The purpose of verification checks on GST refunds is to ensure that refunds are not released until appropriate as there is a risk in being unable to reclaim the revenue from potentially fraudulent claims. For potentially fraudulent claims the non issue of a refund would necessitate the client to contact the ATO if the refund was legitimate and could be substantiated.

(2) (b) It is acknowledged that this case was not well managed. In this particular case, through a review of aged cases, a letter was finally sent to the taxpayer many months after the receipt of the activity statement, as the taxpayer had not made contact with the ATO. The taxpayer responded to the letter and the refund was issued after a further 231 days due to delays in obtaining requested documents from the taxpayer.

This case highlighted the need for changes to procedures to where a letter or phone call is made within 14 days to potentially fraudulent cases. These improvements to work practices have since been instigated by the ATO to avoid unnecessary administrative delays.

(3) Data available to the ATO does not enable calculation of the average time it takes to reimburse clients with activity statement refunds. However, ATO service standard performance demonstrates that
98% of activity statements are processed within the 14 day standard. Once the activity statements are processed, credits are generally refunded within three business days unless there are reasons for the ATO to hold the refund.

(4) The ATO's current and previous financial year performance against service standards for processed credit activity statements are shown in Table 2 below.

GST is one of the many revenue types included on activity statements and can form part of an activity statement refund. GST refunds are unable to be separately identified from other activity statement refunds.

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Service Standard</th>
<th>Standard</th>
<th>Benchmark</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010-11</td>
<td>Electronic credit activity statements</td>
<td>14 days</td>
<td>92.0%</td>
<td>98.1%*</td>
</tr>
<tr>
<td></td>
<td>Paper credit activity statements</td>
<td>14 days</td>
<td>85.0%</td>
<td>97.7%*</td>
</tr>
<tr>
<td>2009-10</td>
<td>Electronic credit activity statements</td>
<td>14 days</td>
<td>92%</td>
<td>98.2%</td>
</tr>
<tr>
<td></td>
<td>Paper credit activity statements</td>
<td>14 days</td>
<td>85%</td>
<td>97.5%</td>
</tr>
<tr>
<td>2008-09</td>
<td>Electronic credit activity statements</td>
<td>14 days</td>
<td>90%</td>
<td>98.2%</td>
</tr>
<tr>
<td></td>
<td>Paper credit activity statements</td>
<td>14 days</td>
<td>85%</td>
<td>96.3%</td>
</tr>
<tr>
<td>2007-08</td>
<td>Electronic credit activity statements</td>
<td>14 days</td>
<td>90%</td>
<td>95.3%</td>
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<tr>
<td></td>
<td>Paper credit activity statements</td>
<td>14 days</td>
<td>85%</td>
<td>92.1%</td>
</tr>
</tbody>
</table>

* Year to date performance as at 31 March 2011

**Climate Change and Energy Efficiency**

*(Question No. 562)*

Senator Ludlam asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 4 April 2011:

With reference to the Browse Basin liquefied natural gas precinct proposed by Woodside and others for James Price Point, and the precinct's projected annual greenhouse gas emissions of 32 million tonnes per annum (equivalent to 6 per cent of Australia's current annual emissions for all sectors), should the precinct be developed to its full projected potential:

1. What specific assurances have the proponents provided to the Government that all, or some, of the project's greenhouse gas emissions will be geosequestered, in other words, stored underground.

2. What detailed research have the proponents provided to the Government to show that geosequestration will be feasible if the precinct is built at James Price Point.

3. Given that one of the project partners, BHP Billiton, has expressed concerns that the seabed at Browse Basin is geologically unsuitable for geosequestration, what confidence does the Government have in Woodside's statements that geosequestration will be possible for greenhouse gas emissions from the proposed precinct.

Senator Wong: The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

1. On 6 February 2008, the Australian Government signed an agreement with the then Western Australian (WA) Government to embark on a strategic assessment of a plan for a common-user liquefied natural gas (LNG) precinct to service the Browse Basin gas reserves.

The terms of reference for the assessment of the LNG precinct does not require the WA Government to specifically investigate geosequestration opportunities.

The draft Strategic Assessment Report (SAR) and Plan were released for public comment by the WA Department of State Development from 13 December 2010 to 28 March 2011. The draft assessment report has identified James Price Point as the preferred location for an LNG precinct.
The Government understands the WA Government expects to submit a final strategic assessment report and plan to the Minister for Sustainability, Environment, Water, Population and Communities for his consideration this year.

The draft SAR proposes that individual proponents who wish to establish LNG processing facilities will be required to submit and implement a greenhouse gas abatement plan (GGAP). The draft SAR proposes that GGAPs for individual LNG facilities will be required to evaluate the feasibility of a range of options to reduce greenhouse emissions, including geosequestration.

The current commercial proponent for the James Price Point LNG Precinct, Browse LNG Joint Venture, is still finalising planning and design for its area of the Precinct and is continuing to assess options for the handling of greenhouse gas emissions associated with its project.

(2) The Minister is not aware of any detailed research having been provided to the Government by the project proponent.

(3) The Government maintains close interest in geosequestration possibilities and will await the outcome of continuing work by proponents in this area.

Nuclear Fuel Australia
(Question No. 566)

Senator Ludlam asked the Minister representing the Minister for Resources and Energy, upon notice, on 4 April 2011:

With reference to Australia's involvement in nuclear activities and its nuclear ambition, and the indication by Dr Clarence Hardy, of Nuclear Fuel Australia, that in 2008 his company submitted a 'report on a pre-feasibility study' to set up an enrichment nuclear industry in Australia:

(1) What is the Government's response to this proposal?

(2) How many other proposals have been received by the Government to establish a nuclear power industry, nuclear fuel leasing, or international nuclear waste dumps in Australia.

(3) Can details be provided regarding any discussions the Government is engaged in, any meetings taking place or any proposals that have been received regarding the nuclear industry in Australia.

(4) Can an outline be provided of the recent meeting between the Minister and the United States Secretary of Energy, Dr Steven Chu, in Washington in early February 2011?

(5) On what information did the Minister base recent comments made following the meeting with Secretary Chu that the nuclear technology was proven, available and evolving constantly and would get cheaper?

Senator Sherry: The Minister for Resources and Energy has provided the following answer to the honorable senator's question:

With reference to Australia's involvement in nuclear activities and its nuclear ambition, and the indication by Dr Clarence Hardy, of Nuclear Fuel Australia, that in 2008 his company submitted a 'report on a pre-feasibility study' to set up an enrichment nuclear industry in Australia:

(1) The Government's response to Dr Clarence Hardy's proposal in September 2008 outlined the Government's consistent position that it is not considering a nuclear power industry in Australia, including all stages of the nuclear fuel cycle, including enrichment, other than uranium mining and milling. The response stated "the Government does not support your proposal as it is inconsistent with Australian Government policy."

(2) From time to time the Government receives correspondence on matters related to the nuclear fuel cycle. However, the Government's continuing policy is that nuclear power will not be part of Australia's energy portfolio, and does not support the development of a nuclear power industry in Australia, including fuel leasing. In regard to international nuclear waste storage facilities, it has been the policy of
successive Australian governments that Australia will not accept the radioactive wastes of other countries. This policy is given effect through the Customs (Prohibited Imports) Regulations.

(3) From time to time the Government receives correspondence and/or representations on matters related to the nuclear fuel cycle. The Government's continuing policy is that nuclear power will not be part of Australia's energy portfolio, and does not support the development of a nuclear industry in Australia.

(4) The content of discussions between the Minister and Secretary Chu remains between the parties.

(5) Numerous reports from respected energy agencies such as those produced by the International Atomic Energy Agency, the OECD International Energy Agency, the OECD Nuclear Energy Agency and the World Nuclear Association indicate "a new generation of nuclear power plant designs with advanced fuel cycles, now under development, could offer important advances in economics, sustainability, proliferation resistance, safety and reliability."—Technology Roadmap—Nuclear Energy, OECD/IEA and OECD/NEA, 2010 (pg 3—Key findings)

**Australian Nuclear Science and Technology Organisation**

(Question No. 567)

**Senator Ludlam** asked the Minister for Innovation, Industry, Science and Research, upon notice, on 4 April 2011:

With reference to the development of alternative sources of medical isotopes: what work is currently being undertaken by the Australian Nuclear Science and Technology Organisation (ANSTO) to develop sources of medical isotopes other than in nuclear reactors; if none, why.

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

A combination of radioisotopes made in research reactors, such as OPAL, and those made in cyclotrons are required to service all of Australia's nuclear medicine, research and clinical development needs.

Molybdenum-99 — which decays into technetium-99m, the most widely used isotope in nuclear medicine globally – can only be efficiently produced in a research reactor such as OPAL. Technetium-99m is used to image the brain, thyroid, lungs, liver, spleen, kidney, gallbladder, skeleton, blood pool, bone marrow, heart blood pool, salivary glands and detect infection. Approximately 30 million procedures using technetium-99m are performed worldwide each year.

Radioisotopes produced in a reactor are not limited to technetium-99m. Other radioisotopes, such as samarium-153 to relieve the pain of bone cancers, yttrium-90 for liver cancer therapy and iodine-131 to treat thyroid cancer, can also only be efficiently and economically produced in a reactor, such as the OPAL research reactor – an iconic part of our landmark infrastructure for research and innovation. Over 80 per cent of the radioisotopes used in medical procedures worldwide come from reactors. Once radioisotopes are produced, in either a reactor or cyclotron, they are processed in a radiopharmaceutical facility, like the production facility at ANSTO Health.

In November 2010, the OECD Nuclear Energy Agency (NEA) published a report examining alternative technologies for the production of technetium-99m. The report indicates that non-reactor technologies are still some time away from fruition, and expresses strong doubts as to whether they could ever substitute for reactor technologies.


In June 2010, an article entitled: 'The options for the future production of the medical isotope 99Mo' was published in the European Journal of Nuclear Medicine and Molecular Imaging. It concludes that:
"Reactors will therefore remain necessary for the foreseeable future. The best way to secure the supply of $^{99}$Mo for the more than 30 million patients each year is to build new research reactors to replace the old ones and to ensure sufficient total production capacity worldwide."

A copy of the article can be found at: http://www.springerlink.com/content/k10048817586w494/.

In addition to the production and development of essential reactor-produced radioisotopes, ANSTO, as a vital part of the scientific and medical research community, is also undertaking a substantial amount of work regarding the development of medical isotopes in cyclotrons. In this regard, ANSTO has extensive collaborative and partnership arrangements with various medical research institutes and universities for the further development of cyclotrons around Australia for basic and translational research, clinical studies and small-scale clinical trials.

ANSTO has a number of established and developing collaborative arrangements regarding research cyclotron facilities, including:

- An agreement with Austin Health/Ludwig Institute for Cancer Research for joint competitive research and provision of isotopes for research and clinical development from the 18MeV cyclotron (Cu-64, I-124, Zr-89, and Y-86);
- An agreement with the University of Sydney regarding the establishment of a dedicated 18MeV research cyclotron and radiochemistry and imaging facility (mainly using C-11 initially), to be based at Camperdown in Sydney. This facility will be known as the ANSTO Collaboration Centre and will house the joint ANSTO/University of Sydney node of the National Imaging Facility (NIF), which has nodes in universities and research institutes across Australia;
- An arrangement with the University of Queensland to partner in their successful Education Investment Fund bid for a Centre for Advanced Imaging;
- Collaboration with the Charles Gairdner Hospital in Western Australia for cyclotron targetry (including Cu-64 and Zr-89) and radionuclide development research;
- Preliminary discussions with the Department of Health in Western Australia regarding a cyclotron collaboration at the new Fiona Stanley Hospital, which is currently under construction; and
- Exploratory partnership discussions with the Peter MacCallum Institute regarding the establishment of an ANSTO-sponsored Collaborative Clinical Radiopharmacy Research Facility at the intended Comprehensive Cancer Centre in Melbourne.
- Preliminary discussions linked to the new Royal Adelaide Hospital and South Australian Health and Medical Research Institute facility in this same domain.

These arrangements are intended to enhance Australia's research cyclotron capabilities and expertise generally, train nuclear medicine practitioners, and provide isotopes to the nuclear medicine community and the Australian research community.

The government has a strong commitment to Australia's accelerator research and innovation community. ANSTO, the Australian Synchrotron, the Australian National University and the University of Melbourne established the Australian Collaboration for Accelerator Science, which leverages the strategic investment of $85 million we have made. This includes collaboration with the European Organization for Nuclear Research (CERN) on the next generation of high energy accelerators. Minister Carr was able to visit the research facilities at CERN in March.

Complementary to the above collaborations and partnerships, as part of its 2010-15 research and innovation strategy, one of ANSTO's key priorities is the development of a national network and community of cyclotron users. To this end, on 15 December 2010, ANSTO hosted the first meeting of cyclotron users from across Australia, bringing together 38 people from 9 different universities, hospitals, commercial providers and research institutes for a one day workshop aimed at strengthening partnerships and creating greater collaboration between cyclotron operators dispersed across Australia.
It provides an essential forum for the sharing of information and experiences related to the operation of cyclotrons, which will ultimately lead to the more effective exploitation of Australia’s national cyclotron infrastructure, increased pre-competitive collaboration, and better and more systematic education and training.

In addition to the above research initiatives, ANSTO currently manufactures cyclotron-produced radioisotopes for use by Australian patients through its wholly-owned subsidiary, PETNET Australia Pty Limited (trading as PETNET Solutions). The PETNET twin cyclotron facility, located at ANSTO’s Lucas Heights campus, produces 18-fluorodeoxyglucose (18-FDG) which is used in Positron Emission Tomography (PET) medical imaging. 18-FDG enables doctors to detect diseases such as cancer in their earliest stages and precisely monitor treatment.

ANSTO is a partner with Cyclotek (Aust) Pty Ltd, the Melbourne based commercial cyclotron company, and other participants, in the Cooperative Research Centre for Biomedical Imaging Development where a number of new F-18 labelled compounds are under development for future application in health care.

ANSTO also imports cyclotron-produced isotopes, Iodine-123, Thallium-201 and Gallium-67, through ANSTO Health, for supply to the nuclear medicine community on a commercial basis.

In summary, ANSTO has a balanced and progressive portfolio of reactor-produced (neutron-rich) and cyclotron-produced (proton-rich) radioisotopes, and a growing set of collaborations and partnerships to ensure effective deployment of these radioisotopes in research and clinical settings, as would be expected of our national nuclear science and technology organisation.

Sustainable Population Strategy

(Question No. 570)

Senator Ludlam asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 4 April 2011:

(1) Can an update be provided of the department's work on the Sustainable Australia Plan.

(2) How will housing be included in the Plan.

(3) When will the Plan be released.

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

(1) The Sustainable Population Strategy, Sustainable Australia – Sustainable Communities, was released on 13 May 2011 and links closely with other policies released in the Budget context, including the National Urban Policy and the Ministerial Statement on Investing in Regional Australia.

(2) One of the Government's key policy priorities is the availability of affordable housing. As such, housing is one of many issues considered in the Strategy.

(3) See response to question 1.

Housing

(Question No. 572)

Senator Ludlam asked the Minister representing the Treasurer, upon notice, on 4 April 2011:

(1) What mechanisms are currently in place to facilitate communication in relation to housing policy and housing affordability between the Department of Sustainability, Environment, Water, Populations and Communities (SEWPaC) and Treasury.

(2) In particular, are there any: (a) interdepartmental meetings; (b) interdepartmental memoranda; (c) secondment programs; and (d) joint seminar series, training days, etc.

QUESTIONS ON NOTICE
(3) What mechanisms are in place to facilitate communication between departmental staff within: (a) the Department of Family Affairs, Housing, Community Services and Indigenous Affairs; (b) Treasury; and (c) SEWPaC.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

At the request of the Federal Government, the Treasury is working at all levels of Government on housing issues including housing supply and affordability reform. This work includes close consultation with all relevant commonwealth agencies as well as working through the COAG process on housing issues.

Housing

(Question No. 573)

Senator Ludlam asked the Minister for Social Housing and Homelessness, upon notice, on 4 April 2011:

With reference to an agreement made in March 2008 by the Council of Australian Governments (COAG) to move towards a national regulatory framework for 'growth' community housing providers, to be implemented by 2012:

(1) Can an update be provided as to where this process is up to.
(2) To date, is there any indication of the kind of regulatory model that will be adopted.
(3) Can an outline be provided of the consultative process that has taken place with the community housing sector.

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

(1) In December 2010, Housing Ministers' agreed to six core elements of a new regulatory system:

- Common incorporation requirements.
- National Regulatory Code.
- Common registration assessments.
- Standard tiers of registration.
- Mutual recognition of registered status between jurisdictions.
- Lead Registrar arrangements for providers operating in more than one jurisdiction.

The national regulatory system is being developed by officials out of session of the Housing Ministers' Conference. A Blueprint is being negotiated which will include an agreement committing all jurisdictions to the development and implementation of the system. The Blueprint will also include governance arrangements, system specifications for the legislation and a national regulatory code.

The Chair of the Housing Ministers' Advisory Committee has written to key stakeholders inviting them to participate in a consultative forum to provide expert advice on the development of the national regulatory system.

(2) All Housing Ministers' have agreed to the development of a national regulatory system through legislation to be enacted in one state and either applied or adopted by other states and territories.

The Blueprint is intended to commit all jurisdictions to the development and implementation of the national regulatory system, governance arrangements, system specifications for the legislation and regulations, and a national regulatory code.

(3) In May 2010, following the release of the Commonwealth's Discussion Paper, more than 280 people participated in public consultation sessions held in all capital cities as well as Newcastle, Wollongong and Cairns. Workshops were held with Indigenous community Housing Organisations,
church groups and the banking and development sectors. In addition, 65 written submissions were received.

A consultative forum of key stakeholders is being established. It will consist of representatives from the not-for-profit housing, finance and property development sectors, and tenant advocates. This group will discuss the principles and objective of the system and provide expert opinion on system specification issues. Wider consultation will commence during the second half of 2011.

**Homelessness**

(Question No. 576)

**Senator Ludlam** asked the Minister for Social Housing and Homelessness, upon notice, on 4 April 2011:

Further to recent questions asked during the 2010-11 additional estimates for the Community Affairs Legislation Committee concerning the progress of the Commonwealth legislation on homelessness:

1. Can details be provided of the consultation process that has already taken place and is expected to take place during the drafting of the legislation.
2. When will an exposure draft be released.
3. Which unit or agency within the department is preparing the legislation.

**Senator Arbib:** The answer to the honourable senator's question is as follows:

1. Substantial consultation occurred through the inquiry process conducted by the former House Standing Committee on Family, Community, Housing and Youth at the request of the former Minister for Housing, the Hon Tanya Plibersek MP. The Inquiry received 97 submissions and conducted five public hearings, and at its conclusion made 15 recommendations, several of which related to legislation.
   There has also been careful consideration of the complex legal advice referred to in the February Estimates, on what the Government can and cannot legislate for.

2. The timing of the release of an exposure draft will be subject to the availability of drafting resources in the Office of Parliamentary Counsel.

3. The Homelessness Branch of FaHCSIA has carriage of the homelessness legislation. The Office of Parliamentary Counsel will draft the legislation.

**Australian Broadcasting Corporation**

(Question No. 579)

**Senator Abetz** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 8 April 2011:

Given that:

1. in an article headed 'Strength in diverse views', the former Australian Broadcasting Corporation (ABC) director, Ms Janet Albrechtsen, proposed the following test: 'There are other simple tests that one could ask when judging balance and impartiality. Is it a sign of balanced journalism that factual errors in news reports about, say, the environment or the Middle East tend to skew one way: pro-green, anti-Israeli?';

2. the ABC has previously advised that there have not been any factual errors that are favourable to Israel whereas, as can be confirmed from the ABC's public reports on complaints, there have been multiple admitted ABC factual errors that are damaging;

3. to date, the ABC has not provided any explanation for these skewed factual errors; and
(d) applying Ms Albrechtsen's test for balance and impartiality leads to the conclusion that there is a lack of balance and impartiality in the ABC's reporting on Israel:

Can an explanation be provided by the ABC, accounting for the skewed factual errors in relation to Israel.

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

The ABC does not consider its reporting in relation to Israel is skewed or unbalanced.

The ABC has investigated reported claims of balance and factual errors in relation to reporting of the Middle East and found no evidence to suggest systemic bias.

Australian Broadcasting Corporation
(Question No. 580)

Senator Abetz asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 8 April 2011:

Given that:

(a) the Australian Broadcasting Corporation (ABC) has previously advised that 'across all news and current affairs coverage, its decisions about reportage are guided by judgements of news value and public interest';

(b) Ms Anna Baltzer, Dr Jeff Halper, Colonel Richard Kemp and Ms Nitsana Darshan-Leitner are all prominent commentators on Israel-related matters, and that Ms Baltzer and Dr Halper are highly critical of Israel whereas Colonel Kemp and Ms Darshan-Leitner are strongly supportive, and that all have visited Australia within the past several years; and

(c) in relation to Israel, neither Colonel Kemp nor Ms Darshan-Leitner received any ABC coverage whereas Ms Baltzer and Dr Halper received substantial ABC coverage:

Can an explanation be provided by the ABC as to why the exercise of its judgements of news value and public interest resulted in such widely disparate ABC coverage in the above cases.

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

The ABC does not accept that its coverage of Israel is "widely disparate". A number of Israeli experts have also featured in ABC news stories, for example Mark Regev, Israeli Government spokesman; Martin Indyk, Vice President and Director of Foreign Policy at Brookings; Ehud Yaari, a prominent analyst and commentator on the Middle East and international fellow of the Washington Institute; Eli Yerushalmi, the deputy chef de mission at the Israeli Embassy, Canberra; Alan Dershowitz, lawyer; and Yuval Rotem, the Israeli Ambassador to Canberra.

The ABC regularly includes a broad range of perspectives in its reporting on events in the Middle East. In all cases, the ABC believes the coverage was appropriate, and that the overall coverage has been balanced and included principal relevant views.

Australian Broadcasting Corporation
(Question No. 581)

Senator Abetz asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 8 April 2011:

Given that:

(a) the Australian Broadcasting Corporation (ABC) has previously advised that 'across all news and current affairs coverage, its decisions about reportage are guided by judgements of news value and public interest';
(b) the Israeli Knesset has recently enacted two highly controversial and widely reported bills: (i) the Loyalty Oath Bill, which stipulated that all future non-Jews applying for Israeli citizenship would be required to swear loyalty to Israel as a Jewish and democratic state, and (ii) the NGO Funding Transparency Bill, which requires non-government organisations (NGOs) funded by foreign governments to disclose and publicise their sources of funding;

(c) the ABC has, on multiple occasions, sought out and reported the views of several of the NGOs affected by the transparency legislation, and that these ABC reports have not disclosed or commented on the NGOs’ sources of funding; and

(d) the ABC reported on the Loyalty Oath Bill but it did not report on the NGO Funding Transparency Bill:

(1) Can an explanation be provided by the ABC as to why the exercise of its judgements of news value and public interest resulted in different decisions in these two cases.

(2) Does the ABC consider that information on funding sources can be highly relevant in assessing the objectivity and impartiality of commentators.

Senator Conroy: The answer to the honourable senator’s question is as follows:

The ABC believes that the Loyalty Oath was a significant issue which warranted and received coverage on the ABC.

The ABC also considers that the investigation of the funding of human rights groups in Israel was an issue that warranted and received coverage. The ABC acknowledges that information on funding sources can be relevant in relation to a range of organisations.

The level of coverage received by a particular issue is based on editorial significance and news value, and is often influenced by the level of response and debate. There is no doubt that the loyalty oath issue attracted significant attention as it represented a change to existing practice, while some commentators observed that monitoring and public declaration of the sources of funding of human rights groups and other NGOs had already been in place for some time.

Australian Broadcasting Corporation
(Question No. 582)

Senator Abetz asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 8 April 2011:

Given that:

(a) the Australian Broadcasting Corporation (ABC) has previously advised that '[a]cross all news and current affairs coverage, its decisions about reportage are guided by judgements of news value and public interest';

(b) in August 2010, Israel's Rabbi Ovadia Yosef was reported as having appealed to God to inflict the plague on Palestinian president Mahmoud Abbas;

(c) in February 2011, Yusuf al-Qaradawi, the world's foremost Sunni Muslim scholar prayed for the conquest of Jerusalem during a sermon at Tahrir Square, Cairo;

(d) in January 2009, in the course of several sermons broadcast on Al Jazeera, Qaradawi urged Jihad against the Jews and declared that the Holocaust against the Jews was divine punishment and expressed the hope that 'the next time will be at the hand of the believers'; and

(e) the ABC reported on the Rabbi Yosef sermon but it did not report on the Qaradawi sermons:

Can an explanation be provided by the ABC as to why the exercise of its judgements of news value and public interest resulted in very different decisions in these two cases.
Senator Conroy: The answer to the honourable senator's question is as follows:

Coverage of any news issue will be affected by such things as the availability of the material, the impact of the material, whether the specific comments represent a new strand of thought, a new idea or are relevant to a particular running story, and the competition from other news on the day.

The ABC is confident that it has covered principal relevant views consistently and fairly.

Australian Broadcasting Corporation
( Question No. 583)

Senator Abetz asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 8 April 2011:

Given that:

(a) an Australian Broadcasting Corporation (ABC) report on a European Union (EU) declaration inserted inverted commas around the word 'terrorist', whereas the inverted commas were not present in the EU declaration;

(b) the ABC explained that, as was the case with the three other instances in the report, inverted commas had been added to indicate that it was a direct quote from the report and not to indicate non-acceptance of the usage of the term;

(c) however, for the cited instance the inverted commas surrounded the word 'terrorist' and only the word 'terrorist' (notwithstanding that there were also other words extracted from the very same section of the EU declaration) whereas in the three other instances, the inverted commas surrounded a significant amount of contiguous text from the EU declaration;

(d) additionally, there are other ABC reports that have also placed terms such as 'terrorist' or 'terrorism' within inverted commas in circumstances where the possibility of a direct quote does not arise (for example, the report headed 'Top cleric urges "blind, deaf, dumb" Mubarak to go', 30 January 2011); and

(e) in contrast to its practice when the victims or intended victims are Israeli, the ABC routinely uses the term 'terrorist' and similar where the civilian victims are not Israeli:

1. Can an explanation be provided by the ABC justifying its evident non-acceptance of the term 'terrorist' and similar terms, and its acceptance of the term 'resistance fighter' (response to question on notice no. 41) in circumstances where the actual or intended victims are Israeli civilians.

2. Can an explanation be provided by the ABC justifying its discriminatory practices regarding the use of such terms.

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

The Editorial Policies are applied consistently across all areas of reporting, as are the specific guidelines and advice in relation to labelling.

In relation to terrorism, the ABC News Style Guide advises journalists that:

"Reporting terrorism and other contentious issues brings the need for fair and non-judgemental language into sharp focus. There will always be sectional groups in the community that disagree with the way an issue is reported and with the language used. Middle East reporting is a typical example.

Generally, clear, thorough reporting is better than labels.

Our reports should rely first on facts and clear descriptions of events, rather than labels that may seem too extreme or too soft, depending on your point of view.

When reporting a conflict, such as in the Middle East, we avoid partisanship, or the perception of it, by not adopting for ourselves the preferred labels of one side or the other. It is usually more appropriate to describe specific acts: "a car bomb has exploded in Baghdad, killing 20 people" rather
than "a terrorist attack in Baghdad has left 20 people dead". If it is necessary to refer to an organisation in such a way, it is best to attribute that label to a particular person, group or government: "the US President described the group as a terrorist organisation".

The use of violence, including against civilians, in a political cause is not new. Terrorism – violence targeting civilians and not necessarily in a clear political cause – is not new. We won't resile from using the word "terrorism" or "terrorist" in appropriate cases. If something is clearly a terrorist act, the act and the group responsible for it can be labelled "terrorist". That does not mean that you have to describe the group as "terrorist" in every context in which you refer to that group.

Be judicious in the use of the expression "war on terror".

That is the policy and practice of ABC News. The ABC responded to the issue of the EU report in its response to Senator Abetz' question on notice from the Additional Estimates hearing in October 2010 (q157).

**Australian Broadcasting Corporation**

(Question No. 584)

**Senator Abetz** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 8 April 2011:

Given that:

(a) the Australian Broadcasting Corporation (ABC) has previously advised that it considers that the use of the term 'terrorist' is appropriate in circumstances where someone who engages in a specific form of militant activity which involves 'terrorising' a community (response to question on notice no. 157);

(b) Sderot and surrounding areas of Israel have been subjected to thousands of rockets fired from Gaza, with those firing the rockets deliberately targeting civilians, and doubtless, these communities are terrorised by these attacks;

(c) despite this, the ABC routinely refers to the perpetrators as 'militants', a typical example being the 3 January 2011 report headed 'Palestinians injured in Israeli air raid', which states: 'Israeli warplanes have injured two Palestinians in air raids on the Gaza strip after another spate of rockets fired by Palestinian militants';

(d) the ABC has even substituted the term 'militant' for 'terrorist', the actual term used, when purporting to report the statements of Israeli military spokesmen and sought to justify this on the grounds that its mode of quotation was indirect and not direct:

(1) Can the ABC confirm that describing the Palestinians who fire rockets targeting Israeli civilian communities as 'terrorists' is entirely consistent with its definition of this term.

(2) Can an explanation be provided by the ABC justifying its practice of describing these terrorists as 'militants'.

**Senator Conroy:** The answer to the honourable senator's question is as follows:

The ABC strives for accuracy and avoids contentious language where necessary and appropriate.

The ABC News Style Guide advises journalists to "rely first on facts and clear descriptions of events, rather than labels that may seem too extreme or too soft, depending on your point of view."

Accordingly, the ABC's approach is to ensure that a story is accurate, and language used in it appropriate.

It is entirely appropriate to refer to an individual or group engaged in the activities described in these stories as a militant. The Macquarie Dictionary defines the term as: "combative; aggressive, someone engaged in warfare or strife." It may also be appropriate to refer to persons involved as terrorists, if it can be determined that the militant action was intentionally designed to create terror in the community...
rather than, say, to strike at a particular military target. Where this occurs, it does not make the original story inaccurate, biased or misleading.

**Australian Broadcasting Corporation**  
*(Question No. 585)*

Senator Abetz asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 8 April 2011:

Given that:

(a) the Australian Broadcasting Corporation (ABC) has previously agreed that the West Bank security barrier is predominantly a fence and not a wall (response to question on notice no. 157);

(b) the ABC has advised that ‘the barrier has been referred to in a number of ways’ and cited four instances which used the terms ‘security barrier’ and ‘border fence’, however, the examples cited were about the Gaza barrier, which is a fence for the entirety of the Gaza/Israel border;

(c) the ABC advised further that it ‘accepts that specific context is relevant in each circumstance’;

(d) a protest at the barrier at Bil‘in was the specific context for the broadcast headed ‘Protester killed in campaign against West Bank wall’ (AM, 25 April 2009); notwithstanding that the barrier was, and is entirely in the form of a fence, there are multiple instances in this report where the barrier is referred to as a ‘wall’; and

(e) additionally, the report used the term ‘wall’ when referring to the entirety of the West Bank security barrier, terminology favoured by Israel’s critics and commonplace in ABC reports:

(1) Does the ABC now concede that it often uses the expression ‘wall’ or similar expressions when referring to the entirety of the West Bank security barrier and/or when referring to a section of the barrier that is entirely in the form of a fence.

(2) Does the ABC concede that such usage breaches the requirements in the editorial policies for accuracy and impartiality.

Senator Conroy: The answer to the honourable senator’s question is as follows:

The story in question picks up the usage employed by groups such as the International Court of Justice, but the reporter also specifically refers to the particular section of the barrier as an "eight metre high razor-wire fence".

The ABC agrees that care needs to be exercised to avoid using the labels favoured by one side or the other and to be as accurate as possible. In this instance, it was clearly more accurate to refer to this particular section of the barrier as a fence, which is what the reporter did in the key element of the story when describing the local activities she was observing.

**Australian Broadcasting Corporation**  
*(Question No. 586)*

Senator Abetz asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 8 April 2011:

Given that:

(a) the Australian Broadcasting Corporation (ABC) has described an Israeli Defense Forces video on the Gaza war as ‘propaganda’ (AM, 23 April, 2009); and

(b) the ABC has also insinuated that the pro-Israel activist Michelle Rojas-Tal and the pro-Israel advocacy group StandWithUs are propagandists (News, 25 August 2010):

(1) Can an explanation be provided by the ABC justifying its use of the term ‘propaganda’ in these instances.
(2) Can details be provided of any instances where the ABC has: (a) described any anti-Israel material promoted by Israel's critics as 'propaganda'; and (b) insinuated that an anti-Israel activist or an anti-Israel advocacy group are propagandists.

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

The *AM* story of 23 April 2009 referred to a video released to the public by the Israeli Government specifically to put its case on a contentious issue, and ABC News considers that the expressions used in the story were accurate in the context.

ABC News also considers that the news story run on 25 August 2010 was balanced and accurate. At no stage in that story was the StandWithUs group's activities described by the ABC as propaganda. The story provided an opportunity for that group to respond to allegations by its critics that it engaged in propaganda, and the headline of the story made it clear that it was dealing with a question in relation to both sides.

ATM and EFTPOS Fees

(Question No. 587)

Senator Siewert asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 8 April 2011:

With reference to the answer to question on notice no. 361 (Senate *Hansard*, 1 March 2011, p.872) about how much Outback Stores made from ATM and EFTPOS transactions, which stated 'the stores currently do not make any money from EFTPOS transactions', but did not clarify the situation with ATMs:

(1) Do any Outback Stores make money from ATMs in their stores.

(2) Do Outback Stores intend to change their current approach to EFTPOS and ATMs in the future.

Senator Arbib: The Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator's question:

(1) Outback Stores negotiates with ATM providers on behalf of the owners of the stores it manages. ATM providers commonly offer rebates to store owners when the number of transactions exceeds a previously agreed level. In negotiating with ATM providers, Outback Stores aims to replace such rebates to stores with lower transaction fees for customers. The change from rebates will continue over time as old contracts are renegotiated. Where rebates continue they are paid to the owners of the store and Outback Stores derive no financial benefit from them.

(2) Outback Stores has no intention of changing its current approach to EFTPOS and ATMs in the future.

Jandakot Airport

(Question No. 588)

Senator Siewert asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 8 April 2011:

(1) When will the next stage of clearing occur at Jandakot Airport.

(2) How much Banksia woodland and other remnant bushland will be cleared.

(3) Did the proponent undertake an orchid survey, in particular, for the Grand Spider Orchid, in 2010 in accordance with the conditions of approval for the clearing; (a) if so: (i) was a report prepared; (ii) is the report publicly available; and (iii) if the report is not publicly available, why not; and (b) if no survey was undertaken: (i) why not; and (ii) will the proponent be prosecuted.
(4) Will the proponent undertake any animal trapping and relocation in advance of the next stage of clearing in 2011; if so, when and where will the animals be translocated; if not, why not?

(5) Will the proponent undertake any Grand Spider Orchid relocation in advance of the next stage of clearing in 2011; if so, when and how many will be translocated; if not, why not.

(6) Will the proponent undertake any plant rescue and relocation in advance of the next stage of clearing in 2011; if so, when and where will the plants be translocated; if not, why not.

(7) Will the proponent allow any community groups, who request it, to participate in, or undertake any plant rescue and relocation in advance of the next stage of clearing in 2011; (a) if so: (i) when; (ii) with whom; and (iii) where, will this occur; and (b) if not, why not.

(8) Will the proponent provide mulch from the next stage of clearing in 2011 to any community group which requests it; (a) if so: (i) when, (ii) to whom, and (iii) how, will this occur; and (b) if not, why not.

(9) Is the proponent undertaking clearing and use of biological resources in accordance with best practice environmental management, considering the national significance of the area being cleared; if not, why not, and what measures are being taken to ensure the proponent improves its management practices.

(10) Has the proponent purchased or provided funds for the purchase of any or all of the required 1600 hectares of offsets in accordance with the conditions of approval for the clearing; if so: (a) what, where, and what size, are these properties; (b) who is managing the properties; (c) who is providing the funding for the management; and (d) for what length of time is this funding being provided.

(11) If the proponent has not purchased or provided funds for purchase of all of the required 1 600 hectares of offsets in accordance with the conditions of approval for the clearing: (a) what measures are being taken to identify and acquire the remaining areas required; and (b) when will this be concluded.

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

(1) The timing of development on the Jandakot airport site will be determined by the leaseholder, Jandakot Airport Holdings.

(2) The conditions of approval allow a maximum of 167 hectares of native vegetation to be removed for the entire development. The clearing must be undertaken in accordance with the conditions of approval and in accordance with approved plans available on the Jandakot Airport Holdings website at: http://www.jandakotairport.com.au.

(3) (a) (i) Jandakot Airport Holdings is required to report on the implementation of actions outlined in approved plans. That includes reporting on the results of actions undertaken for the Grand Spider Orchid on 30 June each year. The department expects the survey results for the first year of the approval to be contained within the report due on 30 June 2011.

(ii) The approval conditions do not require the proponent to make the report publicly available. Jandakot Airport Holdings are responsible for deciding whether to make the report publicly available once completed. However, our preferred position is that information on the exact locations of threatened plants not be released to the public. (b)(i) and (ii) Refer to the response to (a)(i). The monitoring, compliance and enforcement policies of the Department of Sustainability, Environment, Water, Population and Communities are outlined at:


(4) Clearing must be undertaken in accordance with approved plans available on the Jandakot Airport Holdings website at: http://www.jandakotairport.com.au. Matters such as animal trapping, which are not addressed in the conditions of approval, should be directed to the company.

(6) See the response to question (4). Matters such as plant rescue and relocation, which are not addressed in the conditions of approval should be directed to the company.

(7) Questions of access to the Jandakot airport site should be directed to Jandakot Airport Holdings.

(8) Questions of access to mulch from the Jandakot airport site should be directed to Jandakot Airport Holdings.

(9) Clearing and other activities must be undertaken in accordance with approved plans available on Jandakot Airport Holdings website at: http://www.jandakotairport.com.au. The proponent is required to review and update management plans periodically.

(10) (a) The land offsets that have been secured to date comprise two parcels, 359 hectares and 725 hectares, and the land is located north of Perth.

(b), (c) and (d) The above properties are now owned and managed by the Western Australia Department of Environment and Conservation, which will manage them in perpetuity for conservation.

(11) (a) It is the responsibility of Jandakot Airport Holdings to identify and acquire the remaining land. (b) The acquisition of land must be concluded within five years of the date of approval.

Uranium Mining

(1) Has the Office of the Supervising Scientist (OSS) provided any advice on prospective uranium mining in Western Australia; if so: (a) to whom; and (b) on what issues and discrete areas of expertise.

(2) Have OSS personnel visited the site of the Kintyre uranium project of Cameco Australia and Mitsubishi Corporation in the Great Sandy Desert region of Western Australia; if so: (a) who directed the OSS to visit the site and on what basis; (b) who received any reported outcomes and findings that arose from the visit; and (c) what were the outcomes and findings of the visit.

(3) Has the OSS found similarities between the ephemeral river at the Ranger uranium mine and that surrounding the proposed mine at Kintyre.

Senator Ludlam asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 12 April 2011:

(1) Has the Office of the Supervising Scientist (OSS) provided any advice on prospective uranium mining in Western Australia; if so: (a) to whom; and (b) on what issues and discrete areas of expertise.

(2) Have OSS personnel visited the site of the Kintyre uranium project of Cameco Australia and Mitsubishi Corporation in the Great Sandy Desert region of Western Australia; if so: (a) who directed the OSS to visit the site and on what basis; (b) who received any reported outcomes and findings that arose from the visit; and (c) what were the outcomes and findings of the visit.

(3) Has the OSS found similarities between the ephemeral river at the Ranger uranium mine and that surrounding the proposed mine at Kintyre.

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

(1) Yes.

(a) The Supervising Scientist Division has provided technical advice to the Approvals and Wildlife Division within the Department of Sustainability, Environment, Water, Population and Communities.

(b) Advice has been provided on the Kintyre, Yeelirrie and Wiluna uranium projects.

The advice focused on the technical competency and completeness of information contained in documents submitted by the proponents as part of the assessment process under the Environment Protection and Biodiversity Conservation Act 1999.

(2) No.

(3) The Supervising Scientist Division has not conducted a comparison between the Magela Creek and water courses surrounding Kintyre.
Human Services  
(Question No. 596)

Senator Abetz asked the Minister representing the Minister for Human Services, upon notice, on 12 April 2011:

With reference to the answer provided to question no. HS 11 taken on notice during the 2010-11 additional estimates hearings of the Community Affairs Legislation Committee, on 24 February 2011:

(1) Who, stating their name, was responsible for not authorising the request.

(2) How many hours of work were required to obtain the two dates summaries of 31 January 2011 and 24 February 2011

Senator Arbib: The Minister for Human Services has provided the following answer to the honourable senator's question:

(1) Mr Grant Tidswell PSM, Deputy Chief Executive Officer, Centrelink.

(2) Ten hours were spent in obtaining the two summaries of 31 January 2011 and 24 February 2011 in response to question no. HS 10, which requested the number of "recipients" of the Australian Government Disaster Recovery Payment. The term "recipients" refers to people whose claim was granted.

Question no. HS 11 requests data regarding the claims "made" for each day. The term "made" refers to a person lodging their claim.

Centrelink cannot automatically extract the date claims were lodged by claimants. In order to produce a data set of the number of claims lodged by claimants on each day, Centrelink would need to manually refer to each individual customer record. This would require substantial resources, given that we have processed in excess of 700,000 claims.

The data available to Centrelink for automatic extraction includes when a claim is registered by Centrelink staff to begin processing. Centrelink aims to process as many claims as possible on the day they are lodged and the date the claim is registered is often the same date it was lodged by claimants, however we cannot guarantee that this is always the case.

In consultation with your office it has been agreed for Centrelink to provide you with data for each day regarding the number of claims registered for processing.

Superannuation Complaints Tribunal  
(Question No. 599)

Senator Cormann asked the Minister representing the Minister for Financial Services and Superannuation, upon notice, on 15 April 2011:

(1) How many complaints did the Superannuation Complaints Tribunal receive in each of the following financial years:

   (a) 2008-09;
   (b) 2009-10; and
   (c) 2010-11 (to date).

(2) How many complaints did the Tribunal resolve in each of these financial years.

(3) How many complaints remained unresolved at the end of each of these financial years.

Senator Sherry: The Minister for Financial Services and Superannuation has provided the following answer to the honourable senator's question:

(1) (a) 2,546
(b) 2,481
(c) The Tribunal has received 2,016 complaints for the year to date (to 29 April 2011)

(2) (a) 2,349
(b) 2,355
(c) 1,915 (year to date to 29 April 2011)
Note: Complaints resolved in any year include complaints received in earlier years.

(3) The Tribunal understands this question to mean the number of complaints on hand as at 30 June of each of the years, which includes all complaints received up to and including those received on that date and regardless of when they were received:
(a) 1,075
(b) 1,201
(c) 1,296 (as at 29 April 2011)