



COMMONWEALTH OF AUSTRALIA

SENATE

Hansard

TUESDAY, 17 NOVEMBER 2009

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Tuesday, 24 November 2009

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SITTING DAYS—2009

Month	Date
February	3, 4, 5, 9, 10, 11, 12
March	10, 11, 12, 16, 17, 18, 19
May	12, 13, 14
June	15, 16, 17, 18, 22, 23, 24, 25
August	11, 12, 13, 17, 18, 19, 20
September	7, 8, 9, 10, 14, 15, 16, 17
October	26, 27, 28, 29
November	16, 17, 18, 19, 23, 24, 25, 26

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**FORTY-SECOND PARLIAMENT
FIRST SESSION—SIXTH PERIOD**

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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

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Thomas Mark Bishop, Carol Louise Brown, Patricia Margaret Crossin,

Michael George Forshaw, Gary John Joseph Humphries, Annette Kay Hurley,

Stephen Patrick Hutchins, Gavin Mark Marshall, Julian John James McGauran,

Claire Mary Moore, Stephen Shane Parry, Hon. Judith Mary Troeth and Russell Brunell Trood

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. Nicholas Hugh Minchin

Deputy Leader of the Opposition in the Senate—Senator Hon. Eric Abetz

Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig

Manager of Opposition Business in the Senate—Senator Stephen Shane Parry

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. Nicholas Hugh Minchin

Deputy Leader of the Liberal Party of Australia—Senator Hon. Eric Abetz

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 Kerry Williams Kelso O'Brien

Deputy Government Whips—Senators Donald Edward Farrell and Anne McEwen

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

Senator	State or Territory	Term expires	Party
Abetz, Hon. Eric	TAS	30.6.2011	LP
Adams, Judith Anne	WA	30.6.2011	LP
Arbib, Hon. Mark Victor	NSW	30.6.2014	ALP
Back, Christopher John ⁽³⁾	WA	30.6.2011	LP
Barnett, Guy	TAS	30.6.2011	LP
Bernardi, Cory	SA	30.6.2014	LP
Bilyk, Catryna Louise	TAS	30.6.2014	ALP
Birmingham, Simon John	SA	30.6.2014	LP
Bishop, Thomas Mark	WA	30.6.2014	ALP
Boswell, Hon. Ronald Leslie Doyle	QLD	30.6.2014	NATS
Boyce, Suzanne Kay	QLD	30.6.2014	LP
Brandis, Hon. George Henry, SC	QLD	30.6.2011	LP
Brown, Carol Louise	TAS	30.6.2014	ALP
Brown, Robert James	TAS	30.6.2014	AG
Bushby, David Christopher	TAS	30.6.2014	LP
Cameron, Douglas Niven	NSW	30.6.2014	ALP
Carr, Hon. Kim John	VIC	30.6.2011	ALP
Cash, Michaelia Clare	WA	30.6.2014	LP
Colbeck, Hon. Richard Mansell	TAS	30.6.2014	LP
Collins, Jacinta Mary Ann	VIC	30.6.2014	ALP
Conroy, Hon. Stephen Michael	VIC	30.6.2011	ALP
Coonan, Hon. Helen Lloyd	NSW	30.6.2014	LP
Cormann, Mathias Hubert Paul ⁽²⁾	WA	30.6.2011	LP
Crossin, Patricia Margaret ⁽⁴⁾	NT		ALP
Eggleston, Alan	WA	30.6.2014	LP
Evans, Hon. Christopher Vaughan	WA	30.6.2011	ALP
Farrell, Donald Edward	SA	30.6.2014	ALP
Faulkner, Hon. John Philip	NSW	30.6.2011	ALP
Feeney, David Ian	VIC	30.6.2014	ALP
Ferguson, Hon. Alan Baird	SA	30.6.2011	LP
Fielding, Steve	VIC	30.6.2011	FF
Fierravanti-Wells, Concetta Anna	NSW	30.6.2011	LP
Fifield, Mitchell Peter	VIC	30.6.2014	LP
Fisher, Mary Jo ⁽¹⁾	SA	30.6.2011	LP
Forshaw, Michael George	NSW	30.6.2011	ALP
Furner, Mark Lionel	QLD	30.6.2014	ALP
Hanson-Young, Sarah Coral	SA	30.6.2014	AG
Heffernan, Hon. William Daniel	NSW	30.6.2011	LP
Hogg, Hon. John Joseph	QLD	30.6.2014	ALP
Humphries, Gary John Joseph ⁽⁴⁾	ACT		LP
Hurley, Annette Kay	SA	30.6.2011	ALP
Hutchins, Stephen Patrick	NSW	30.6.2011	ALP
Johnston, Hon. David Albert Lloyd	WA	30.6.2014	LP
Joyce, Barnaby Thomas Gerard	QLD	30.6.2011	NATS
Kroger, Helen	VIC	30.6.2014	LP
Ludlam, Scott	WA	30.6.2014	AG
Ludwig, Hon. Joseph William	QLD	30.6.2011	ALP
Lundy, Kate Alexandra ⁽⁴⁾	ACT		ALP

Senator	State or Territory	Term expires	Party
Macdonald, Hon. Ian Douglas	QLD	30.6.2014	LP
McEwen, Anne	SA	30.6.2011	ALP
McGauran, Julian John James	VIC	30.6.2011	LP
McLucas, Hon. Jan Elizabeth	QLD	30.6.2011	ALP
Marshall, Gavin Mark	VIC	30.6.2014	ALP
Mason, Hon. Brett John	QLD	30.6.2011	LP
Milne, Christine Anne	TAS	30.6.2011	AG
Minchin, Hon. Nicholas Hugh	SA	30.6.2011	LP
Moore, Claire Mary	QLD	30.6.2014	ALP
Nash, Fiona Joy	NSW	30.6.2011	NATS
O'Brien, Kerry Williams Kelso	TAS	30.6.2011	ALP
Parry, Stephen Shane	TAS	30.6.2011	LP
Payne, Marise Ann	NSW	30.6.2014	LP
Polley, Helen Beatrice	TAS	30.6.2011	ALP
Pratt, Louise Clare	WA	30.6.2014	ALP
Ronaldson, Hon. Michael	VIC	30.6.2011	LP
Ryan, Scott Michael	VIC	30.6.2014	LP
Scullion, Hon. Nigel Gregory ⁽⁴⁾	NT		CLP
Sherry, Hon. Nicholas John	TAS	30.6.2014	ALP
Siewert, Rachel Mary	WA	30.6.2011	AG
Stephens, Hon. Ursula Mary	NSW	30.6.2014	ALP
Sterle, Glenn	WA	30.6.2011	ALP
Troeth, Hon. Judith Mary	VIC	30.6.2011	LP
Trood, Russell Brunell	QLD	30.6.2011	LP
Williams, John Reginald	NSW	30.6.2014	NATS
Wong, Hon. Penelope Ying Yen	SA	30.6.2014	ALP
Wortley, Dana Johanna	SA	30.6.2011	ALP
Xenophon, Nicholas	SA	30.6.2014	IND

- (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—H Evans

Clerk of the House of Representatives—I C Harris

Secretary, Department of Parliamentary Services—A Thompson

RUDD MINISTRY

Prime Minister	Hon. Kevin Rudd, MP
Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion	Hon. Julia Gillard, MP
Treasurer	Hon. Wayne Swan MP
Minister for Immigration and Citizenship and Leader of the Government in the Senate	Senator Hon. Chris Evans
Minister for Defence and Vice President of the Executive Council	Senator Hon. John Faulkner
Minister for Trade	Hon. Simon Crean MP
Minister for Foreign Affairs and Deputy Leader of the House	Hon. Stephen Smith 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 Finance and Deregulation	Hon. Lindsay Tanner MP
Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House	Hon. Anthony Albanese MP
Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate	Senator Hon. Stephen Conroy
Minister for Innovation, Industry, Science and Research	Senator Hon. Kim Carr
Minister for Climate Change and Water	Senator Hon. Penny Wong
Minister for the Environment, Heritage and the Arts	Hon. Peter Garrett AM, MP
Attorney-General	Hon. Robert McClelland MP
Cabinet Secretary, Special Minister of State and Manager of Government Business in the Senate	Senator Hon. Joe Ludwig
Minister for Agriculture, Fisheries and Forestry	Hon. Tony Burke MP
Minister for Resources and Energy and Minister for Tourism	Hon. Martin Ferguson AM, MP
Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services	Hon. Chris Bowen, MP

[The above ministers constitute the cabinet]

RUDD MINISTRY—*continued*

Minister for Veterans' Affairs	Hon. Alan Griffin MP
Minister for Housing and Minister for the Status of Women	Hon. Tanya Plibersek MP
Minister for Home Affairs	Hon. Brendan O'Connor MP
Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery	Hon. Warren Snowdon MP
Minister for Small Business, Independent Contractors and the Service Economy, Minister Assisting the Finance Minister on Deregulation and Minister for Competition Policy and Consumer Affairs	Hon. Dr Craig Emerson MP
Assistant Treasurer	Senator Hon. Nick Sherry
Minister for Ageing	Hon. Justine Elliot MP
Minister for Early Childhood Education, Childcare and Youth and Minister for Sport	Hon. Kate Ellis MP
Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change	Hon. Greg Combet AM, MP
Minister for Employment Participation and Minister Assisting the Prime Minister on Government Service Delivery	Senator Hon. Mark Arbib
Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government	Hon. Maxine McKew MP
Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water	Hon. Dr Mike Kelly AM, MP
Parliamentary Secretary for Western and Northern Australia	Hon. Gary Gray AO, MP
Parliamentary Secretary for Disabilities and Children's Services and Parliamentary Secretary for Victorian Bushfire Reconstruction	Hon. Bill Shorten MP
Parliamentary Secretary for International Development Assistance	Hon. Bob McMullan MP
Parliamentary Secretary for Pacific Island Affairs	Hon. Duncan Kerr SC, MP
Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade	Hon. Anthony Byrne MP
Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector	Senator Hon. Ursula Stephens
Parliamentary Secretary for Multicultural Affairs and Settlement Services	Hon. Laurie Ferguson MP
Parliamentary Secretary for Employment	Hon. Jason Clare MP
Parliamentary Secretary for Health	Hon. Mark Butler MP
Parliamentary Secretary for Innovation and Industry	Hon. Richard Marles MP

SHADOW MINISTRY

Leader of the Opposition	The Hon. Malcolm Turnbull MP
Shadow Minister for Foreign Affairs and Deputy Leader of the Opposition	The Hon. Julie Bishop MP
Shadow Minister for Trade, Transport, Regional Development and Local Government and Leader of The Nationals	The Hon. Warren Truss MP
Shadow Minister for Broadband, Communications and the Digital Economy and Leader of the Opposition in the Senate	Senator the Hon. Nick Minchin
Shadow Minister for Innovation, Industry, Science and Research and Deputy Leader of the Opposition in the Senate	Senator the Hon. Eric Abetz
Shadow Treasurer	The Hon. Joe Hockey MP
Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House	The Hon. Christopher Pyne MP
Shadow Minister for Infrastructure and COAG and Shadow Minister Assisting the Leader on Emissions Trading Design	The Hon. Andrew Robb AO, MP
Shadow Minister for Finance, Competition Policy and Deregulation	Senator the Hon. Helen Coonan
Shadow Minister for Human Services and Deputy Leader of The Nationals	Senator the Hon. Nigel Scullion
Shadow Minister for Energy and Resources	The Hon. Ian Macfarlane MP
Shadow Minister for Families, Housing, Community Services and Indigenous Affairs	The Hon. Tony Abbott MP
Shadow Special Minister of State and Shadow Cabinet Secretary	Senator the Hon. Michael Ronaldson
Shadow Minister for Climate Change, Environment and Water	The Hon. Greg Hunt MP
Shadow Minister for Health and Ageing	The Hon. Peter Dutton MP
Shadow Minister for Defence	Senator the Hon. David Johnston
Shadow Attorney-General	Senator the Hon. George Brandis SC
Shadow Minister for Agriculture, Fisheries and Forestry	The Hon. John Cobb MP
Shadow Minister for Employment and Workplace Relations	Mr Michael Keenan MP
Shadow Minister for Immigration and Citizenship	The Hon. Dr Sharman Stone
Shadow Minister for Small Business, Independent Contractors, Tourism and the Arts	Mr Steven Ciobo MP

[The above constitute the shadow cabinet]

SHADOW MINISTRY—*continued*

Shadow Minister for Financial Services, Superannuation and Corporate Law	The Hon. Chris Pearce MP
Shadow Assistant Treasurer	The Hon. Tony Smith MP
Shadow Minister for Sustainable Development and Cities	The Hon. Bruce Billson MP
Shadow Minister for Competition Policy and Consumer Affairs and Deputy Manager of Opposition Business in the House	Mr Luke Hartsuyker MP
Shadow Minister for Housing and Local Government	Mr Scott Morrison MP
Shadow Minister for Ageing	Mrs Margaret May MP
Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence	The Hon. Bob Baldwin MP
Shadow Minister for Veterans' Affairs	Mrs Louise Markus MP
Shadow Minister for Early Childhood Education, Childcare, Status of Women and Youth	Mrs Sophie Mirabella MP
Shadow Minister for Justice and Customs	The Hon. Sussan Ley MP
Shadow Minister for Employment Participation, Training and Sport	Dr Andrew Southcott MP
Shadow Parliamentary Secretary for Northern Australia	Senator the Hon. Ian Macdonald
Shadow Parliamentary Secretary for Roads and Transport	Mr Don Randall MP
Shadow Parliamentary Secretary for Regional Development	Mr John Forrest MP
Shadow Parliamentary Secretary for International Development Assistance and Shadow Parliamentary Secretary for Indigenous Affairs	Senator Marise Payne
Shadow Parliamentary Secretary for Energy and Resources	Mr Barry Haase MP
Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector	Senator Mitch Fifield
Shadow Parliamentary Secretary for Water Resources and Conservation	Mr Mark Coulton MP
Shadow Parliamentary Secretary for Health Administration	Senator Mathias Cormann
Shadow Parliamentary Secretary for Defence	The Hon. Peter Lindsay MP
Shadow Parliamentary Secretary for Education	Senator the Hon. Brett Mason
Shadow Parliamentary Secretary for Justice and Public Security	Mr Jason Wood MP
Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry	Senator the Hon. Richard Colbeck
Shadow Parliamentary Secretary for Immigration and Citizenship and Shadow Parliamentary Secretary Assisting the Leader in the Senate	Senator Concetta Fierravanti-Wells

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Tuesday, 17 November 2009

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12.30 pm and read prayers.

BUSINESS

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (12.31 pm)—I move:

That, on Tuesday, 17 November 2009:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7 pm to 11.40 pm;
- (b) the routine of business from 7 pm shall be government business only; and
- (c) the question for the adjournment of the Senate shall be proposed at 11 pm.

The motion today is in order to facilitate debate on the carbon pollution reduction package of bills this week. All senators would be aware that the government and the opposition are actively and constructively seeking to reach agreement on a range of amendments on this package. While these negotiations continue, the Senate can complete the bulk of the second reading debate this week with the committee stage of the bill left to the later half of next week. As I understand it, there is a broad view that it is likely to need to be dealt with in the opposition party room in the next week. Of course, this will allow time for the negotiations to be completed and any agreement, should it be reached, to be considered by the opposition party room, as I have indicated, early next week. The Senate could then move to the committee stage after consideration of amendments by the opposition party room.

If necessary, the government is also prepared to extend the sitting hours next week to allow the committee stage to be finalised in that second week. The motion provides for additional hours only for this evening. If still more hours are required to allow senators to speak on the second reading debate, I could foreshadow that I will also be moving a motion for the usual extension on Thursday to provide for additional sitting hours on Thursday night. Perhaps, if required, we could also seek to utilise Friday. This is a usual matter that arises when we head towards the end of the sitting period.

With this timetable all senators will have the opportunity to speak on the second reading debate for the carbon pollution reduction package of bills. This allows the Senate a considerable amount of time to consider the CPRS package in second reading and next week the committee stage. It is important that the Senate is able to give proper consideration to this significant package of bills. It also provides time for other matters that are usually dealt with during this period to be programmed in.

The Leader of the Government in the Senate, Senator Evans, wrote to the Senate leaders and Senator Xenophon last week. He outlined the government's intentions as to how the CPRS package would be managed in the remainder of 2009. No formal responses have been received to this letter, although I would note that Senator Brown has written seeking additional sitting hours. The government is seeking to implement the additional hours and the program that we have outlined in the correspondence. On the basis of the request from Senator Brown, I do hope that the Greens will be supporting this motion today. It would be consistent with the position that the Greens have sought which is to ensure that we can deal with the second reading debate for the Carbon Pollution Reduction Scheme and consistent with allowing additional hours for the Senate to debate it.

Providing additional hours for legislation is not uncommon in the Senate, particularly for significant packages, nor is it uncommon for the Senate to sit for additional hours at the end of a sitting period to accommodate debate on bills. Additional hours and days have proved to be a more successful method of focusing the Senate's attention on government legislation at the end of sittings. If we were to add regular sitting days—and there is always that suggestion—we would find the days were largely taken up with, in part, machinery matters, matters that deal with notice of motions, matters that deal with MPIs with, in many circumstances, less than half of the time available allocated for government legislation before the chamber. Indeed, that is exactly what is occurring this week. The opposition has insisted in the last couple of sitting periods on having MPIs every day and it is indicating that it will continue this practice. It has provided additional speakers on bills and committee reports and also ensured that certain bills have extensive debate in the committee stage. In short, the view is that when you can provide a significant amount of time such as a Tuesday night to allow second reading debates then you can focus the Senate on dealing with the legislation. It also provides senators with a contemporaneous debate rather than a fragmented debate throughout the week.

It concerns me that the opposition may simply be seeking to waste the Senate's time. The Leader of the Opposition in the Senate, Senator Minchin, does not agree with his leader on climate change and it does concern me that we do need to get on with the debate of the CPRS. I would also seek Senator Brown's assistance, along with that of Senator Xenophon and Senator Fielding, to ensure that we can allow the second reading debate on the CPRS legislation to be held this week.

This motion is of course up for open and transparent debate and I would ask all to support it. I commend the

motion to extend the sitting hours to the Senate. It allows for a practical approach for the consideration of this CPRS package of bills so the Senate can, in its usual way, work through that package of bills as outlined. This is not an unusual package in terms of the hours and how we will proceed with this debate. It is something that we in opposition agreed to on many occasions with the previous government to be able to deal with large bills that had significant speaking lists in a way that ensured they got dealt with during the available time.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12.38 pm)—I wrote to the Prime Minister on behalf of the Greens in September and then again in October recommending extra sitting weeks for the Senate be considered by the government, before we got to the situation we are now in. You will be aware, Madam Acting Deputy President, that this is one of the shortest sitting schedules for a non-election year since the Second World War, even though we have huge issues to deal with on behalf of the nation. I have received no response from the Prime Minister at all. I have received two letters from the leader in the Senate, but neither of them responded to the proposal to have an extra sitting week last week or indeed extra sitting weeks at the start of December. The government effectively ignored a very sensible proposal that we deal with the coming load in a considered way. When I say ‘considered’ I am taking into account that all of us have big electoral commitments. We need to keep those commitments with our electorates. We do not need to be working on an ad hoc basis where we do not know whether we are going to be able to make those commitments. It disrupts a whole lot of other people’s lives as well as our own. However, at the end of each year you get extra pressure put onto the Senate, and we tend to sit extended hours.

The reality here is that we are waiting—perhaps till the weekend, as Senator Ludwig pointed out—for a decision by the government and coalition to come together to put to the parliament a rejigged emissions trading scheme package of legislation, and we do not know what that outcome will be. The proposal here is that we have the second reading debate on legislation that we are not acquainted with. We know what the government wants; we do not know what outcome there will be from the government and the coalition. We have already had it flagged that agriculture will be dropped from the legislation, and we can assume that will be the case. But we cannot debate that, because it is not in the legislation before us. In fact it says in the legislation before us that agriculture will be considered by 2013 and included by 2015, if that consideration points to it being included as part of the reach of this legislation.

We are in the extraordinary situation of being about to embark on a debate about legislation which is far from finalised, which we do not have before us and which we cannot, I put to you, Madam Acting Deputy President, sensibly debate in this circumstance. Why is that? It is because the executive—that is, the Prime Minister’s office—has a schedule of negotiating with the opposition which is going on extramural, outside the Senate, but without the Senate being informed. We are being treated as a necessary routine to go through but not the equal second house of the parliament which is the watchdog of the people’s interests, and I object to that. I also object to not getting a response from the government on a matter as important as the scheduling of the Senate when a sensible, more contemplated, far-sighted proposition was put to the government by the Greens a month or two months ago. We are not going to be simply subservient to the government in this ad-hockery. We will not be supporting this motion. There is no cogent reason which warrants us extending sitting hours tonight to continue a second reading debate on legislation we do not properly have in front of us. We will not be supporting that extension.

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (12.42 pm)—I indicate that the opposition will also not be supporting the motion by the Manager of Government Business in the Senate. All year we have been reiterating and echoing the sentiments of Senator Brown that there have not been enough sitting weeks allocated for this year, and we flagged that early enough for the government to have changed it. We invited the government to increase the number of sitting weeks this year at an early stage when we could have planned. We cannot now plan additional weeks for the final throes of this year because of commitments that we build around the parliamentary sitting calendar from a very early time. Incidentally, I flagged with the chamber when the calendar for 2010 was introduced into this chamber that, again, not enough sitting weeks were included on that schedule. The government needs to consider increasing the number of sitting weeks at an early enough stage so senators can plan, as Senator Brown rightly says, their electoral activities around the parliamentary sitting schedule. We cannot do ad hoc arrangements on a constant basis.

The other thing that I have mentioned during various debates on extensions of hours throughout the year has been that we are going to stop cooperating with the government on extending on an ad hoc basis when the sitting schedule is so low. I give to the chamber an indication of how generous the opposition has been in relation to sitting hours this entire year—and also last year. I give some statistics about how this has happened. In 2008 we gave up 83 hours and 54 minutes for the consideration of government business in addition to the scheduled time that the government had ar-

ranged. That was 83 hours of time that the opposition could have used fairly constructively in prosecuting the case that the opposition has against the government. So far in 2009, without the year even having been completed, we have given up 68 hours and 12 minutes for additional government business because of one simple fact: the government has failed to allocate enough sitting weeks for the Senate to properly consider its business.

Here we are again at the very end of the sitting year. If we roll over again and say, 'Yes, you can have additional time,' what is going to happen next year? Next year there will be no additional weeks. The government will come and say, 'Okay, let's crib the opposition's time and use that for government business because the opposition have been so generous in helping to facilitate the legislative program through this chamber'—which is not our responsibility. Our responsibility is to fit in with the sitting schedule as it is and debate within the full parameters of the sitting schedule, not to increase the sitting schedule on an ad hoc basis or give up valuable opposition time. In 2008 we gave up the equivalent of 4½ weeks of government business time to the government, and in 2009 we have currently given up about 3¾ weeks for the government. The opposition has played ball a long time with this, and this is not the first warning; I have fired shots across the manager's bow on several occasions starting from May or June this year. In coming now, at the last minute, to ask for additional hours the opposition will not support you.

Senator FIELDING (Victoria—Leader of the Family First Party) (12.46 pm)—Quite clearly, the government in this chamber cannot manage itself out of a wet paper bag. Seriously—it is an absolute joke. You have yourselves in a heck of a mess and should be making sure that we continue the debates that we have in front of us. You are trying to rearrange hours to fit in the Carbon Pollution Reduction Scheme legislation. I will make it clear: I do not think we should be doing any agreement before Copenhagen and I will not be supporting any move to facilitate that legislation this side of Christmas.

Secondly, how dare you come in and ask for extra hours when in just the last sitting period you approved 50 sitting days for next year—nearly 40 per cent down on what it was a decade ago? It is a disgrace. You know it avoids scrutiny. You know that having shorter sitting weeks means you can come in here in the last two weeks to try to ram things through. You sit there blank faced. You cannot be serious. In the last sitting period you said 50 days would be enough. It is not right and it is not on. I will not be supporting these extra hours. We will have to start to manage the business of this chamber for you if you cannot. If you cannot organise yourselves well enough, then we will have to

step in and do it. It is a disgrace. I will not be supporting it. It looks like we are going to have to order the business before this chamber to make sure we do get through the program in the time that we have. And we can do it. It needs a bit of common sense.

Question put:

That the motion (**Senator Ludwig's**) be agreed to.

The Senate divided. [12.53 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes.....	26
Noes.....	<u>38</u>
Majority.....	<u>12</u>

AYES

Arbib, M.V.	Brown, C.L.
Carr, K.J.	Collins, J.
Crossin, P.M.	Farrell, D.E.
Faulkner, J.P.	Feeney, D.
Forshaw, M.G.	Furner, M.L.
Hogg, J.J.	Hurley, A.
Hutchins, S.P.	Ludwig, J.W.
Lundy, K.A.	Marshall, G.
McEwen, A. *	McLucas, J.E.
Moore, C.	O'Brien, K.W.K.
Polley, H.	Sherry, N.J.
Stephens, U.	Sterle, G.
Wong, P.	Wortley, D.

NOES

Adams, J.*	Back, C.J.
Bernardi, C.	Birmingham, S.
Boswell, R.L.D.	Boyce, S.
Brandis, G.H.	Brown, B.J.
Bushby, D.C.	Cash, M.C.
Colbeck, R.	Cormann, M.H.P.
Ferguson, A.B.	Fielding, S.
Fierravanti-Wells, C.	Fifield, M.P.
Fisher, M.J.	Hanson-Young, S.C.
Heffernan, W.	Humphries, G.
Joyce, B.	Kroger, H.
Ludlam, S.	Macdonald, I.
Mason, B.J.	Milne, C.
Minchin, N.H.	Nash, F.
Parry, S.	Payne, M.A.
Ronaldson, M.	Ryan, S.M.
Scullion, N.G.	Siewert, R.
Troeth, J.M.	Trood, R.B.
Williams, J.R.	Xenophon, N.

PAIRS

Conroy, S.M.	Johnston, D.
Cameron, D.N.	Eggleston, A.
Bilyk, C.L.	Barnett, G.
Bishop, T.M.	Abetz, E.
Pratt, L.C.	Coonan, H.L.
Evans, C.V.	McGauran, J.J.J.

* denotes teller

Question negatived.

COMMITTEES

Electoral Matters Committee: Joint Meeting

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (12.56 pm)—by leave—I move:

That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate today to take evidence for the committee's inquiry into the 2007 Federal Election and matters related thereto.

Question agreed to.

CARBON POLLUTION REDUCTION SCHEME BILL 2009 [No. 2]

CARBON POLLUTION REDUCTION SCHEME (CONSEQUENTIAL AMENDMENTS) BILL 2009 [No. 2]

AUSTRALIAN CLIMATE CHANGE REGULATORY AUTHORITY BILL 2009 [No. 2]

CARBON POLLUTION REDUCTION SCHEME (CHARGES—CUSTOMS) BILL 2009 [No. 2]

CARBON POLLUTION REDUCTION SCHEME (CHARGES—EXCISE) BILL 2009 [No. 2]

CARBON POLLUTION REDUCTION SCHEME (CHARGES—GENERAL) BILL 2009 [No. 2]

CARBON POLLUTION REDUCTION SCHEME (CPRS FUEL CREDITS) BILL 2009 [No. 2]

CARBON POLLUTION REDUCTION SCHEME (CPRS FUEL CREDITS) (CONSEQUENTIAL AMENDMENTS) BILL 2009 [No. 2]

EXCISE TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME) BILL 2009 [No. 2]

CUSTOMS TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME) BILL 2009 [No. 2]

CARBON POLLUTION REDUCTION SCHEME AMENDMENT (HOUSEHOLD ASSISTANCE) BILL 2009 [No. 2]

First Reading

Bills received from the House of Representatives.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.57 pm)—I move:

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

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (12.57 pm)—Madam Acting Deputy President, the coalition will be asking that you put the question separately on the first procedural element of the motion just put by the Parliamentary Secretary for Social Inclusion that these bills may proceed without formalities. I wish to speak to this proce-

dural motion. The coalition wish to continue—and I am sure other senators would be of like mind—with the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009. This bill is in the final stages of the second reading debate. It will then move into the committee stage and will then be finalised. The government needs this bill completed to provide certainty—as would the coalition—for people who will be affected by this commencing in 2010.

The government proposes to move straight into the Carbon Pollution Reduction Scheme bills, which then pauses or halts the continuation of this legislation, the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009. If that happens, potentially we may not get back to that bill to complete that matter, and it would be foolhardy for us not to consider that bill when it has gone so far through the process and is nearing completion.

To be fair to the government, this morning we flagged at a very early stage with the office of the Manager of Government Business that we wished to do this. We wanted to give the Manager of Government Business the opportunity to facilitate the continuation of the social security and other legislation amendment bill. We had that request declined. After the declining of that request, we also offered to give up a matter of public importance that the opposition had lodged appropriately with the Table Office this morning at 8.30. That would then have facilitated an extra hour of debate for the social security bill. The government refused this request also.

We have gone out of our way to assist the government in allowing the finalisation of legislation that is basically complete, but the government through what seems to be its stupidity—I do not know what it is—wants to jump straight out of that bill into the Carbon Pollution Reduction Scheme Bill when the legislation does not even start until 1 July 2011. I do not know why it will not finish off one piece of legislation which is near completion. For that reason and for that reason only—to finalise it and to put at rest the community's anxiousness about the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009—we have been forced to use this measure so that the government can continue on with the social security amendment bill, and then debate on the Carbon Pollution Reduction Scheme Bill can be commenced tomorrow.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (1.00 pm)—What we have now, of course, is the opposition seeking to delay the start of the Carbon Pollution Reduction Scheme. That is clearly what the opposition are now seeking to do.

Opposition senators interjecting—

Senator LUDWIG—It is interesting that the opposition do not want to hear about the issue—

Senator Cormann interjecting—

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Order! Senator Cormann, interjecting is disorderly.

Senator LUDWIG—What we now have is the proposal that I outlined earlier being rejected by the opposition. This would have allowed the Carbon Pollution Reduction Scheme Bill to be negotiated during speeches on the second reading and, additionally, would have allowed the youth allowance bill to be proceeded with this week and to be dealt with, as we have done in the past in many different ways to allow extended hours to deal with the legislative program that is on the *Notice Paper*.

It is clear now that the opposition have only one task in mind—that is, to delay, to delay and to delay; to filibuster and to use the time of the Senate so that they do not deal with it. The opposition do not support the social security legislation. They have been adding speakers to the list, and we will find towards the conclusion of the second reading debate that they will go into committee and deal with it for a period unknown. So the sensible position is to deal with the Carbon Pollution Reduction Scheme Bill as we have foreshadowed and outlined. We have an opportunity to finalise the speeches on the second reading, which they rejected for the Carbon Pollution Reduction Scheme Bill, and for them to sit down meaningfully with the government and ask, ‘What time is available to deal with the social security legislation?’ The government would have indicated that, yes, it is a bill that we need to conclude and it is a bill that we can adequately deal with. As we have in the past in many other periods similar to this one towards the end of a sitting period, we could then have dealt with it either on Thursday or, alternatively, using Friday as well.

The Senate could then have sat to deal with the legislation, but instead you, the opposition, are grasping at straws. What you do not want to deal with is the Carbon Pollution Reduction Scheme Bill. It is interesting that Senator Minchin is here as well, because we know that, as a climate change sceptic, he will do anything to ensure that we do not deal with the Carbon Pollution Reduction Scheme Bill. The opposition might complain about the government’s ability to deal with the legislative program, but we now have the opposition clearly highlighting the fact that they want to deal with a bill at length and not get on with the Carbon Pollution Reduction Scheme Bill. Why? It is because they do not want to deal with one of the most significant bills that we will confront this year. They do not want to deal with it in any way, shape or form. They want to deal with this other bill. They might like to highlight which other bills they would like to deal with before

getting on with the Carbon Pollution Reduction Scheme Bill as another device to filibuster. We know the position that the opposition have adopted in relation to the bill. They do not support it; they never have. That is the position that we are now dealing with.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.04 pm)—We will not vote against the government ordering the business as it wishes within the time frame that the Senate has allowed, but I reiterate what I said earlier. I note that Senator Ludwig said that after the committee stage of the CPRS legislation debate next week there will be time to deal with all of the other legislation. I would like him to explain what he meant by that. That seems to me to be totally fanciful. However, I repeat that we sent two letters to the Prime Minister and that we tried to get a proper scheduling of extra sitting weeks. It is possible that we may move to sit extra time next year to make up for the inability of the government to deal with legislation this year. I am not one, nor are the other Greens, to simply say that the Senate should do whatever the government wants it to do. This Senate is not a rubber stamp of the executive. The executive, as far as I am concerned, has not sought to negotiate with the Senate at any time this year a sitting schedule which could deal with the situation we are in.

The Greens will not oppose the government ordering its legislation within the time that is available for the government to deal with government business. However, we do see what the opposition is saying: that the youth allowance legislation is in some danger of not being dealt with by the Senate if it is left until after the CPRS legislation committee stage of the debate next week. If that happens, it will be on the government’s head. It is up to you to order your business within reason, within government time. But, beyond that, the government is already in difficulty with the Senate because it is trying to use truncated sitting times to get through what it wants without proper debate. We will not be supporting that.

Senator XENOPHON (South Australia) (1.06 pm)—Broadly, I endorse the remarks of Senator Brown. I can indicate that I will support the government in the order of government business for today. I see this as a day-by-day proposition, however. I am concerned that the youth allowance legislation may not have enough time to be debated, and that is of great importance to tens of thousands of students in this country. Therefore, I am looking forward to cooperating—

Senator Cormann—Join in with us!

Senator XENOPHON—I am looking forward to cooperating with both sides of the chamber so we can deal with government business as expeditiously as possible. But I can indicate in relation to the CPRS that I did receive some documents from the government that

were tabled yesterday on the assessment of the Frontier Economics proposal which will form the basis of amendments that I will be moving to the CPRS and also, I take it, that the opposition will be moving to the CPRS. I think it is important that we have sufficient details from the government on the government's assertions about the Frontier modelling, and I reserve my position as to how we ought to deal with the CPRS legislation once we get to the end of the second reading stage.

Senator FIELDING (Victoria—Leader of the Family First Party) (1.08 pm)—I will make it clear that I think the youth allowance legislation does need to be sorted out first. Once we start on it the Carbon Pollution Reduction Scheme could take up quite a bit of time and, therefore, there could be a squeeze on debating the youth allowance legislation, so I will not be supporting the government in this regard. I want to see the youth allowance have quality time spent on it. Given the government made a bit of a note about Senator Minchin being here, I will note that Senator Carr is here—he is obviously raring to go on the youth allowance debate. He is ready to go; he must be here already knowing that we were going to get to the youth allowance first.

Senator Carr—I know we can rely on you to vote with the Liberal Party—that's what I know!

Opposition senators interjecting—

Senator FIELDING—Wow! Senator Carr! That is interesting, isn't it?

Senator Carr interjecting—

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Order! Interjecting is disorderly.

Senator FIELDING—Maybe Senator Carr realises he is in a bit of trouble with youth allowance and he is trying to delay as much as possible getting to the real committee stage on youth allowance. Maybe that is the problem there—I do not know. But I do know that, as I said before, the government could not manage themselves out of a wet paper bag at the moment with ordering their business in this chamber. I will say it again: 50 sitting days next year is an absolute insult to the Australian public and it is an insult to this chamber. Think of it: a new government does not want scrutiny of its own legislation and is quite happy to make sure that next year the same thing will happen in the last two weeks again by having fewer sitting weeks to cover the issues and leaving them to the last minute to bring them through. I will not be supporting the government on this issue, and we should get on with the youth allowance reforms.

The ACTING DEPUTY PRESIDENT—In accordance with standing order 113, as I have been asked to do, I shall divide the question. The first question is that the bill may proceed without formalities. Those of that

opinion say aye; those against say no. A division is required. Ring the bells.

Senator Ian Macdonald—Madam Acting Deputy President, I rise on a point of order. When you called for the ayes there was not one voice raised for the ayes.

The ACTING DEPUTY PRESIDENT—I heard a number of voices here. There were voices to my right and I have made my call. There is no point of order. A division is required. Ring the bells.

Question put.

The Senate divided. [1.15 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes.....	32
Noes.....	<u>32</u>
Majority.....	<u>0</u>

AYES

Arbib, M.V.	Brown, B.J.
Brown, C.L.	Carr, K.J.
Collins, J.	Crossin, P.M.
Farrell, D.E.	Faulkner, J.P.
Feeney, D.	Forshaw, M.G.
Furner, M.L.	Hanson-Young, S.C.
Hogg, J.J.	Hurley, A.
Hutchins, S.P.	Ludlam, S.
Ludwig, J.W.	Lundy, K.A.
Marshall, G.	McEwen, A. *
McLucas, J.E.	Milne, C.
Moore, C.	O'Brien, K.W.K.
Polley, H.	Sherry, N.J.
Siewert, R.	Stephens, U.
Sterle, G.	Wong, P.
Wortley, D.	Xenophon, N.

NOES

Abetz, E.	Adams, J. *
Back, C.J.	Bernardi, C.
Birmingham, S.	Boswell, R.L.D.
Boyce, S.	Brandis, G.H.
Bushby, D.C.	Colbeck, R.
Cormann, M.H.P.	Ferguson, A.B.
Fielding, S.	Fierravanti-Wells, C.
Fifield, M.P.	Fisher, M.J.
Heffernan, W.	Humphries, G.
Joyce, B.	Kroger, H.
Macdonald, I.	Mason, B.J.
McGauran, J.J.J.	Nash, F.
Parry, S.	Payne, M.A.
Ronaldson, M.	Ryan, S.M.
Scullion, N.G.	Troeth, J.M.
Trood, R.B.	Williams, J.R.

PAIRS

Conroy, S.M.	Johnston, D.
Cameron, D.N.	Eggleston, A.
Bilyk, C.L.	Barnett, G.
Bishop, T.M.	Coonan, H.L.
Pratt, L.C.	Minchin, N.H.
Evans, C.V.	Cash, M.C.

* denotes teller

Question negatived.

The PRESIDENT—The question now is that the bills be taken together.

Question agreed to.

The PRESIDENT—The question now is that the bills be now read a first time.

Question agreed to.

Bills read a first time.

Ordered that consideration of the bills be made an order of the day for the next day of sitting.

SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (INCOME SUPPORT FOR STUDENTS) BILL 2009

Second Reading

Debate resumed from 16 November, on motion by **Senator Faulkner**:

That this bill be now read a second time.

upon which **Senator Hanson-Young** moved by way of amendment:

At the end of the motion, add “but the Senate calls on the Government to commit to an increase in the 2010-11 Budget to bring Youth Allowance in line with other social welfare payments such as Newstart, which provides a maximum fortnightly payment of \$456.”

Senator IAN MACDONALD (Queensland) (1.19 pm)—I am pleased to continue my contribution to debate on the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009, which was interrupted last night by the adjournment of the Senate. I have been sitting here for almost an hour waiting for the Senate to consider this very important bill. The government have wasted a good 20 minutes of our debating time by calling for two divisions on votes they knew they could not possibly win. It demonstrates what a mess the government are in in relation to the management of this chamber and, indeed, the management of the bill we are now debating.

It is essential that this bill be dealt with before 1 January 2010. I refer senators to contributions made by Senator Mason and other colleagues from this side and also to the very thoughtful contribution by Senator Fielding in relation to this matter. It is essential not only that we deal with this bill but, most importantly, that we agree to the amendments to be moved by Senator Mason, particularly to give country kids an opportunity to attend universities and other higher education institutions.

When I was speaking last night I was just reminding the Senate of the shortage of doctors there was in country Australia back 11 or 12 years or so ago when the Howard government first took office. At that time the then Labor government had no interest in rural and regional Australia, had no interest in rural and regional kids wanting to get to higher education, and did not care too much about the fact that much of country Aus-

tralia did not have medical practitioners. At the time, as I mentioned last night, the then health minister, the Hon. Dr Michael Wooldridge, recognised that the way to get young people from the bush into universities and the way to ensure that those people when they graduated went back to the bush was to establish rural health departments at regional universities.

Last night I was talking about rural students at James Cook University in Townsville and Cairns, and particularly those in the School of Medicine and Dentistry. I mentioned that a Senate committee had been to James Cook University and taken evidence on this very issue that we in the Senate are considering at the present time. I mentioned the evidence given to the Senate committee by members of the Rural Health in Northern Outback organisation, or RHINO. Associate Professor Richard Murray, the head of the School of Medicine and Dentistry at James Cook University also gave evidence. I was telling the Senate about the results of a survey that RHINO conducted of students in the medical department at James Cook University.

The research of the students showed that participants spent approximately \$10,500 per year on study from their own resources, and 70 per cent of those surveyed said that in addition to that they were supported by their family to an extent of, on average, \$6,000. The survey showed that 65 per cent of students undertake 14.25 hours of work per week while studying on top of their university workloads. Over 50 per cent of those surveyed reported having received youth allowance at some point during their degree to support their tertiary education and nearly 70 per cent of those had claimed the independent rate. These figures are all very important in the context of the bill now before the Senate. Nearly 60 per cent of the respondents who received the independent rate of youth allowance reported that they had taken a gap year in order to become eligible and 70 per cent of students responded that they were required to move away from their home in order to pursue tertiary education opportunities.

It is interesting to look at the evidence of Professor Murray. He talked about the strategy of priority recruitment of students with diverse backgrounds—a strategy that James Cook University has adopted. He said:

For instance, in medicine it would be the most unusual demographic, I would suggest, of any school in the country, with the majority, 75 to 80 per cent, being of rural and remote origin. Many of them are the first in their family to go to university, let alone medical school.

He talked about students taking a year off so they could work a bit harder in Coles so they could get themselves through their last year. He said, and I quote:

This is just crazy in terms of the return for the nation of the health workforce.

Professor Murray also made a very good point when he said that students with a rural origin do need to be supported to access tertiary education. He further said that regional universities are the great producers of the regional workforce in health and need to be supported in a sense.

One of the RHINO students, a Miss Gordon, indicated that she did her schooling in a country location in Central Queensland. As she said, she did 'do the gap year thing and earned \$19,000'. She said:

To do that, I did three and sometimes four jobs in a week for that year, because I could not get full-time work.

It was a big move for her moving to a provincial city like Townsville. As she mentioned, she was away from her support network and away from home. Professor Murray made a very good point about medical students at a regional university like Townsville. He said:

Firstly, the majority of students in our programs are not from Townsville, and that is actually a really good thing because rural kids who go to the city typically feel a little isolated, whereas there is a greater welcoming experience here.

That is, a regional campus like Townsville. He went on to say:

There is local accommodation, and it is tight—and I can vouch for that—

and people can find jobs and so on. However, in the health professional areas, clinical placement is a significant part of the program—

That is, of course, where students go out and work in hospitals, in general practice or in allied health. He said that when they go out for their clinical placement more often than not it is not in Townsville—it is not where the university is. He went on to say:

For instance, more than half the senior medical students are not in Townsville; the majority are in Mackay, Cairns and Darwin, and some are in Mount Isa and small places in between. Nursing students, allied health students, pharmacy students and so on will undertake placements all around northern Queensland and indeed elsewhere in the state and the country.

I just want to pause there from quoting his evidence to point out to the Senate that this is a fantastic outcome; these trainee doctors or allied health professionals, as I might call them, are doing their clinical work in the more remote parts—and, in some cases, very remote parts—of Queensland. It gives them the experience, the understanding, the culture and the confidence to be able to move back into those remote or country areas once they are qualified and provide a service for rural and regional North Queensland. I am sure the same experience happens elsewhere in Australia.

I have mentioned to the Senate before that when I attended the Laura Aboriginal Dance Festival in Cape York I noticed there were about 30 or 40 young students from James Cook University. They were involved in this RHINO organisation and were out there

meeting with Indigenous peoples to gain an understanding of their cultures and way of life and to get to know how to approach them. When these students are qualified, they can then go back and do some work that is of importance to Indigenous people: giving them access to medical services that people in the capital cities take for granted.

I go back to the point that Professor Murray was making. He was telling us that these students live in Townsville to do their work. They take these clinical placements in places outside of Townsville. He went on to say:

They do so largely at their expense. If you are dependent upon a minimum wage job in the hospitality industry of an evening but you then need to be away for eight, five or two weeks, it puts that employment at risk. You cannot give your share house accommodation up.

They will want to come back to it. They need to keep paying the rent in Townsville, but, when they then move to where their clinical placement is, they also have to fund accommodation there. I mention these things because they give an indication to this Senate of the cost to young people in pursuing their higher education. I am delighted that many of them can go there and do that. I have to say that when I was at that age—and that is quite a long time ago, as senators might appreciate—my family was unable to support me to go to university, so I had to start work as an article clerk and do all of my law studies externally through the University of Queensland. It was tough in those days. I think perhaps it is even tougher now, although these days these students are able to attend the university and they are able to be closer to their place of origin.

I do not want to take up my full allotted time on this debate. I am very conscious that we want to move ahead with this legislation. I repeat: in spite of the government's mismanagement of the program, in order to be effective, this legislation needs to be passed through this Senate to start on 1 January next year. I will stop my remarks there so that other speakers can continue the debate. Again, I urge the Senate to seriously consider the starting date for this and very seriously consider Senator Mason's essential amendments so that we can get some equity, justice and usefulness back into the system to help students who attend universities—particularly those from rural and regional Australia.

Senator ADAMS (Western Australia) (1.34 pm)—I rise to speak on the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009. As most would know, this issue is very close to me, being a farmer and the mother of two sons. We lived 3½ hours from the city in Western Australia and my sons had to go to Perth to be educated. There was no way that they were able to attend university in the area we lived in. I am also a member of the Senate Rural and Regional Affairs and Transport References

Committee, which is currently conducting an inquiry into youth allowance.

The committee has travelled around Australia and the last hearing I attended was at James Cook University in Townsville, which Senator Ian Macdonald has spoken about. We were given very good evidence there. People there who had had the opportunity to attend university were concerned about their siblings. As well as the dean of the medical school, we had a medical student and an occupational therapy student come and give evidence. Those two young women were concerned and agitated about whether their siblings would be able to go to university if they could not obtain youth allowance.

Throughout that committee inquiry, we have received a large number of submissions—I think just over 700 altogether—and all of these people are saying, ‘This is completely unfair.’ The government talks about social inclusion, access and equity but, as a mother of two sons who wish to go to university, I can assure you that none of these things were shown to them or to their colleagues. The government’s youth allowance changes are unfair for country students. This is typical of a government with such a narrow point of view and a large lack of understanding of the issues for rural and regional Australia. The coalition is all for enabling better access to education for young people in rural and regional areas, especially those from lower socioeconomic backgrounds.

This ill-thought-out legislation will affect thousands of families by hindering the opportunities of many young Australians from the country who hope for a university education. The government do not get it. I do not think they really understand the fact that, in order to have a chance to meet the new requirements to obtain the youth allowance, most rural students would have to move from their home. They cannot obtain work where they live and it is therefore a matter of moving from their home to the city to compete with all the others that are trying to get jobs.

Labor’s relentless ideological attack on a minority cohort of wealthier city families is having a devastating effect on hardworking Australian families in regional areas who are trying to give their children a good education. The coalition agrees with the attack on the small number of those city families who may have skipped through a loophole. But why should it affect these families that live in rural and regional areas? The Isolated Children’s Parents’ Association is probably one of the strongest advocates for the problems that have arisen for their members. More than 25,000 young Australians who were preparing for university have had the rug pulled out from under their feet. As a result of the retrospectivity of these laws, students taking a gap year in 2009 have had their tertiary study intentions ruined. School and tertiary education coun-

sellors and Centrelink had advised many of them to take a gap year. Now they have been left hung out to dry and are at risk of losing their course places.

Over the course of our committee inquiry we had a number of universities giving evidence. Some of them were prepared to confirm that students would be able to come back after two years of fulfilling their Youth Allowance guidelines. Others, however, were a little hesitant, saying that the cohort for the first gap year was fine but that the second year was a problem because there would be other students coming in who were not actually having a gap year and that they would therefore have to accommodate them. Rural people are very, very confused. They just do not understand. They are terribly concerned about the two-year gap. We asked a number of the universities about students having a two-year gap, such as those who were away working—and especially about those in Western Australia who may be able to get jobs in the mines on very large salaries. Would those students be prepared to come back and study? Another concern for us is that, whilst a gap year is fine, it is very hard to get back into study, and the work ethic that is required, after two years away. It is especially hard if you are earning a lot of money.

All these issues are very basic to a 17-, 18- or 19-year-old person. They are going to think, ‘I have got this and I have got that and if I stay here a little bit longer I may be able to afford a house.’ They will then consider their options and ask, ‘Do I really want to give this up and go to university?’ I know that a number of parents are very concerned about this. They know that a small rural community—such as the community I have lived in for 36 years, which is just under 2,000 people—would not be able to accommodate and employ the number of university students that would be trying to get the youth allowance. They might be able to do so at harvest and seeding times but, given seasonal conditions, those are the only times. To get a full-time job or a job for 30 hours a week is really impossible.

So, as I have said, they have to shift, and they have to face the issues of where to live and how to compete for jobs with all the other students. And for a number of them, particularly those who have not had exposure to city life, it is very difficult to have to compete with their city counterparts and to afford to rent accommodation and provide for themselves. Retrospectivity for current gap-year students must be removed, and the coalition amendments will do this. Labor talk about access, and they are right; this is all about access. But to give people from rural and regional areas access you need to assist them. And this is what our amendments will do—assist them to get access.

In reflecting on this bill, it is clear that Labor does not understand much about living in Australia beyond

the cities. Families in regional Australia are already making large sacrifices to give their children a good education. A petition circulated by the member for O'Connor on this issue has had over 13,000 signatories from all over regional Australia. Students from farming and small business backgrounds in the country are often ineligible to receive youth allowance as dependants because the value of the average family farm is significantly higher than the level of assets allowed under the test. I remember looking at Senator Carr during estimates and seeing the look of horror upon his face when we were talking about the asset threshold of \$2.28 million. We were trying to explain that, on a property, and especially a grain property, the cost of the plant and equipment and of putting in a crop can certainly exceed \$1½ to \$2 million. And that is without the actual cost of the property, the number of stock or whatever else. It is a very large business. It really is time that some government members realised that farming is a big business. It is no longer just about lifestyle. If you are going to make a profit and therefore afford to exist, you really do need the acres, and the plant and equipment that go with that, to be able to run that business.

As I have said, the average Australian family often cannot afford the tens of thousands of dollars required to support their child's move, accommodation and living expenses while studying at university. I might say that I myself had a very successful nursing career, but with the children having to be educated and wishing to go to university I spent 23 years working as a farmhand to put my children through their education and through university. As a mother, I believe that the most valuable thing you can do for your child is to educate them properly. Without a good education, they really will have a problem. That was the way that my husband and I looked at the way we could help our children, and fortunately they both went to university, have degrees and are hopefully very successful in what they are doing and what they are trying to achieve.

Farm businesses are asset rich and cash poor, and the expense of putting children through secondary school and then on to university and the logistics associated with that are very difficult. We were lucky that we were able to do it, but other families are not. Therefore, their children have to rely on youth allowance and I think the 30 hours per week for 18 months is just too difficult, so I certainly cannot support that part of this bill. The added expense and the logistics for young adults starting their tertiary education and having to cover the costs of accommodation and all other expenses of no longer living at home are very difficult.

Speaking about Western Australia, most of our students wishing to pursue a university career have to go to Perth, and the rentals in Perth are probably higher than in most places in Australia. It is very difficult. Some of the stories that we have heard about students

are horrific. It is a little bit like living on a submarine, where you have 'hot beds'—someone gets out of it and goes to work and the other student comes back after working probably fairly late into the evening to sleep in that bed or else on a sofa or wherever they can. Some of these stories are just horrific. Students are trying to work three jobs. How is their study going to go if they are working three jobs as well? It is just too difficult.

Social inclusion is important for country people and I feel this bill is taking away the opportunity for thousands of country students to move to the city for studies and to establish new networks. This is hardly equitable. As a senior schoolteacher in rural Victoria says:

Why should rural and regional students face financial discrimination just because they're intelligent and they don't happen to live next door to a university?

The coalition's amendments will enable access and equity.

I have received hundreds of letters and emails about this issue and have heard firsthand accounts through the rural education inquiry, where a large number of submissions related to the students currently in their gap year, who will now have to work for the first six months of 2010. The goals were changed during the middle of their game and these young people and their families have been caused enormous stress and anxiety. A year of their lives has been wasted after they took a gap year in order to gain the independent youth allowance. There is a very real risk that a lot of prospective students who have been caught out by this situation will now retreat from studying, which I feel is completely unfair for them. The government must start being genuine when they refer to access. They must include equitable access for disadvantaged families, Indigenous families and families from rural and regional areas.

The reason that we wanted to conclude debate on this bill is that all of this has to be sorted out by 1 January 2010. Coalition amendments will move the start date for the new workforce participation criteria from 1 January 2010 to 1 January 2011. If this amendment is not made before 1 January, the students currently taking a gap year in order to earn the required threshold to demonstrate independence will no longer be eligible as the criteria will have been axed. I feel that with Minister Julia Gillard's changes to Youth Allowance the government is giving with one hand while taking away with the other.

More and more people have come forward to the Senate Rural and Regional Affairs References Committee, and even in the last fortnight the emails and letters that I have received have all been very supportive of having the committee moving around the country and of the approach that the coalition is taking. So I feel it would be very good if the government could look at

the problem for rural and regional students and their access to the youth allowance. As the students at James Cook University said, there were students from Brisbane, Cairns and Sydney who wished to move to Townsville to study at James Cook University because of the medical course, the nursing course and the allied health courses mainly focusing on the rural workforce. These people really wished to go and study there. So once again there must be some leeway for them to move. They also have to relocate to study in a regional centre, so I think that this is another issue that we should be looking at.

As for students in the city, if they live there they do not have to relocate from their homes, whereas, as I have said before, with the lack of employment in some of these smaller rural communities it is not just relocating to the city to go and study; it is actually relocating to somewhere where they can get a job so that they can then relocate, perhaps to the city, to study as an independent student. I really would ask the government if they would reconsider part of this bill.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (1.52 pm)—I thank all senators for their contributions to the debate on the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009. We have clearly seen the colour of the opposition parties on this matter. I think there were some 17 speakers in this debate. We have seen a demonstration that the chamber will not be supporting the government's program. It is quite clear that a series of hostile amendments will be moved and will be carried in this chamber which the government will not accept.

The government is not able to accept measures which will have a net cost impact on the budget. The package that the government has put forward is carefully costed and designed to be revenue neutral. The coalition have acted without credibility in seeking to impose additional costs on the country. They seek to disadvantage 150,000 people; they will take some \$42 million away from the most needy students in this country while defending wealth and privilege, as they have done for generations.

The current system which they are so keen to defend is fragmented and has failed to deliver support to those who need it most. It has been poorly targeted and has meant that the families who are extremely well off are able to secure a disproportionate share of support from the Commonwealth while students who are poor and in most need of assistance have not been able to receive anywhere near their just entitlement.

University participation rates for regional students in low socioeconomic brackets have actually fallen. These are the so-called friends of the poor in the country. It is the old story of the wealthy hiding behind the skirts of the poor in their defence of inequality. That is

what we have here. I have clearly indicated that the government will not accept the amendments moved by the Liberal Party, and the bill will be sent back to this chamber if it is amended along the lines that the opposition have indicated. I would suggest that it is now appropriate for the second reading question to be put.

The ACTING DEPUTY PRESIDENT (Senator Barnett)—The question is that the second reading amendment moved by Senator Hanson-Young be agreed to. All of that opinion say aye, against say no. I think the noes have it.

Senator Milne—Mr Acting Deputy President, the coalition seems to be a little concerned about what the amendment is. I remind the house that it was to omit 'at least 30 hours per week' and substitute 'on average 30 hours per week'. I am seeking by leave to remind the coalition of what the amendment is so that they can vote accordingly.

The ACTING DEPUTY PRESIDENT—To do that you will need to seek leave, Senator Milne. If you are not seeking leave, you cannot proceed. If you wish to seek leave, you can stand and seek leave.

Senator MILNE (Tasmania) (1.55 pm)—I seek leave to explain to the coalition the amendment moved by my colleague was to omit 'at least 30 hours per week' and substitute 'on average 30 hour per week'.

The ACTING DEPUTY PRESIDENT—Is leave granted?

Senator Colbeck—Mr Acting Deputy President, I draw attention to the state of the chamber.

The ACTING DEPUTY PRESIDENT—There is a quorum present, Senator Colbeck.

Senator FAULKNER (New South Wales—Minister for Defence) (1.56 pm)—I move:

That the sitting of the Senate be suspended until 2.00 pm this day.

Question agreed to.

Sitting suspended from 1.56 pm to 2.00 pm

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Senator SCULLION (2.00 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. Yesterday in answer to my question on refugee assessment processes for the people in Tanjung Pinang detention centre, the minister said:

I highlight the fact that it is an Indonesian detention centre run by the Indonesian government. They are responsible for the persons in that detention centre, and that is true of the persons disembarked from the *Oceanic Viking* as well.

If this statement is correct, what deal has been done with Indonesia to provide the special treatment for those off the *Oceanic Viking*, as promised in the government's letter?

Senator CHRIS EVANS—As the senator is aware, I gave him the response to his question yesterday, and I stand by that. The reality is that people who disembark in Indonesia, on Indonesian soil, are treated according to Indonesian law and will be detained by the Indonesians. They will be detained in a centre built by the Howard government, that is true; but they will be detained by the Indonesians. They will be processed in accordance with the arrangements agreed between the Indonesian government and the Australian government. We have made clear that those arrangements were put in place and the people on the *Oceanic Viking* were advised of those arrangements. When they sought to know what would happen to them when they came off the boat, we advised them that these were the arrangements that were in place: arrangements agreed by the Indonesian government and the Australian government for the processing of those persons. There is no special deal in place.

I remind the senator that only two people were advocating a special deal for these people. One is the opposition spokesperson, Dr Stone, who suggested that they all should be processed on the ship. She has argued for a special deal and that they should be processed on the ship. The other proposition is by Premier Colin Barnett of Western Australia, who has asked that they have a special deal and be taken to Australia. We have said that there is no special deal. They will disembark in Indonesia in accordance with international law and the processes agreed between the two governments. We have advised them of how they will be treated and the procedures that will apply. But we have not agreed to their request to come to Australia, we have not agreed to their request to go to Christmas Island, and there has been no special deal offered. All we have done is to outline the arrangements that will apply.

Senator SCULLION—Mr President, I ask a supplementary question. If there has been no special deal offered, can the minister tell the Senate whether any other asylum seekers—apart from those on the *Oceanic Viking*—in Indonesia or in other refugee camps around the world, have been guaranteed daily visits from Australian immigration officers, assistance from Australian officials to register with the UNHCR and a guaranteed 12 weeks from registration to resettlement?

Senator CHRIS EVANS—As I have made clear to the senator on a number of occasions—and as I have made clear to this chamber and to the Australian public in the media for a couple of weeks now—there is no special deal. When we negotiated with the Indonesians for the disembarkation of this group, we put in place arrangements for their handling. That included going to a detention centre in Indonesia and a rejection of their demands to be taken to Australia, but it also included

arrangements for their processing to be dealt with by UNHCR. Those arrangements have been put in place.

Senator Scullion—Mr President, I raise a point of order on relevance. I asked a very specific question. Given his original answer that there was no special deal done, I asked whether or not the minister was aware if the Australian government provides—either in refugee camps around the world or, in fact, in Indonesia—daily visits from Australian immigration officers, assistance from Australian officials to register with the UNHCR and a guarantee of 12 weeks from registration to resettlement. The minister is not attempting at all to provide a very clear answer to a very clear question.

The PRESIDENT—The minister is responding to the question. I cannot ask the minister to answer the question in a specific way. Nonetheless, the minister has 28 seconds remaining in which to continue his answer to the question.

Senator CHRIS EVANS—Thank you, Mr President. I was just getting to the second part of the senator's question. What I can say to him is that the arrangements for contact with Australian officials are detailed in the document that was provided to those people on the boat, and we have released that document publicly. Yesterday the opposition did not seem to have caught up with the news. It is a public document. It was tabled by the Prime Minister yesterday. The details are there. We have made it very clear what our position is. *(Time expired)*

Senator SCULLION—Mr President, I ask a further supplementary question. I will give the minister a last opportunity to admit that his offer to asylum seekers on the *Oceanic Viking* is in fact special treatment and that this puts at risk the UNHCR resettlement processes by encouraging queue jumping.

Senator CHRIS EVANS—It is obvious that when you are in strife and you are not making headway you resort to the old slogans—the slogans of the past. It is just like they reverted to the policies of the past. When they were confronted with the fact that they had no policy and that they supported ours as we made adjustments to our policy and how we treated refugees, the best they could do was to try to go back to temporary protection visas, which of course had proved to be a complete failure and had done nothing to stop arrivals or to see those people returned to their country of origin. I reiterate: there is no special treatment. What we have done is encourage the UNHCR to process these people. They will be offered resettlement in accordance with UNHCR processes and resettlement will be sought—*(Time expired)*

Economy

Senator FARRELL (2.07 pm)—My question is to the Assistant Treasurer, Senator Sherry. Can the Assistant Treasurer outline to the Senate the latest forecasts

for the Australian economy? In particular, what are the challenges ahead, as detailed in the mid-year economic forecasts?

Senator SHERRY—Thank you, Senator Farrell, for your ongoing interest in this very, very important issue—the relative strength of the Australian economy. Earlier this month Treasury released its mid-year economic forecasts, which confirm Australia as the world's best performing advanced economy.

Senator Abetz—And why was that? Was it Peter Costello?

Senator SHERRY—I will be getting to that in a moment, Senator Abetz—but it was certainly nothing that you have contributed to the debate or the policy picture. MYEFO paints a different and improved picture than was predicted at the time of the budget, with forecasts for stronger growth, lower unemployment and smaller deficits and debt. The Australian economy grew by one per cent in 2008-09 and will continue to be stronger than the other advanced economies, growing by 1½ per cent in 2009-10 and 2¾ per cent in 2011.

All other advanced economies are going backwards—in other words, their economies are shrinking in this calendar year—except for Australia. Unemployment in Australia is now expected to be 6¾ per cent by the middle of next year—substantially lower than the peak of 8½ per cent forecast at budget time. However, the jobs outlook in Australia does remain difficult, but it is especially grim in many other advanced economies. Just look at the jobless rate announced last week in the US—already 10.2 per cent, which I think approximates to some 15 million to 16 million unemployed. There is massive unemployment in the US and many other countries. But we are not immune from the rest of the world and the poor condition that it is in. The improved unemployment forecast for Australia largely reflects the impact of the Rudd government's stimulus package. It has cushioned against the worst effects of this global recession. It has saved some 200,000 jobs. (*Time expired*)

Senator FARRELL—Mr President, I ask a supplementary question. Do the mid-year economic forecasts contain any assessment of what role the government's fiscal stimulus package has played in counteracting the worst effects of the global recession? Is it important that the government's stimulus strategy stays on course as planned?

Senator SHERRY—The government believes—and, I think more importantly, a raft of independent experts believe—Australia's stronger than expected economic performance is the result of community resilience, the success of the stimulus package in Australia, opposed by those opposite, and the combined effects of governments and central banks around the world. The MYEFO refers on several occasions to the success of the stimulus measures introduced by the Rudd gov-

ernment and the Reserve Bank. This is the job-saving and confidence-boosting recession-busting stimulus which the Liberal and National parties opposed. They opposed this stimulus. The consequence of the Liberal and National parties' policy approach would have been unemployment levels approaching that of the United States—in other words, more than 10 per cent and one million unemployed. That was the approach of the irresponsible and divided Liberal and National parties. (*Time expired*)

Senator FARRELL—Mr President, I ask a further supplementary question. Can the Assistant Treasurer outline to the Senate the government's priorities as it continues to guide Australia safely through the world economic downturn? How is the stimulus strategy continuing to provide the necessary support to keep Australians in work and our economy ahead of the rest of the world?

Senator SHERRY—The Rudd government's priorities have not changed from day one of the global financial crisis, which commenced about a year ago. We acted quickly and decisively at the onset of the crisis. We have acted patiently and with purpose to see the job through to full recovery, unlike those opposite who have continued to oppose major parts of the stimulus package. The government's stimulus package is a three-stage strategy. It has immediate, medium and long-term elements which are there to support and cushion our economy at this extremely difficult time in the world economy—the worst recession in 75 years. The MYEFO recognises this and makes the point that:

... fiscal stimulus is still needed to support domestic activity. It remains appropriate for stimulus to be withdrawn progressively as private demand recovers, as it is designed to do.

The government's strategy is going to plan, including returning to surplus within the next five years. (*Time expired*)

Asylum Seekers

Senator FIERRAVANTI-WELLS (2.12 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. Mr President, yesterday the minister said that 'there is no special deal' for the asylum seekers on the *Oceanic Viking*, yet his department has guaranteed them that 'a highly professional team of Australian officers will be working with you every day to assist you in the process'. Additionally, they have been promised resettlement within 12 weeks and access to English classes. If this is not a special deal, Minister, then why are these premium services not offered to other asylum seekers who have been waiting for years to be resettled in Australia?

Senator CHRIS EVANS—That sounds very much like the question I got asked yesterday and the first question I got asked today. So I will again try to make it clear to those opposite what has occurred. There is no special deal with those asylum seekers. What we

have done is rescue a boat at sea that was in distress. It was in the Indonesian search and rescue zone. We then took them, according to international law, to Indonesia and sought to disembark them there. They sought to have us bring them to Australia and we refused—we took them to Indonesia.

The Indonesian government negotiated with the Australian government a set of arrangements which would allow for the disembarkation of those persons. Those arrangements included that they would disembark in Indonesia, they would be taken into Indonesian detention and there would be arrangements made for their processing. Those processing arrangements were agreed between the Indonesian government and the Australian government. Once agreed, those arrangements were codified in a written document—which we have made public; which there is no secret about—that sets out the procedures for ensuring that those persons are treated properly. They meet the Indonesian needs in terms of handling them in an appropriate way with an appropriate level of efficiency and they meet Australia's needs in terms of sending the message to them that they are disembarking in Indonesia and that they will be treated properly, in accordance with the UNHCR processes, in Indonesia—the same processes that apply for others. What we have done is agree with the Indonesian government a time frame for processing them. That is part of the arrangements for dealing with this very different case that involved a rescue at sea in the Indonesian search and rescue zone. (*Time expired*)

Senator FIERRAVANTI-WELLS—Mr President, I ask a supplementary question. Can the minister tell the Senate whether all asylum seekers wishing to come to Australia are guaranteed resettlement within 12 weeks, as has been guaranteed to those on the *Oceanic Viking*? If other asylum seekers have not received this guarantee, how can the minister persist in his assertion that there is no special deal?

Senator CHRIS EVANS—We have made it clear that people will be processed in accordance with the document that has been made public and was tabled in the House of Representatives. That sets out the processing arrangements for these persons. People will have their claims for asylum assessed. They may or may not be found to be refugees, may or may not be found to be owed our protection, but those processes will be conducted by the UNHCR in the same way they conduct them in Indonesia now—the same rules, the same processes. Once those decisions have been taken, those found to be owed protection under the UNHCR guidelines will be resettled in accordance with the normal UNHCR processes. They will be referred to resettlement countries, including Australia, and other countries such as Canada, who resettle people out of Indonesia. Those are the arrangements that

are in place and they will be pursued in the normal manner.

Senator Fierravanti-Wells—Mr President, on a point of order: I have asked the minister this question repeatedly. There are people who have been waiting to be resettled for years. These people are getting a special 12-week deal. Can he answer the question, which is: how can he persist in his assertion that there is not a special deal? Mr President, could you ask him to answer the question?

The PRESIDENT—There is no point of order. The minister's time has expired.

Senator FIERRAVANTI-WELLS—Mr President, I ask a further supplementary question. Given that those aboard the *Oceanic Viking* have repeatedly defied the authority of the Australian and Indonesian authorities, does Labor's decision to now offer those aboard a special deal vindicate their action? Isn't this decision only going to further encourage the criminal activities of people smugglers in their attempt to hold the Australian government to ransom?

Senator CHRIS EVANS—While it is an emotive question, I will take the senator and the Senate back to the facts. We, at the request of the Indonesians, went out and saved people who were on a boat that was sinking. I do not think anyone has questioned that that was the appropriate thing to do, because the Indonesians said they could not get there quickly. As part of that process, we sought to take them to Indonesia in accordance with international law. They asked to be given asylum and be taken to Christmas Island. That request was refused. We said they would be taken to Indonesia and be processed in Indonesia when they disembarked. So they sought to hold us to their claim to be taken to Australia, which we rejected. They will be processed in Indonesia according to the normal UNHCR guidelines. They will be assessed against those guidelines and, if eligible for resettlement, they will be resettled. (*Time expired*)

Climate Change

Senator MOORE (2.18 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Can the minister outline to the Senate some of the key factors in the development of climate policy in Australia?

Senator WONG—I thank Senator Moore for the question and for her continued interest in the issue of climate change. Whilst the debate on the issue of climate change might be coming to a head in this parliament in this fortnight, it is worth remembering that this has been going on for many years both in Australia and overseas. It is in fact over a decade since the Australian government and the then Prime Minister, Mr Howard, received its first report on emissions trading, and it is over two years since Prime Minister Howard embraced

emissions trading and committed the Liberal Party to introducing emissions trading. In fact, the Liberal Party made that decision after the release of the Task Group on Emissions Trading report, which was prepared by the former head of the Department of the Prime Minister and Cabinet, Dr Peter Shergold. Dr Shergold recently explained the decision like this:

There were discussions with the PM. There were discussions with cabinet. There was a ceremony in which I handed over the report to the prime minister.

... ..

The key message was go soon because the longer you delayed, the higher the cost you imposed upon yourself and the greater the investment uncertainty.

One wonders where Senator Minchin might have been when that ceremony was occurring. One wonders where Senator Minchin might have—

Honourable senators interjecting—

The PRESIDENT—Order! Calling across the chamber on both sides is disorderly. When there is silence, we will proceed.

Senator WONG—One wonders whether Senator Minchin was in the cabinet when these issues were discussed, because it is interesting to remind those opposite that in fact this was adopted as coalition policy prior to the last election. So any Liberal senator elected at the last election was elected on a platform which included this promise, drafted I understand by Mr Turnbull: a re-elected coalition government will establish the world's most comprehensive emissions trading scheme in Australia, commencing no later than 2012. *(Time expired)*

Senator MOORE—Mr President, I ask a supplementary question. Can the minister outline to the Senate whether there are any more recent developments in the domestic climate change debate that should now be considered?

Senator WONG—Through you, Mr President, I politely suggest to those opposite that perhaps the recent intervention by former Prime Minister Howard would be something they should remember. Of course, Prime Minister Howard was a hero of many of those opposite, notably amongst them being Senator Bernardi. In fact, Senator Bernardi has said John Howard has been an extraordinary leader for this country, or perhaps that was Senator Minchin—I have difficulty sometimes discerning which words come from which of them. They seem to avoid being reminded not only of Mr Howard's promise but also of Mr Howard's recent public statement in relation to the emissions trading scheme in which he said, 'What Mr Rudd is proposing is not all that different from what I took to the last election.' So you have it from the Liberal Party hero, the greatest Prime Minister according to many of those opposite, who himself endorsed the concept of an

emissions trading scheme; yet those opposite seem unable to deliver on that. *(Time expired)*

Senator MOORE—Mr President, I ask a further supplementary question. Can the minister outline to the Senate what emerging issues there are in the debate on climate change? What advice does the minister offer on how Australia should proceed on climate change?

Senator WONG—Very clearly, what Australia should do is what both major political parties promised prior to the last election—that is, introduce a limit on the amount of carbon we put into the atmosphere. I simply remind the Senate of what used to be a bipartisan view: the longer we delay as a nation, the higher the cost we impose upon ourselves. I remind the Senate that these are not my words; these are the words of Dr Shergold. They are the words that those opposite used to frame their political promise, John Howard's political promise, to the Australian people. We are negotiating in good faith with the opposition on climate change policy. We will continue to do that. There are some worrying signs from those in this place who simply do not wish to acknowledge the science and wish to continue to play procedural games even in the face of a policy consistent with— *(Time expired)*

Asylum Seekers

Senator FERGUSON (2.24 pm)—My question is to Senator Wong, the Minister representing the Attorney-General. I refer the minister to evidence of Australian Federal Police Commissioner Negus in estimates on 19 October, in which he confirmed that the AFP periodically compiles a report titled *Strategic intelligence forecast—transnational criminal trends and threats to Australia*, the most recent edition of which was finalised on 27 March 2009. That report stated: 'Reporting indicates that people smugglers will market recent changes in Australia's immigration policy to entice potential illegal immigrants. This may cause a rise in the number of attempted arrivals.' Given that 50 boats have arrived since the government announced its changes to its immigration policy, will the government now admit that the AFP's warning was entirely accurate?

Senator WONG—This is very similar to a range of questions asked by Senator Brandis—and answered—both in the estimates hearings and subsequently in the chamber, and now these questions seem to be transferred to Senator Ferguson. I have answered this question on a number of occasions, Senator Ferguson. I have indicated very—

Opposition senators interjecting—

Government senators interjecting—

The PRESIDENT—Order on both sides! Senator Wong, just continue to answer the question.

Senator WONG—I have provided the advice that was provided by AFP Commissioner Negus, in which

he confirmed that the intelligence report had not been provided to ministers and that the report was an operationally focused document and that it would be inappropriate to provide it to ministers. The advice has been that intelligence documents, such as the AFP strategic intelligence forecast, are for operational use by the AFP and are not produced as a basis for policy advice to ministers; rather they guide the operational decisions of the AFP and its partner agencies. So the opposition may wish to ask a continued series of questions about this document, but those questions have been answered very clearly: the document is an operationally focused document and a document that has not been provided to ministers.

The opposition should be reminded that this is a difficult policy area. It is an area which is the subject of consideration by governments around the world. There are a great many issues contributing to the increase in asylum seekers internationally. There are a great many factors contributing to what is a complex and difficult policy problem. The government has made clear its commitment to ensuring a strong border protection regime. The government has provided some \$654 million in the most recent budget, dedicated to a whole-of-government strategy—(*Time expired*)

Senator FERGUSON—Mr President, I ask a supplementary question. Will the government admit that in formulating its policy it failed to assess the pull factor it represented and thereby failed to account for the threat now posed to Australia's border security and wider humanitarian migration program?

Senator WONG—I again remind the Senate that the government has demonstrated its commitment to a strong border protection regime. There are a range of matters which remain unchanged from those put in place by the previous government. They include mandatory detention, excision of offshore islands and offshore processing. In addition, as I was outlining in the previous answer, in the 2009 budget an additional \$654 million was dedicated to a whole-of-government strategy to combat people smuggling as part of the government's \$1.3 billion strategy to strengthen national security and border protection. The reality is—and the opposition know this—that the reasons for people seeking to come to this nation are a result of the increased conflicts in various nations around the world. That has been documented, that has been spoken about, these are matters the government is seeking to address and we have resourced for border protection consistently—(*Time expired*)

Senator FERGUSON—Mr President, I ask a further supplementary question. Given the accuracy of the warning in the AFP report, how does the government propose to change its policy to counter the obvious rise in the number of attempted arrivals—just as the AFP warned?

Senator WONG—The government believes it has the right policy in place to deal with what is a difficult situation. Those opposite seem to believe that putting out a number of dot points from day to day constitutes a policy. Those points included the reintroduction of temporary protection visas, which, as I recall, were not successful in ensuring people did not enter this country. My recollection, and I stand to be corrected by the Minister for Immigration and Citizenship, is that in excess of 90 per cent of TPV holders in fact arrived and continued to stay in Australia. The reality is that there are a great many factors contributing to the increase of asylum seekers around the world and in Australia. That is why the government has in place a strong border protection regime, is resourcing border protection and will continue to work with our region—(*Time expired*)

Green Building Council of Australia

Senator BOB BROWN (2.30 pm)—My question is to the Minister for Innovation, Industry, Science and Research in his science capacity and also in his role representing the Minister for Small Business, Independent Contractors and the Service Economy. I ask a question in relation to the Green Building Council of Australia, set up in 2002 to advise the building industry on environmental standards: is it true that the council of state and federal forestry ministers has endorsed a statement calling on the council to lower its forest derived product standard from the Forest Stewardship Council standard to the Australian forestry standard? What talks has the minister had about using government influence to lower and corrupt the standards set by this independent building advisory council?

Senator CARR—I will have to take further advice on this, Senator Brown. I am not aware of the proposition that you have put to the chamber. If you are talking about the Australian Building Ministers Forum, which met last Friday and which I chaired, then the events that you have outlined are simply not true.

Opposition senators interjecting—

The PRESIDENT—Order! Senator Brown is entitled to hear the answer.

Senator CARR—Senator Brown, I am not familiar with the matter that you have presented to the chamber and I will seek further advice.

Senator BOB BROWN—Mr President, I ask a supplementary question. I refer to the report in the *Age* on Tuesday last, which says:

A council of state and federal forestry ministers last week endorsed a statement calling on the Green Building Council to accept the industry-backed—

that is the logging and woodchipping industry backed—

Australian Forestry Standard for sustainable timber.

I ask the minister: what talks he has had, if any, with his colleague the Minister for Agriculture, Fisheries and Forestry about this clear government move, coming from vested interests in the logging industry, to corrupt the standards being put forward by the independent Green Building Council of Australia?

Senator CARR—I thank Senator Brown for his question. I do not have any brief on this matter. It is a matter for the minister for agriculture, as I understand it. You have said it is a forestry issue. I am not responsible for forestry. I will have to take your question on notice.

Senator BOB BROWN—Mr President, I ask a further supplementary question. Mr President, the minister is responsible for looking after independent contractors, the service economy, small business and, indeed, science and I ask him: will he report back to the Senate on this documented effort by the clear-fell logging and woodchip industry to impose its destructive environmental standards on this independent authority which has set out to advise, and is advising, the building industry of Australia on best environmental standards?

Senator CARR—Senator Brown, I have already indicated that I will take your question on notice. The relevant minister will be approached and I will respond in the normal way.

Asylum Seekers

Senator ABETZ (2.34 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. Can the minister tell the Senate how much it is costing Australian taxpayers to keep the ‘floating solution’, the *Oceanic Viking*, in Indonesia?

Senator CHRIS EVANS—Firstly, let me say that the responsibility for the *Oceanic Viking*, its supply and its costs is obviously with the Minister for Home Affairs.

Senator Abetz—Oh dear, oh dear.

Senator CHRIS EVANS—Senator, if you are not smart enough to ask the right minister, do not whinge to me. You want to interject—

The PRESIDENT—Order!

Senator CHRIS EVANS—I will try to be helpful but not if you are going to interject, Senator.

The PRESIDENT—Senator Evans, have you finished your answer? Answer the question. Continue your answer.

Senator CHRIS EVANS—Can I indicate that, even though I am not the relevant minister, I will attempt to assist the senator. It is the case that the costs associated with the operation of the *Oceanic Viking* under the customs and border protection portfolio. As has been indicated, in this year’s budget we made provision for extra days for the *Oceanic Viking* to operate in our northern waters if required and that was part—

Opposition senators interjecting—

The PRESIDENT—Order! The time for debating is after question time.

Senator CHRIS EVANS—I was trying to be helpful. Let me indicate that those costs will obviously be reflected in the accounting of the Customs and Border Protection Service when they are available. We will make them available as soon as possible.

Senator ABETZ—Mr President, I ask a supplementary question. Can the minister confirm that the cost to Australian taxpayers of keeping the ship in Indonesia with the 56 illegals still on board is in the region of \$2,500 per person per day?

Senator CHRIS EVANS—No, I cannot confirm that. As I indicated, I am not the responsible minister. Senator Abetz made the mistake of asking the wrong minister and therefore he will not get the sort of detail that he is after. But can I indicate to him that that is probably a lot cheaper than keeping them on Nauru.

Senator Ian Macdonald interjecting—

The PRESIDENT—Order, Senator Evans, Senator Macdonald—it is disorderly. I am waiting to hear Senator Abetz’s question.

Senator ABETZ—Mr President, I ask a further supplementary question. Given that the Prime Minister’s personal staff were involved in the special deals in an attempt to remove the illegal entrants from the *Oceanic Viking*, what was the minister’s role? Did the minister seek the approval of the Prime Minister’s office to sign off on the deal?

Senator CHRIS EVANS—The first questions were asked of the border protection minister. Mr President, I presume the senator is referring to me in the supplementary, but it has no bearing on the original question.

Senator Ian Macdonald—Don’t you represent the Prime Minister?

Senator CHRIS EVANS—Is the question of me, Senator, or the customs and border protection minister? I just want to be clear.

The PRESIDENT—Continue to answer the question as best you can, Senator Evans.

Senator CHRIS EVANS—All right. Mr President, the first point I would make is that this is not a supplementary. But the answer to the question is that the arrangements entered into for processing of the persons when they disembark from the *Oceanic Viking* were determined by the Border Protection Committee of cabinet, a working group which I chair. In terms of processing, the details were as a result of my department looking at what was possible and looking at the normal processes and relationships with regard to the UNHCR’s role. *(Time expired)*

Building the Education Revolution

Senator FEENEY (2.38 pm)—My question is to Senator Arbib, the Minister Assisting the Prime Minister on Government Service Delivery and Minister for Employment Participation. Can the minister inform the Senate how the government's nation-building economic stimulus is building productive capacity in the economy? In particular, how is the stimulus helping apprentices and providing opportunities for training in key growth areas of our economy? How will this increased capacity assist the development of large-scale natural resources projects in Northern Australia? What would be the effect of stopping the stimulus or delaying it over 15 years, as proposed by the opposition through Senator Eggleston?

Senator ARBIB—I thank Senator Feeney for that question. As has been outlined by Treasury, the stimulus is supporting 210,000 jobs. Without it unemployment would be far worse. We know that winding back the stimulus would lead to another 100,000 Australians—

Opposition senators interjecting—

The PRESIDENT—Order! When there is silence, we will proceed.

Senator ARBIB—Withdrawing the stimulus would see something like 100,000 Australians lose their jobs. The Liberal and National parties do not want to talk about the stimulus and they do not want to talk about employment because, as Mr Hockey said, jobs are not their priority.

Senator Ian Macdonald interjecting—

The PRESIDENT—Order! Constant interjection is disorderly, Senator Macdonald.

Senator Sherry interjecting—

The PRESIDENT—Order! Senator Sherry. On both sides, I am waiting for silence before I ask Senator Arbib to continue.

Senator ARBIB—Something else that is not their priority is infrastructure. We know that infrastructure funding actually dropped during their 12 years in government. The government are preparing for recovery and we are working on our transport—

Opposition senators interjecting—

The PRESIDENT—Order! When we have silence, we will proceed. It is very easy.

Senator ARBIB—It is pretty clear that the Liberal Party do not want to hear about jobs, they do not want to hear about employment and they certainly do not want to hear about infrastructure. But the federal government does. The stimulus package is investing in rail lines. Seventeen major ARTC rail lines—

Opposition senators interjecting—

The PRESIDENT—Order! If people wish to debate the question, there is an opportunity after question time to debate the issue.

Senator ARBIB—Three of those rail lines have already been completed. The federal government are spending more in 12 months than the coalition government spent in 12 years. The stimulus package is investing in 14 major road projects, and five are underway. It is a doubling of the roads budget. This is how the government are fighting the global recession. This is how the government are supporting jobs. This is how the government are preparing for the future. Those Liberal and National party senators on the other side can scream and shout, but we know they could not care less about infrastructure.

Senator FEENEY—Mr President, I ask a supplementary question. Has the minister had the opportunity to personally inspect any schools that have benefited from the education stimulus? Is the minister aware of any completed projects under the Primary Schools for the 21st Century program? How is the education stimulus helping to support the productive capacity of the economy during this recovery? Can the minister further inform the Senate of details regarding other inquiries concerning the stimulus?

Senator ARBIB—The opposition did not want to listen when I was talking about infrastructure or jobs; maybe they will listen when it comes to education. Recently, I visited Yandina State School up on the Sunshine Coast, the first primary school project opened under the 21st century schools program. It was a resource centre worked on by 40 local contractors—90 per cent of those contractors came from the local community. It was a project that supported jobs on the Sunshine Coast, not just jobs but much needed school infrastructure. At the opening, Katie O'Sullivan, the captain of Yandina State School, said—

Opposition senators interjecting—

The PRESIDENT—Order! When the interjections cease, we will continue.

Senator ARBIB—The school captain said:

We know personally how much of an improvement was made to the school by the building for education program. We have seen improvements right across the school, with our classrooms receiving new carpets, new furniture and new paint. I am sure all students agree the Building the Education Revolution projects have made a great difference to our school.

(Time expired)

Senator FEENEY—I thank the minister for his answer, and I have a second supplementary question. What is the government doing to support productive capacity in the economy to assist with the number of large-scale natural resource projects? In particular, can the minister inform the Senate of the status of the National Resource Sector Employment Taskforce? How

will that task force assist Australia in developing productive capacity for the significant investment in these projects in northern Australia over the next five to 10 years?

Senator ARBIB—I have already spoken about infrastructure and jobs, but also the government is preparing for some of the major LNG and mining projects that will be getting underway over the coming years. In all, the government believes that there is something like 80 major projects in the pipeline over the next decade, which could create up to 70,000 construction jobs for Australians. We want to ensure that we maximise the local employment opportunities for Australians. That is why the government has established the natural resource sector task force. I was very happy to meet yesterday with the task force for the first time, and also with Martin Ferguson, the Minister for Resources and Energy; Senator Sterle, the deputy chair; and the chair, Gary Gray. In short, we will be developing a skills and employment plan for that sector to ensure that we are putting downward pressure on capacity constraints. (*Time expired*)

Prime Minister

Senator BRANDIS (2.47 pm)—My question is directed to the Minister representing the Prime Minister, Senator Evans. I refer the minister to reports in weekend newspapers that:

KEVIN Rudd abstained from voting on a Cabinet decision on book prices because daughter Jessica is writing a novel.

Senator Coonan—*Days of our Lives*.

Senator BRANDIS—No, Senator Coonan, it is said to be a novel 'about the rise of a Machiavellian MP'. Is the minister able to confirm that the Prime Minister's reason for absenting himself from that cabinet decision was that a family member is an aspiring author?

Senator CHRIS EVANS—Senator Brandis is right to highlight the talents of Mr Rudd and his family. They are a very talented family. I am in awe of the skills of those I have met. I am not aware of Jessica's talent as an author, but I also noted that comment. Senator Brandis would be well aware that I do not comment on cabinet decisions—who voted for what, what was said et cetera. There is a longstanding practice, as all senators are aware, that cabinet ministers do not comment on cabinet processes or cabinet decisions.

Senator BRANDIS—Mr President, I ask a supplementary question. Is it now the government's policy that the Prime Minister or other members of cabinet are entitled to avoid taking positions on matters of policy affecting all Australians if there is the possibility that family members or other associates are indirectly affected?

Senator CHRIS EVANS—As I understand it, the cabinet rules provide for people to excuse themselves

from discussion and decision making where there is a conflict of interest. I am not sure, Senator Faulkner, whether that guidance has changed since the previous government. In any event, as Senator Brandis would be well aware, there is guidance for cabinet ministers and ministers in terms of matters where they might feel they have some sort of conflict of interest. But, as I made very clear to the Senate, and as he well knows, there will be no way that those cabinet processes will be discussed by cabinet ministers in this chamber.

Senator BRANDIS—Mr President, I ask a further supplementary question. Is it the practice of this government that ministers may abstain from policy decisions on tax or social security if there are potential effects on their relatives' affairs? Could they abstain from decisions in relation to military engagements if they had a relative in the armed services? Can the government claim to govern in the national interest if that is its practice? Or was this merely a fictional excuse to excuse the Prime Minister from dodging a difficult policy question?

Senator CHRIS EVANS—I think Senator Brandis seriously undermines his reputation as a serious player in this chamber by the nature of his questions. It is clearly a sign that the opposition have run out of ideas if we get such a question. I suggest Senator Brandis do the hard policy work required to take an interest in the issues that Australians are interested in.

Manufacturing Industry

Senator MARSHALL (2.51 pm)—My question is to Senator Carr, the Minister for Innovation, Industry, Science and Research. I ask: can the minister update the Senate on recent Commonwealth initiatives to support the manufacturing sector? What role does manufacturing play in the wider economy? How does it contribute to the prosperity of other industries? How do the government's procurement policies create opportunities for the manufacturing sector? What recent steps has the government taken to strengthen these policies? In particular, what progress has been made in implementing the improved Australian Industry Participation National Framework announced by the minister earlier this year?

Senator CARR—I thank Senator Marshall for his very thoughtful question. The government recognises the contribution manufacturing makes to Australian jobs, to growth, to exports and to innovation. Manufacturing drives activity right across the economy. Every dollar's worth of manufacturing production generates \$1.30 worth of demand for services and primary products.

One way we are backing Australian manufacturers is by ensuring that they have full, fair and reasonable opportunity to compete for work on major projects and procurements in both the public and private sectors and at home and abroad. In July I announced a \$19.1 mil-

lion package to strengthen Australia's industry participation framework. That included \$8.2 million to appoint specialist supplier advocates. Their job is to champion Australian industry and to improve its ability to compete by extending networks and capabilities.

Today it is my pleasure to announce the appointment of our first supplier advocate, Mr Bruce Griffiths, whose focus will be on our \$3 billion rail manufacturing sector. This is a highly skilled, highly technical industry with huge potential. Working with individual companies, unions, industry associations and the government, the supplier advocate will help small and medium sized firms market their products to government buyers. They will be able to support sectoral initiatives to make firms much more competitive and they will be able to coordinate support from the Industry Capability Network, Enterprise Connect, Austrade and other programs. This is all about creating new opportunities for an industry that already employs 8,000 Australians and is ideally placed to have an even bigger— (*Time expired*)

Senator MARSHALL—Thank you, Mr President. I thank the minister for his answer and I ask him a supplementary question: can the minister advise the Senate what industries the government is assisting beyond rail manufacturing? In particular, what other industries will benefit from the supplier advocate program? Does the government support any other advocacy initiatives, including initiatives for specific sectors and initiatives in the international arena? Can the minister inform the Senate what these initiatives have achieved to date, and how they serve the government's broader competitive objectives for Australian manufacturing?

Senator CARR—Mr President, the government supports every branch of Australian manufacturing with the potential to provide quality jobs locally and to compete internationally. We have foreshadowed the appointment of supplier advocates for textiles, clothing and footwear and for steel. We have already appointed two automotive envoys as part of the New Car Plan for a Greener Future. Their job is to showcase the capabilities of Australian component makers to global markets and supply chains. Our North American envoy, Steve Bracks, has already led a mission to Detroit and the emerging electrical vehicle hub in California. The Asia envoy, Mr John Conomos has led a delegation to Thailand and advanced Australia's cause with car makers from China and Japan. Our aim is to give Australian firms the best chance of getting in the game and the best chance of winning. We want to ensure that Australia has jobs for the future. (*Time expired*)

Senator MARSHALL—Mr President, I have a further supplementary question. Again I thank the minister for that comprehensive answer and I ask: can the minister explain to the Senate how the manufacturing sector has responded to the global recession? In light of

the government's ongoing commitment to the industry, what are its prospects, both immediate and in the long term? Are there signs of a recovery in local manufacturing as the world begins to move out of recession? What evidence is there to support this? What does this tell us about the staying power of manufacturing and its potential contribution to Australia's prosperity in the decades ahead?

Senator CARR—I thank Senator Marshall for his question. We should never underestimate the resilience of manufacturing. I ask the Liberal Party to take note of that. This is an industry that has shown again and again that it can evolve and reinvent itself in response to new demands and new challenges. After being hit hard by the global recession the sector is expanding again and has been doing so since August. New loan commitments from manufacturing rose dramatically in the September quarter. The supply of credit remains tight, but at least things are moving in the right direction. Yesterday we learnt that Holden would be reintroducing a second shift at the Port Melbourne engine plant to fill the growing export orders. These are timely reminders that manufacturing is here to stay. It is an industry on which Australia can and will build a future. It is a pity the Liberal Party did not understand that.

Australian Technical Colleges

Senator BARNETT (2.57 pm)—Mr President, my question is to the Minister representing the Minister for Education, Senator Carr. The Australian Technical College Northern Tasmania is currently set to close on 31 December as a result of a federal government decision, with the loss of 35 jobs and the displacement of over 240 students. Given the performance of the ATCNT, which has won over 40 awards for staff and students in just three years of operation, and which provides year 11 and year 12 and trade training as part of a competitive education market in Tasmania, why then does the federal government propose to close the ATCNT?

Senator CARR—The Commonwealth government confirmed in December of 2007 that it would honour existing funding arrangements with all the 24 ATCs until their expiry date on 31 December 2009, by which time their future integration into the education and training systems of the states and territories would be agreed. The government has undertaken extensive consultations, which began in March of 2008, across the country and at each of the state and local levels to integrate these colleges into the broader education and training efforts to ensure the maximum use of all the education and training infrastructure in each region. The government continues to work to ensure that all ATC students are able to complete their education and training programs as planned under the arrangements entered into with regard to the ATCs.

The minister has announced approval for future arrangements for 23 colleges, including the ATC North-

ern Tasmania. Of the 23 ATCs, five have already been integrated into education facilities and the Commonwealth has entered into new funding arrangements to support those new arrangements. Eighteen ATCs are progressing towards integration between now and the end of December 2009. The department continues to work with these colleges and the state and territory governments to ensure that the system is able to support the integration of all students. As well as ensuring the ATCs are integrated into existing education and training schemes, the government is delivering some \$2.5 billion for trade training centres in schools that will benefit all Australian secondary schools.

Senator BARNETT—Mr President, I thank, through you, the minister for his answer, which related to the brief before him which is clearly not relevant to the question that I asked and is clearly quite out of date. Nevertheless, is the minister aware of the emergence of a new consortium of industry partners, former ATCNT board members and other stakeholders that have indicated their willingness to take over and operate the ATCNT into the future? Will the government give full consideration to transferring control of the ATCNT board to the new consortium?

Senator CARR—I am sure the senator would be aware that Minister Julia Gillard has already announced, on 12 December 2008, that the Australian Technical College Northern Tasmania would become a Catholic systemic senior secondary college owned and operated by the Catholic Archdiocese of Hobart. The ATC campuses at Launceston and Burnie would be integrated with St Patrick's College in Launceston and Marist Regional College in Burnie. On 21 August 2009, Catholic Education Tasmania wrote to DEEWR, the education department, and advised that it did not intend to proceed with that arrangement and that they were unable to sustain the financial impost in the long term. The future options in regard to the operations of the Australian Technical College Northern Tasmania—*(Time expired)*

Senator BARNETT—We were getting to the interesting bit, Mr President. I ask a further supplementary question. Is the minister aware that the Launceston City Council and the Launceston Chamber of Commerce support the ongoing operation of the ATCNT and that over 4,600 Tasmanians have signed a petition supporting the retention of the college? In light of this support and the overall performance of the ATCNT, will the government now reverse its decision to commit to maintaining the ATCNT in Northern Tasmania? As a final question, what is the view and the position of the federal member for Bass with respect to the future of the ATC? What is the position of federal Labor MPs and federal Labor senators with respect to the future of the ATCNT?

Senator CARR—The nature of the standing orders prevent me from answering these questions to the extent to which I would like. But, quite clearly, the senator is terribly misinformed and if he wants to pursue his personal assaults against individual members of the House of Representatives I suggest that there are other places to do it. It is inappropriate to do it through question time. We have a situation where the Commonwealth education department is continuing discussions with Catholic Education Tasmania, as is the Tasmanian government. There will be ongoing arrangements entered into, I have no doubt. That process is continuing. The Tasmanian government is working with the college to ensure that there is a development plan for the ACTNT in 2010, and will provide some \$900,000—*(Time expired)*

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

3.03 pm

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Rebate for Cataract Surgery

Senator FAULKNER (New South Wales—Minister for Defence) (3.03 pm)—Yesterday, Senator Cormann asked me a question and two supplementary questions in question time on DVA indexation for cataract surgery. He asked me if I could request certain information from the Minister for Veterans' Affairs, and I seek leave to incorporate further answers to those questions in *Hansard*.

Leave granted.

The additional answer read as follows—

In 2006, the previous government established an updated schedule of fees for in-hospital surgical procedures for veterans as part of a five-year package to increase fees for medical services.

These arrangements cover a broad range of services including cataract surgery.

The fees were set in consultation with the profession and gave consideration to the average fees paid by private health insurers.

When specialists accept the gold card, it provides for full and complete payment for treatment, and no copayments are permitted.

The arrangements also included provisions for annual indexation of items that were also listed on the MBS.

This reflects the outcomes of arrangements focussed on providing services to veterans. This government is not about to break commitments given in good faith to this group of Australians

The indexation rate applied each year on 1 November is consistent with that applied under Medicare.

The current fee level for in hospital cataract surgery for veterans is \$1,291.75. This fee represents the full payment to the treating specialist for the service.

The MBS item for this procedure is in place through a 3c determination made by the Minister for Health and Ageing under the Health Insurance Act 1973.

Yesterday, Senator Cormann requested that I seek the views of the Minister for Veterans' Affairs. The minister has made it clear that he intends to honour the arrangements negotiated and set by the Howard government with the AMA.

Senator Cormann—Mr Deputy President, I seek leave to make a short statement in response to the minister's additional information.

Leave not granted.

Senator Cormann—Just a couple of minutes?

The DEPUTY PRESIDENT—After taking note of answers, Senator Cormann.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Asylum Seekers

Senator McGauran (Victoria) (3.04 pm)—I move:

That the Senate take note of the answers given by the Minister for Immigration and Citizenship (Senator Evans) to questions without notice asked by Opposition senators today.

I cannot think of an occasion, in the last 20 years—at least in my term in parliament, which covers three governments, I should add—where Australia has projected such a humiliating weakness to our regional neighbours and to the region of this country. I cannot think of an occasion where that has occurred. For weeks and weeks the *Oceanic Viking* has been floating around—virtually aimlessly—and on our television screens every night we see asylum seekers basically holding the Australian government to ransom. This humiliation has been projected around the region. We are told today—the latest on the lines, if it is to be believed, because seeing is believing in this issue, I will say that—that there has been a resolution to this matter. Finally—if that is true. But nothing wipes away the weeks and weeks of humiliation that this country has faced and has projected to its neighbours. Moreover, we have the humiliation and embarrassment of this country losing its strength of border protection, with 50-plus boats since August 2008 having broken through our so-called border security lines. Over 50 boats—and rest assured they are coming in by the day and there are many, many more to come.

What of those Indonesian asylum seekers that have been waiting years and years to be assessed? And that is just in Indonesia. I am not talking about the other refugee camps where applications are being assessed properly, legally and in order. There are those even waiting in Indonesia to be assessed to come out to Australia. Instead, this government humiliates the nation by having to make a very special deal with those on board the *Oceanic Viking*. Today we are told that the last of the 56 asylum seekers have also struck up a spe-

cial deal with this government to be assessed with privileges. Not even those in Indonesia that are waiting to come out have these privileges.

The Australian people are in on this—make no mistake. They are quite aware that our border security is now weakened. It is a prime responsibility of any government of any colour, and it is now weakened. It is coming out through the polls, through people you meet and probably through their own branch meetings—if they bothered to turn up to any these days—that the government are enhancing the profits of the people-smugglers. The Australian people are well aware that the government are endangering the lives of asylum seekers and inciting them to make those perilous journeys.

There is one other issue. Time does not permit me to develop it as well as I would like to, but I have touched on it in previous speeches. In addition to all those moral issues that the other side will not tackle—enhancing the ability and profits of people-smugglers, inciting people to undertake perilous journeys, weakening our borders and also promoting queue jumpers—there is another issue that has come to light. That is that the government has placed a wrecking ball through our relationship with Indonesia—one that the previous government built up. Times were perilous after East Timor, and it was vital to delicately massage, if you like, our relationship, but under the Howard government the relationship could not have been better. As I say, maintaining the relationship is never going to be easy, given the size and geography of the country, but it is vital, not just in the fight against terror but in the fight against people-smugglers. The three stooges have simply sent a wrecking ball through the relationship—the three stooges being, of course, the Prime Minister, the Minister for Immigration and Citizenship and the Minister for Foreign Affairs.

Who saw the foreign minister on Sky TV the other day, insulting the Indonesians and insulting the decent President of Indonesia, President Yudhoyono, saying that his words take a while to trickle down to local government? Let me tell you: they do not.

The DEPUTY PRESIDENT—Order! Before I call Senator Moore, there is far too much audible conversation on my right.

Senator Moore (Queensland) (3.09 pm)—I would like to begin by acknowledging the years of rhetoric we have had from Senator McGauran. He opened his contribution by sharing with us that he has seen three governments. So we have had three governments worth of rhetoric—

Senator McGauran—I will see four.

Senator Moore—We have had maybe four governments of rhetoric from Senator McGauran, and I think we should acknowledge that. One of the most

alarming things in today's questions was the desperate, ongoing attempt to make political mileage out of a very sad situation—running the consistent line about special deals, which has been picked up by the media. As Senator McGauran says, there has been media coverage of this extraordinarily difficult and most distressing situation.

But the government has been very clear and very open about the process that has occurred. As we have heard, there is a full public document about what was discussed with the people onboard the particular vessel, plus the ongoing negotiations with the Indonesian government. The minister replied extremely patiently to the continuing questions of yesterday and today, pointing out the clear facts: this vessel was in Indonesian waters and the Australian government came in to support the vessel, but at the request of the Indonesian government the process has gone on with the Indonesian government to ensure that there is respect given to the people on board. It is most important to treat the people with respect, referring to them as people who are seeking asylum—not, as we heard in the rhetoric of some of the questions today, yet again, the awful term 'illegals'. We are talking about asylum seekers.

The processing will be done most clearly under the UNHCR rules—there is no doubt about that. We are working with the UNHCR, which is the international body that looks after people seeking asylum and looking to be considered as refugees in the international focus. What we consistently forget in the debates that have been forcibly imposed in this area over many years is that people moving and seeking asylum across our globe is an international issue. It is not peculiar to Australia. It is not peculiar to the Pacific. It is a problem that the world must acknowledge. As the result of a range of horrific circumstances across our globe, people are trying to move to seek new lives. Some of those people will be assessed under the UNHCR processes to be genuine refugees. Some will not. We must make that process, to which we as a government are signatories, clear. That will now be enforced. As with the document that was made public yesterday, all actions will be made public in this process. Every time a boat is seen or a process is undertaken on this issue, what we do will be made public, will be available to the world.

It is so distressing when we hear allegations that there are more boats. Look at the records. Look at the numbers. As people seek asylum in this area, we will have people who are desperate enough to come on boats. The saddest thing—in fact, the most offensive thing—is the allegation that we are supporting people-smugglers. That is wrong. That is actually quite a dangerous thing to say. It also means that people are not listening effectively to process. We can talk about the budget, and that will be put forward. We can talk about

the international relations and processes that have been moved forward by our government. We can talk about the processes that are being put in place to ensure clear understanding, for any individual who is trying to move from their home to seek refuge in another place. That is all part of government policy. We are not moving from that. To have people using the sanctity of this chamber to make allegations that there is any softness on people-smuggling by our government is false, misleading and dangerous. What we must do is to seek solutions for people who are desperate, understand their desperation and make sure that there are clear assessment processes which are understood and from which there is no deviation in terms of what constitutes a refugee. Most importantly, we must maintain respect for those involved.

Senator RYAN (Victoria) (3.14 pm)—Earlier on, Senator Moore criticised the use of the term 'illegals'. I am sure there is someone back in an office in this building who will be reporting her to the Prime Minister, because it was the term he used, and we all know how well he takes criticism!

What really bewilders me is how the people on the other side of this chamber always seek to justify their policy in terms of a higher moral ground. It must get dizzy that high up on the soapbox. This side of the chamber has not said that you are supporting people smugglers. What we have said is that your changes in policy have given them a product to sell. No-one here has suggested that people in northern Sri Lanka are jumping on the internet to read the latest press release from Minister Evans, but we do allege that the people-smugglers are—the people-smugglers who sell the product, who walk around the villages, who go to camps and who say to people, 'Give us \$20,000 and we will put you on a boat.' Your government has made that a better product to sell. Your government has given those people something they did not have two years ago. They could not say two years ago, 'Come to Australia and you will be out in 90 days.' They could not say, 'You will have the right to bring your family.' They could not say, 'You will have the right to access benefits and work.' But they can say that now because of what the Labor government has done.

We warned you what the consequences would be of watering down the measures and policies of the previous government. We warned you it would lead to an increase in the number of boats. We warned you that it would increase the number of unlawful arrivals, that it would increase the number of people putting their lives at risk. And tragically that is exactly what has happened. We warned you this would give people-smugglers a better product to sell. We know that is the case because the AFP has said so. The AFP has said that people-smugglers have got a better product to sell.

Over the last 24 hours, members of this government have wanted to deny that there is some sort of special deal. So I looked up the dictionary definition of the term 'special'. It could be 'distinct', 'exceptional', 'different' or 'out of the ordinary'. Whatever we say, the people who were on the *Oceanic Viking* and who got off several days ago were offered a deal that was different to people waiting in camps all around the world. They were offered a deal that was different to everyone else who has sought to be an unlawful entrant into Australia or Australian territory. That is a special deal. You may try to run away from it, you may try to obfuscate, you may try to say that it is all part of a global problem. This is the first government in Australian history that actually does not want to own up to any problem. Every problem is the result of someone else, something else or an external event. You do not want to take responsibility for the challenges that face government. But on this occasion the government cannot avoid it, because it is their own actions that have brought it about.

This is a special deal. We have seen 52 boats since they changed the law. There is no end in sight. What is truly tragic about this is that the people who are the most vulnerable, the people who truly deserve prioritised protection, the people who desperately need protection are the people who do not have \$20,000. They are the people who do not have the means to jump on a boat. They are the people caught in camps without family members, without the means to support themselves and without the means to jump on a boat and seek to use a people-smuggler to get to Australia. I am surprised, because this country is proud of its humanitarian intake, as it should be. But this government's policies are weakening public faith in that because the trade-off for a substantial humanitarian intake has always been control over our borders. The implication that people who oppose this government's policy and the implication that somehow people on this side of the chamber are not as concerned with the most vulnerable people in the world is offensive. But the other side of the chamber just like to jump up on their soapbox.

Australians know that we cannot solve the world's problems. But Australians also know that the government changed the laws, despite being warned by us and the by Federal Police, and after the changes in those laws we have seen a massive, unprecedented spike, given where we were immediately beforehand, in the number of boats and unlawful entrants and people placing their lives at risk—they know what that means and that will rest on this government's head.

Senator HUTCHINS (New South Wales) (3.19 pm)—There are so many soapboxes that people have been jumping on here this afternoon about a dreadful problem that we as a nation need to confront. We all know the reason these people are on the *Oceanic Vi-*

king. Their vessel was in distress and they were rescued. We all know, as Senator Moore eloquently outlined, that people-smuggling is not just a problem for our nation. As we have been reminded in here and in the other chamber, something like 42 million people are displaced in the world at the moment because of civil war or the end of conflicts. When I was in Turkey in the middle of this year I was told that something like 67,000 people have passed through Turkey into Greece—so much so that those illegal migrants in that country were seen as a threat to civil society. We also know that, as a result of the conflicts in Sri Lanka, Iran, Iraq and other places in Asia and Africa, Europe and North America are prime destinations for those men, women and children. We also know that they wish to come here and to North America and Europe because it offers them a better life.

I am disturbed that some of my Liberal colleagues, whom I do regard as quite honourable men, would get up here this afternoon and take what might be seen as this high moral ground, suggesting that we are somehow encouraging people to use people smugglers. Senator Moore rightly took objection to that allegation, because this government is very much committed to making sure that this does not occur. As I said earlier, there are so many displaced men, women and children in other parts of the world who are seeking to get to our country to make life better for themselves. I think of the generosity that was displayed towards many men, women and children after the fall of Vietnam in 1975 by the then Liberal government led by Malcolm Fraser after it got into power. That government was very generous in assisting those men, women and children to start a new life in this country. They have been great citizens. It is unfair to jump up here and get morally indignant because this is a difficulty that we should attempt to deal with in a bipartisan way.

The government has started introducing specific measures to try to curtail this growing problem. But it is not just our nation and it is not just this part of the world that has to deal with the issue. We have, just in the last period, committed up to \$234 million: \$22 million to establish a capacity in customs and border protection for the towing and disposal of intercepted vessels; \$63 million for aerial surveillance, including more than \$16 million in extra funding for two additional aircraft; \$6 million for the *Oceanic Viking* to undertake an additional 80 days of surveillance and patrol; \$1 million to progress options for replacing Bay class vessels. What we are doing is to seek solutions for these desperate people. We are attempting to make sure that the smugglers are not encouraged to continue to use men and women. It should be done with bipartisan support and not on some moral soapbox.

Senator BACK (Western Australia) (3.24 pm)—I contribute to this debate in response to those answers

given by Senator Evans this afternoon. In the matter of border protection, it is important that the chamber understands that the Howard government confronted a problem and it found a solution. The Rudd government removed that solution and they have now created a problem for themselves—but not just for themselves but for the Australian people also and, worse, for the would-be asylum seekers. The only, the best and the safest way to save and protect the lives of these people is for them not to go to sea in the first place. Nobody in this chamber is suggesting that anybody has any objective other than to protect the lives of those men, women and children who are being subjected by people smugglers to this shocking trade. We know that in Asia and other places people smugglers are very active. We know they have increased their activity, and that is what must be stopped if we are to once again protect the lives of these people. Our immigration policies are well known in Asia and the Indian subcontinent. They are known on the streets of Pakistan. They are known by taxi drivers. They are very, very well known.

I simply ask the question: in the lamentable case of these Sri Lankans who are attempting to leave their country, why is it that more than double the number are wanting to come to Australia than are going to India, to the Middle East or to the Islamic countries of Asia? Why is it that so many of these people are welcomed into countries like Malaysia, which is itself Islamic? They are welcomed into an Islamic country but only welcomed to go through it, not to stay. If they go down to Indonesia, they are welcome to keep moving but not to stay. They want to come to Australia. This is where we must be directing our activities.

Despite the denials of the Minister for Immigration and Citizenship, we know very well that a special deal was struck for these people. Why were the Prime Minister's own staff involved in this particular negotiation? Are they involved in all the other negotiations? We suspect that they are not. Why was the Prime Minister ignored at APEC in Singapore on the weekend, to the embarrassment of this country and no doubt himself? Why is it that the Indonesian President has cancelled a diplomatic visit to this country this week? Because they just do not like the megaphone mentality and being preached at, as they are by this government.

We know that even people in Indonesia who have been in refugee camps for many years are bitterly resentful of the people who have come off the *Oceanic Viking* and the other 56. Why are they being held in protection in that camp? Because of the resentment of the other people in that refugee camp, who know that these others have received and are receiving preferential treatment. What are the people smugglers going to say to the next raft? I do remind you, as one who knows those waters well, that from November through to March we are in the cyclone season; therefore, the

safety of the people on these vessels is even more at risk. We have to stop this for no other reason than their safety. We must stop this before the onset of the cyclone season.

Here in Australia, people who have recently arrived and been processed in the correct way are deeply angered by this fast-tracking. I say again in this chamber that Australia has a very proud record of taking migrants into this country—second, I understand, only to Canada on a per capita basis. But we know that for every one, for every 10, for every 100 who come in through the backdoor it is another one, 10 or 100 who sit in another camp in Somalia or the Sudan or wherever they may be simply because they do not have the funds to be attractive to the people smugglers. Those on the other side of this chamber want to see a resolution. I remind you, Mr Deputy President, they were handed a solution and they threw that solution to one side. They derided us over the activities on Christmas Island, only then to turn around and have to use it again. In conclusion, I ask: where does the UNHCR stand on this whole issue? What is their understanding of Australia's policy when they believe we are going through normal processes only to see them changed? (*Time expired*)

Question agreed to.

MEDICARE

Senator CORMANN (Western Australia) (3.30 pm)—I seek leave to make a three-minute statement.

The DEPUTY PRESIDENT—Leave is granted for three minutes.

Senator CORMANN—The additional information incorporated by Senator Faulkner in *Hansard* today after question time on cataract surgery rebates through the Department of Veterans' Affairs has completely exposed the hypocrisy of the Rudd government when it comes to its approach to cataract surgery rebates. The minister has essentially confirmed that the Rudd government has increased rebates for cataract surgery through its DVA schedule at the same time as the Minister for Health and Ageing is pushing ahead—in defiance of the Senate, I might add—with a massive 46 per cent reduction in patient rebates through Medicare for the exact same procedure. The Senate have opposed the 50 per cent reduction in patient rebates through Medicare because we think it will hurt patients. It will impose significant additional out-of-pocket expenses on mostly elderly patients for what is life-changing surgery. It will push many thousands of them into the public system where the taxpayers have to pick up the whole bill of \$3,500. So the government is proposing to save \$286 in order to force the taxpayer to pick up a bill for \$3,500. Of course, many thousands of Australians will not be able to get into the public system and will not be able to afford access anymore because of the out-of-pocket expenses the Rudd government is

imposing on this vulnerable group of senior Australians.

This is quite extraordinary. I might add that the coalition—and, I dare say, the Senate—support the approach of the Minister for Veterans' Affairs. He has taken a very sensible approach to this. I urge senators to read the statement, which has been incorporated by Senator Faulkner, where he points out that the fees through the Department of Veterans' Affairs were set in consultation with the profession and gave consideration to the average fees paid by private health insurers. He should have added that it gave consideration to a combination of the MBS rebate plus rebates paid by health funds.

Look at the Minister for Health and Ageing, Nicola Roxon. She has been out there demonising ophthalmologists. She has been talking about those 'wealthy specialists'. She has been running the greedy doctors argument. She has been running an argument that the cut in the Medicare patient rebate is justified because the procedure is now 'quick and easy' and, as such, it is quite appropriate for the Commonwealth to reduce the Medicare rebate by 50 per cent. That argument has now been shot to pieces. The statement today by Senator Faulkner exposes the hypocrisy of this. The Rudd government is schizophrenic on the cataract surgery rebate issue, and elderly Australians have to pay the price for Labor's reckless spending.

COMMITTEES

Finance and Public Administration References Committee

Reference

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (3.33 pm)—I seek leave to make a statement on a reference to the Finance and Public Administration References Committee concerning public interest claims.

Leave granted.

Senator LUDWIG—I refer to the Senate's consideration on Monday, 16 November of the motion moved by Senator Ludlam, Senator Xenophon and Senator Fielding relating to a reference to the Finance and Public Administration References Committee in relation to a process for determining public interest immunity claims. I understand that during the last sitting week Senator Conroy, on behalf of the government, did reach agreement with the crossbench senators to support this inquiry. The government does support the reference and should not have opposed the motion when it was moved. I would like to correct the record on behalf of the government.

NOTICES

Withdrawal

Senator PARRY (Tasmania) (3.34 pm)—At the request of Senator Abetz, pursuant to notice given at the

last day of sitting, I withdraw business of the Senate notice of motion No. 2.

Presentation

Senator Heffernan to move on the next day of sitting:

That the Select Committee on Agricultural and Related Industries be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 18 November 2009, from 4 pm, to take evidence for the committee's inquiry into food production in Australia.

Senator Fisher to move on the next day of sitting:

That the Select Committee on the National Broadband Network be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 19 November 2009, from 5 pm.

Senator Fisher to move on the next day of sitting:

- (1) That there be laid on the table by the Ministers representing the Minister for Education and the Minister for Employment and Workplace Relations, no later than 3 pm on Thursday, 19 November 2009, copies of any bilateral intergovernmental agreement entered into, or final text agreed, between the Commonwealth Government and any referring state government or any territory government, in relation to the Fair Work Amendment (State Referrals and Other Measures) Bill 2009.
- (2) That a copy of the final text of each such agreement proposed to be entered into between the Commonwealth Government and any referring state government or any territory government on or after 3 pm on Thursday, 19 November 2009, be laid on the table within 24 hours of the final text being agreed.
- (3) That a copy of each such signed agreement entered into between the Commonwealth Government and any referring state government or any territory government on or after 3 pm on Thursday, 19 November 2009, be laid on the table within 24 hours of the agreement being signed.

Senator Birmingham to move on the next day of sitting:

That the time for the presentation of the report of the Environment, Communications and the Arts References Committee on sustainable management by the Commonwealth of water resources be extended to 3 February 2010.

Senator Birmingham to move on the next day of sitting:

That the time for the presentation of the report of the Environment, Communications and the Arts References Committee on the impact of mining operations on the Murray-Darling Basin be extended to 26 November 2009.

Senator Birmingham to move on the next day of sitting:

That the Environment, Communications and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 November 2009, from 12.45 pm to 2 pm, to take evidence for the com-

mittee's inquiry into the impact of mining operations on the Murray-Darling Basin.

Senator Birmingham to move on the next day of sitting:

That the order of the Senate of 29 October 2009 referring a matter to the Environment, Communications and the Arts References Committee on Australia Post's treatment of injured and ill workers, be varied as follows:

Omit paragraph (a), substitute:

“(a) allegations that injured staff have been forced back to work in inappropriate duties before they have recovered from workplace injuries;”.

Senators Barnett, Colbeck and Parry to move on the next day of sitting:

That the Senate—

(a) notes:

- (i) the Australian Technical College Northern Tasmania (ATCNT) has been a highly successful model of education for students who wish to learn a trade and complete their Tasmanian Certificate of Education,
- (ii) the ATCNT, with campuses in Launceston and Burnie, is currently set to close on 31 December 2009 with the loss of 35 staff jobs and the displacement of more than 270 students,
- (iii) the options being offered to students for 2010 by the Tasmanian Government are in no way comparable to current courses offered by the ATCNT and further place at risk the education and employment prospects of students,
- (iv) the Federal Government has invested more than \$26 million for the establishment and operation of the ATCNT, including \$14 million on the building of the Launceston and Burnie facilities,
- (v) the outstanding performance of the ATCNT in its first 3 years of operation including, winning more than 40 awards for students and staff, as well as the 2007 Tasmanian and Australian School Based Apprentice of the Year and being named the 2009 Registered Training Organisation of the Year for Tasmania, and
- (vi) the ATCNT has achieved a retention rate of 95 per cent between Year 11 and Year 12 and a 94 per cent success rate for completing students in securing full-time employment; and

(b) calls on the Government to support the ongoing operation of the Australian Technical College Northern Tasmania.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes:

- (i) that Thursday, 19 November 2009, is World Toilet Day – a day to celebrate the importance of sanitation and raise awareness for the world's population who do not have access to toilets and proper sanitation,
- (ii) that 2.5 billion people worldwide are without access to proper sanitation, risking their health,

stripping their dignity and killing 1.8 million people (mostly children) a year,

- (iii) a lack of proper sanitation is the world's biggest cause of malnutrition and infection, causing diseases such as diarrhoea, cholera, typhoid and worm infections that kill 5 000 children each day,
 - (iv) that clean toilets contribute to poverty eradication by protecting one's health and ability to work,
 - (v) that safe collection and treatment of human waste and other various wastewaters protects drinking water sources and eco-systems, creating clean and healthy living environments, particularly in urban areas,
 - (vi) the Millennium Development Goals (supported by all parties in the Australian Parliament) cannot be reached unless sanitation conditions are rapidly improved, and
 - (vii) the upcoming Global Framework for Action on Water and Sanitation meeting in Washington in April 2010 is an opportunity for global support of the sanitation policy leadership of the United Kingdom, Dutch and Australian Governments; and
- (b) calls on the Government to:
- (i) invest via its aid program in programs and projects aimed at improving sanitation levels, increasing the number of public toilets and improving their cleanliness and accessibility,
 - (ii) ensure that it plays a constructive, proactive role at the highest ministerial level at the Global Framework for Action on Water and Sanitation meeting, and
 - (iii) fast-track the development of sanitation policy by disaggregating sanitation spending from water spending in its budget reporting on official development aid.

Senator Milne to move on the next day of sitting:

(1) That the Senate:

(a) recalls that the:

- (i) return to order motion moved on 16 September 2009 seeking a map of Australian forest cover (using the Kyoto definition of forest) for each year since 1990, at the highest available resolution, in any widely used GIS format, to be tabled by 26 October 2009, was supported, and
- (ii) Government tabled a response which said ‘The Government is pursuing this matter however we are currently unable to satisfy the timeline for the production of these documents owing to the inter-departmental consultations that the order has required’; and

(b) notes that:

- (i) 9 weeks have now passed since the motion was supported, and
- (ii) scrutiny, of the forest cover maps is essential for consideration of the Carbon Pollution Reduction Scheme bills.

(2) That there be laid on the table, no later than 4 pm on 19 November 2009, a map of Australian forest cover

(using the Kyoto definition of forest) for each year since 1990, at the highest available resolution, in any widely used GIS format.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes that:

- (i) neither the former Howard Government nor the Rudd Government has implemented the first recommendation of the 2007 Standing Committee on Rural and Regional Affairs and Transport Committee report, *Australia's future oil supply and alternative transport fuels*, namely, that Geoscience Australia, the Australian Bureau of Agricultural and Resource Economics and the Department of the Treasury reassess both the official estimates of future oil supply and the 'early peak' arguments and report to the Government on the probabilities and risks involved, comparing early mitigation scenarios with business as usual,
 - (ii) of the nine recommendations of that report, only recommendation 6 relating to incentives for fuel efficient vehicles have even been considered let alone addressed,
 - (iii) in the week beginning 8 November 2009, the International Energy Agency (IEA) issued its annual 'World Energy Outlook', predicting that global oil demand is forecast to rise from 85 million barrels per day in 2008 to 105 million barrels per day in 2030, and
 - (iv) a whistleblower at the IEA has claimed 'it has been deliberately underplaying a looming shortage for fear of triggering panic buying' and that a 'senior official claims the US has played an influential role in encouraging the watchdog to underplay the rate of decline from existing oil fields while overplaying the chances of finding new reserves'; and
- (b) calls on the Government immediately to develop a national plan to respond to the challenge of peak oil and Australia's dependence on imported foreign oil.

Senator Bob Brown to move on the next day of sitting:

To move (contingent on business being called on 3 February 2010)—That so much of the standing orders be suspended as would prevent the senator moving—That:

- (a) Senator Bob Brown may immediately move a motion on the involvement and deployment of Australian troops in Afghanistan; and
- (b) the motion have precedence over all other business until determined.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes:

- (i) statements from the Minister for Innovation, Industry, Science and Research (Senator Carr) in support of freedom of expression for scientists,
- (ii) the Minister's stated support for the publication of peer-reviewed research, even if it has negative implications for government policy, and

- (iii) Dr Megan Clarke's statement that the Commonwealth Scientific and Industrial Research Organisation (CSIRO) will work with Dr Clive Spash to ensure that his paper analysing the efficacy of emissions trading systems meets CSIRO internal review standards and the guidelines of the Public Research Agency Charter between the CSIRO and the Federal Government; and

(b) calls on the Minister to:

- (i) immediately give effect to his support for the publication of peer-reviewed research by acknowledging that the internal review standards of the CSIRO and guidelines of the charter are being applied to effect censorship, and
- (ii) table Dr Spash's uncensored research paper in the Senate.

Senator Hanson-Young to move on the next day of sitting:

That the Senate calls on the Australian Government to conduct an audit of where Australian funds are being used to support Indonesia in asylum seeker management and people smuggling efforts, and subsequent compliance with international human rights standards, with particular reference to:

- (a) detention facilities and conditions;
- (b) operational equipment and training; and
- (c) the interception of suspected illegal entry vessels.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Extension of Time

Senator O'BRIEN (Tasmania) (3.37 pm)—I move:

That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Crimes Amendment (Working With Children—Criminal History) Bill 2009 be extended to 19 November 2009.

Question agreed to.

Legal and Constitutional Affairs References Committee

Extension of Time

Senator PARRY (Tasmania) (3.37 pm)—I move:

That the time for the presentation of the following reports of the Legal and Constitutional Affairs References Committee be extended to 26 November 2009:

- (a) access to justice; and
- (b) Australia's judicial system and the role of judges.

Question agreed to.

Legal and Constitutional Affairs References Committee

Meeting

Senator PARRY (Tasmania) (3.37 pm)—I move:

That the Legal and Constitutional Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 17 November 2009, from 4

pm to 5.30 pm, to take evidence for the committee's inquiry into Australia's judicial system and the role of judges.

Question agreed to.

Foreign Affairs, Defence and Trade Legislation Committee

Extension of Time

Senator PARRY (Tasmania) (3.37 pm)—I move:

That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Legislation Committee on the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2] be extended to 25 February 2010.

Question agreed to.

AGED CARE

Order

Senator CORMANN (Western Australia) (3.38 pm)—I move:

That the Senate:

a) Notes that:

- 1) the Rudd Government is ignoring the accelerating crisis in aged care, in particular the serious financial viability challenges faced by aged care providers involved in the provision of high care beds;
- 2) the Government appears to justify its inaction by pointing to advice from the Department of Health and Ageing, also submitted to various Senate committees, that "efficient" aged care providers are financially viable;
- 3) the Senate has sought to verify those claims by seeking access to the de-identified data from the audited General Financial Purpose Accounts, which the Department of Health and Ageing has been collecting from aged care providers since the 2004-05 financial year;
- 4) on 13 August 2009, in answer to question on notice 1688, the Minister indicated that the de-identified data from the General Purpose Accounts was available on the Department of Health and Ageing website – when in fact it wasn't;
- 5) on 19 August 2009 the Senate ordered that the de-identified data from the General Purpose Accounts and associated reports from the years 2005-06 to 2008-09 be laid on the table;
- 6) the Government eventually made the 2006-07 de-identified unit record data available;
- 7) the Government refused to table the remaining information part of the Senate's order, providing the following reasons in a letter dated 20 September 2009:
 - a) information from 05-06 was of 'poor quality' and 'could be misleading and not contribute to the public understanding of these issues';
 - b) Access Economic and KPMG reports of the 2006-07 data were to 'inform the Cabinet's deliberations'; and
 - c) information from 2007-08 is incomplete, awaiting some late returns.

b) Considers that the above grounds are either not supported by precedent or insufficient justification for the refusal to provide the requested information and documents to the Senate, noting in particular that:

- 1) the Senate has previously explicitly rejected the proposition that information that may 'confuse the public debate' is a sufficient ground not to release information;
 - 2) not every document placed before Cabinet reveals the deliberations of Cabinet, and only if the reports in question revealed Cabinet deliberations would they conform with the recognised ground; and
 - 3) incomplete material can (and should) be tabled with a caveat as to its incompleteness.
- c) Rejects the Ministers grounds for withholding the national de-identified data and associated reports.
- d) Considers publication of the national de-identified data from the audited General Purpose Accounts and associated reports to be in the public interest.
- e) Again orders that there be laid on the table by the Minister representing the Minister for Health and Ageing by no later than 12 pm on 18 November 2009, the following documents:
- 1) National de-identified data from the audited General Purpose Accounts of aged care providers for:
 - i) 2005-06;
 - ii) 2007-08, including any report/analysis by the department and/or any third party consultant; and
 - 2) the report/analysis by Access Economics and KPMG based on the 2006-07 de-identified unit record data from the audited General Purpose Accounts of aged care providers.

Question agreed to.

HEALTH INSURANCE AMENDMENT (REVIVAL OF TABLE ITEMS) LEGISLATION

Order

Senator CORMANN (Western Australia) (3.39 pm)—I move:

That the Senate:

(a) Notes that:

- 1) the Health Insurance Amendment (Revival of Table Items) Bill 2009 passed the Senate on 28 October 2009;
- 2) the Clerk of the Senate provided advice that there was no constitutional barrier to the Senate introducing (and passing) this bill;
- 3) the Minister for Health and Ageing told the House of Representatives on 29 October 2009, that the Government had legal advice that this bill was unconstitutional, that it should not have been introduced in the Senate and had not been appropriately passed;
- 4) the Minister also told the House of Representatives that the Government, was "happy to provide that legal advice" (9.59am, 29/10/2009);

5) subsequent and repeated requests to obtain a copy of the legal advice the Minister relied upon to make her claims on 29 October 2009 that the bill passed by the Senate was unconstitutional have been unsuccessful;

6) eventually a copy of departmental advice dated 4 November 2009 was provided, advice which clearly had been drafted well after the Minister made her claims based on 'legal advice' on 29 October 2009, and after requests for a copy of that legal advice had been put to the Minister.

(b) Orders that there be laid on the table by the Minister representing the Minister for Health and Ageing in the Senate, by no later than 5pm on 17 November 2009, a copy of the legal advice referred to by the Minister on 29 October 2009, indicating that the Health Insurance Amendment (Revival of Table Items) Bill 2009 was unconstitutional.

Question agreed to.

Senator O'BRIEN (Tasmania) (3.39 pm)—by leave—The government opposed general business notices of motion Nos 611 and 612, moved by Senator Cormann, and No. 613, moved on behalf of Senator Minchin. We recognise that the Senate voted in majority for the motions and we did not call a division on any of the motions for that reason.

The DEPUTY PRESIDENT—We have not dealt with No. 613 yet, but we have done the others.

MR MIKE KAISER

Order

Senator PARRY (Tasmania) (3.40 pm)—At the request of Senator Minchin, I move:

That there be laid on the table by the Minister for Broadband, Communications and the Digital Economy, no later than 10 am on Wednesday, 18 November 2009, a document outlining:

- (a) the selection process undertaken to appoint Mr Mike Kaiser as the Principal – Government Relations and External Affairs for NBN Co., as announced on 13 November 2009, including where and when the position was advertised, when the Minister became aware of the proposed appointment, whether there was any communications between the Prime Minister, the Minister and/or the office of the Prime Minister or the office of the Minister with the Executive Chairman of NBN Co., Mr Mike Quigley, about the appointment and the nature and timing of this communication; and
- (b) the annual starting salary for the position of Principal – Government Relations and External Affairs for NBN Co.

Question agreed to.

NATIONAL ARCHIVES OF AUSTRALIA

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.40 pm)—I, and also on behalf of Senator Hanson-Young, move:

That the Senate:

(a) does not support the non-consultative process which has led to the closures of the Tasmanian, South Australian and Northern Territory offices of the National Archives of Australia;

(b) recognises:

- (i) the disadvantages that will be faced by researchers, organisations and the general public as a result of the office closures, and
- (ii) that the number of reading room visits has remained steady over the past 5 years despite an increase in online requests and viewing; and

(c) calls on the Government to reverse the decision to close the three offices to ensure all Australians have access to the archive collection in their state or territory.

Question agreed to.

UIGHUR MEN

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.41 pm)—I move:

That the Senate:

- (a) congratulates the nation of Palau for giving a temporary home to six Uighur men who have been held by the United States of America (US) in Guantanamo Bay prison;
- (b) recognises that the men were cleared of all charges of war crimes and that the US acknowledges they cannot be sent back to China because of the risk of persecution;
- (c) notes the strong and vibrant Uighur community in Australia; and
- (d) calls on the Australian Government to consider the resettlement of the men in Australia.

Question put.

The Senate divided. [3.45 pm]

(The Deputy President—Senator the Hon. AB Ferguson)

Ayes.....	6
Noes.....	<u>33</u>
Majority.....	<u>27</u>

AYES

Brown, B.J.	Hanson-Young, S.C.
Ludlam, S.	Milne, C.
Siewert, R. *	Xenophon, N.

NOES

Back, C.J.	Birmingham, S.
Boswell, R.L.D.	Brown, C.L.
Bushby, D.C.	Carr, K.J.
Cash, M.C.	Crossin, P.M.
Feeney, D.	Ferguson, A.B.
Fielding, S.	Fierravanti-Wells, C.
Forshaw, M.G.	Furner, M.L.
Humphries, G.	Hurley, A.
Hutchins, S.P.	Kroger, H.
Ludwig, J.W.	Lundy, K.A.
Marshall, G.	Mason, B.J.
McEwen, A.	McLucas, J.E.

Moore, C.
 Parry, S. *
 Sherry, N.J.
 Trood, R.B.
 Wortley, D.

O'Brien, K.W.K.
 Polley, H.
 Troeth, J.M.
 Williams, J.R.

* denotes teller

Question negated.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.47 pm)—by leave—This is one of those moments in which I despair. This is a generous nation with a credo of a fair go. What we know of the situation—and senators who did not see the *Dateline* program on SBS TV two nights ago might now refer to it—is that six Uighur men were arrested outside their country and transported for a bribe payment of \$5,000 into what ended up being the prison at Guantanamo Bay. They have been found not to have any justified, verified or substantiated claims against them and have been placed on Palau, an island near Guam in the Pacific, with the agreement of the president of that little country of 20,000 people—and he seems to be a most accommodating, affable and friendly character—as they look to go somewhere to get their lives back. This motion simply asked that the Australian government consider that situation. It is a shortcoming that we cannot debate these motions in here, but I simply say this: we have a vibrant and healthy Uighur community in Australia. They would be most accepting of these innocent characters and it would be a gracious thing for us to consider their resettlement in this country. It would be a humane thing. It would be a fair thing. It would be an acknowledgement of our own humanity.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (3.50 pm)—by leave—The Australian government has indicated it could not support the proposed notice of motion in its current form. The Australian government again places on the record its objection to dealing with complex international matters, such as the one before us, by means of formal motions. Such motions are blunt instruments. They force parties into black and white choices—support or oppose. They do not lend themselves to the nuances which are so necessary in this area of policy. Furthermore, they are too easily misinterpreted by some audiences as statements of policy by the national government. The Australian government is happy to continue to work with the minor parties on notices of motion of this nature, but we will not support notices of motion in the Senate unless we are completely satisfied with their content.

This motion failed to acknowledge that the Australian government is already considering the US request to resettle Uighurs from Guantanamo Bay in Australia. In May this year the Australian government received a request from the US government to resettle in Australia 10 Uighurs from Guantanamo Bay. We have indicated that we are giving consideration to the request on a

case-by-case basis in line with our immigration and national security requirements. The motion states that the six Uighur men were cleared of all charges of war crimes. I am advised that the men were in fact never charged. The US Department of Justice stated on 31 October that the six Uighurs received by Palau had been cleared for release by the prior US administration, which determined that it would no longer treat them as enemy combatants.

GEOSCIENCE AUSTRALIA

Order

Senator MILNE (Tasmania) (3.52 pm)—I move:

That there be laid on the table, no later than 4 pm on 18 November 2009, the assessment by Geoscience Australia reportedly identifying prospective sites for underground carbon dioxide storage sites in Victoria, Queensland and Western Australia, referred to in an article, 'New hope for viable clean coal projects' published in *The Australian* on 24 October 2009.

Question agreed to.

RENAL HEALTH SERVICES

Senator SIEWERT (Western Australia) (3.52 pm)—I seek leave to amend general business notice of motion No. 617 standing in my name.

Leave granted.

Senator SIEWERT—I move the motion as amended:

That the Senate:

- notes the recent decision by the Northern Territory Government to refuse to provide renal health services to new interstate patients in the border regions of Western Australia and South Australia is leading to significant hardship and poor health outcomes and potentially putting lives at risk;
- raises concern over the plight of Mr Patrick Tjungurrayi, a renown member of the Pupunya Tula group of artists who together raised a million dollars to establish dialysis services in Alice Springs and Kintore, which Patrick is now unable to access;
- calls on the Minister for Health and Ageing, Nicola Roxon, to negotiate an outcome to this impasse and an end to the interstate ban;
- suggests that the Federal, Northern Territory, Western Australian and South Australian governments put in place interim measures to address unmet demand prior to the establishment of the new 15 seat renal unit in Alice Springs, including the provision of additional resources to enable night dialysis; and
- highlights the rising demand for kidney dialysis by Aboriginal Australians in central Australia and other regions and recommends that a longer term planning process is needed to assess and respond to projected growth in the need for renal services.

Question agreed to.

Senator O'BRIEN (Tasmania) (3.53 pm)—by leave—The government oppose motions Nos 617 and

618, which have just been determined in the affirmative. We did not call a division because we recognise that, with the Greens and the opposition voting together, a majority for the motions was in the chamber.

BUSINESS

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.54 pm)—by leave—I move:

That the matter of public importance proposed by Senator Parry today (relating to border protection) be not proceeded with, and instead the routine of business be varied to give precedence to government business for one hour only.

Question agreed to.

SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (INCOME SUPPORT FOR STUDENTS) BILL 2009

Second Reading

Debate resumed.

The DEPUTY PRESIDENT—The question is that the amendment moved by Senator Hanson-Young be agreed to.

Question negatived.

Original question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.56 pm)—I table a correction to the explanatory memorandum relating to the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009.

While I am on my feet I would indicate to the chamber that we have one hour at this point. With the best of intentions, I am hoping that the opposition will agree to try to proceed with the passage of this legislation within that time. I trust that the very best efforts will be taken to secure that. I want to indicate to the chamber that, if that does not occur, at around 6.30 pm I will be seeking leave to move a motion to extend the hours of sitting for this evening to allow this bill to be concluded prior to 9.50 pm. It is, as the opposition have said, an important bill. They have indicated to us in their reasons for the almost unprecedented reorganisation of the government business program that this was a matter that could be resolved quickly. So I look forward to that proposition now being honoured.

Senator MASON (Queensland) (3.57 pm)—I note the minister's comments and simply say that we will debate the list as circulated as quickly as we can. I have always been expeditious in these matters, I am sure you will agree. The opposition will certainly not tarry.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.57 pm)—In private conversation I understood, Senator Mason, that you had an interest in moving your amendments as a whole. We are opposing all of them, so we will be able to vote on them as a whole. I do not think the vote will change one bit, but that might be a way of proceeding to speed up processes.

Senator MASON (Queensland) (3.57 pm)—In relation to the way we proceed this afternoon, I have had conversations with other senators who wish to go through the list as published, because it will make their cases easier to develop. So I apologise for that, Minister, but we cannot do what you ask. That would prejudice other senators.

The TEMPORARY CHAIRMAN (Senator Marshall)—I will now move to the first amendment, which, on my list, is an Australian Greens amendment.

Senator HANSON-YOUNG (South Australia) (3.58 pm)—This first amendment is pretty straightforward, I think. Both the coalition and the government would agree that, if we are to pass a piece of legislation like this, which includes quite significant reforms in the area of student income support, we need to have a proper review process to ensure we are on the right track and that we are developing a package of support that really supports students and does not undermine their educational outcomes. That is basically what this amendment is about, and my understanding is that both sides have agreed to support it. I move Greens amendment (2) on sheet 5957:

(2) Page 3 (after line 2), after clause 3, insert:

3A Review of impact of student income arrangements

- (1) The Minister must cause a comprehensive review to be undertaken of the impact of the student income arrangements implemented by this Act on equity, with a particular focus on the impact on rural and regional students.
- (2) The review must:
 - (a) start not later than 30 June 2012; and
 - (b) be completed within 3 months.
- (3) The Minister must cause a written report about the review to be prepared.
- (4) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.59 pm)—The government will support this amendment.

Senator MASON (Queensland) (3.59 pm)—The opposition supports the amendment and congratulates Senator Hanson-Young for the idea.

Question agreed to.

Senator HANSON-YOUNG (South Australia) (4.00 pm)—I move Australian Greens amendment (1) on sheet 6010:

(1) Schedule 1, page 4 (after line 14), after item 1, insert:

1A Paragraph 1067A(10)(a)

Omit “at least 30 hours per week”, substitute “on average 30 hours per week”.

This amendment is quite important. It relates to a number of the issues that were raised by students throughout the review process and the inquiry into this legislation. With the only workplace participation criterion retained being the 30 hours a week over an 18-month period, this means that young people would be required to defer their university studies for two years and secure almost full-time work—at least 30 hours a week—in order to fulfil the eligibility and then, at the end of that, get youth allowance.

We are very concerned that, for many students in rural and regional areas in particular, it is very difficult, as unskilled workers, to find a job with any type of permanent status, let alone 30 hours a week. What we have proposed—and it was something that came out quite strongly through the inquiry—is that, instead of saying ‘at least’ 30 hours per week, we say ‘an average of’ because we know that in these regional areas work is more seasonally based. Students can work more during their holidays and it might be a bit easier for them to secure a job that averages 30 hours over that period of time as opposed to ‘at least’. I think it is something that simply addresses the major concerns of those young people and their families who have been scrutinising this legislation since day one.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (4.02 pm)—The government is going to oppose this amendment. This would have very serious cost implications for the program and, as a consequence, we cannot support it.

Senator MASON (Queensland) (4.02 pm)—The opposition thinks this is a sensible suggestion: to move from ‘30 hours per week’ to substitute ‘an average of 30 hours per week’. It makes allowance for students on seasonal employment and so forth, so the opposition will be supporting the Greens amendment.

Senator HANSON-YOUNG (South Australia) (4.02 pm)—I acknowledge the coalition support for this amendment. It is something that came out very strongly. I ask the minister: if the government is not able to support it based on the cost, exactly what cost are you talking about? If these students are able to find this work, secure the hours and therefore become eligible for youth allowance, surely the government should see the sense in them being eligible. If the government believes the work is out there, then those students would be eligible for youth allowance anyway and, therefore, there should not be an impact on the budgetary outcomes.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (4.03 pm)—That is not the advice, Senator, that I have received. The costing that the government has proceeded with, based on keeping the program budget neutral, is such that you need to ensure that the working arrangements are across the whole year and not bunched together in any particular time of the year.

Senator NASH (New South Wales) (4.03 pm)—Perhaps the minister could just expand on that a little more clearly for the chamber because I do not think that he actually addressed Senator Hanson-Young’s concerns very clearly at all. If the Senate is only suggesting changing from a required amount of 30 hours per week to an average per week, it seems that there is absolutely no budgetary impact at all from that. It is extremely difficult to see how there would be any budgetary impact at all, because it is simply changing the mechanism by which the student would be gaining the access. There seems to be no cost to the Commonwealth at all.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (4.04 pm)—Given the time pressures, I do not think there is much more I can add to what I have already said. The program is calculated on the basis that a person can demonstrate that they have a sustained history of employment. This proposal could see people earning very large sums of money in a very short period of time and not having any additional income thereafter. We are not supporting it because of the cost implications.

Senator HANSON-YOUNG (South Australia) (4.04 pm)—The only reason I am responding is because I think it needs to be made very clear on the record that this amendment would not have an impact on the budget. This would not make any difference. I understand the minister perhaps does not have his head around the particular amendment and I accept that—that is fine—but, seeing as I have support from the coalition for this, I would like the motion for the amendment to be put.

Question agreed to.

Senator FIELDING (Victoria—Leader of the Family First Party) (4.05 pm)—by leave—I move amendments (1) to (3) on sheet 5919 together:

- (1) Schedule 1, item 2, page 4 (line 20), after “(10B)”, insert “, (10BA)”.
- (2) Schedule 1, item 2, page 4 (after line 24), after paragraph 1067A(10B), insert:
 - (10BA) This subsection applies if the Secretary is satisfied that the person is required to live away from home and has had to relocate a distance of not less than 100 kilometres from their main place of residence to attend a higher education institution.
- (3) Schedule 1, item 4, page 6 (line 4), after “(10B)”, insert “, (10BA)”.

What this does is create a 100 kilometre relocation rule for any kids needing to relocate to get to university in future years. The old rules of getting youth allowance entitlements would apply. So it is a very simple amendment, but it acknowledges, for those kids who need to relocate to get to university, the extra effort, expense and sheer support that they need. The government has had some concerns about supposed roting of youth allowance and this amendment is, I think, a way of not applying a sledgehammer, as the government has, to youth allowance changes. It provides a fairly simple rule: if someone has to relocate more than 100 kilometres to study, then the old criteria for gaining youth allowance income support still apply.

This was suggested at a roundtable with the Deputy Prime Minister, Julia Gillard, and some students from regional areas. The suggestion to base the entitlement on kilometre relocation is worthy of merit. The government may argue that it will blow out expenditure. The minister should know, and I am sure he does, that among OECD countries Australia is one of the lowest in the provision of income assistance to kids going to university. It is not a matter of these kids being greedy; it is a matter of being fair and reasonable. The government is stingy if it does not support this, if it is only concerned with money. The government and others may also argue, 'Why 100 kilometres and not 90?' or 'Why 100 and not 110 kilometres?' You have to draw the line somewhere. I will be interested to hear what the minister says about this matter.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (4.08 pm)—The government will not be supporting these amendments. They would have massive budgetary implications. This is not just a question of being stingy. This would have a very dramatic effect on the budget. It would probably cost more than the coalition's proposal to push back the new workforce criteria for one year. The government cannot accept these amendments because of the enormous implications for the budget.

Family First have no offsetting savings in their proposal. This measure is completely out of step with the direction in which the bill is seeking to go in regard to the better targeting of support for families in need. If there was ever a case of strong advocacy for middle-class welfare, this is an example. This is the sort of sloppy thinking one has come to expect from those who want to appeal to parts of the electorate that believe someone else can always pay for these arrangements.

These amendments seek to provide assistance to families who earn over \$200,000 or even \$300,000 if it is determined that the students need to move. This is wide open to abuse. The primary beneficiaries of this measure would be students from families above the parental income test. For two children living away

from home, it is currently set at \$140,729; for one child at home, it is set at \$92,447. Under these amendments, it is likely that students would change their course preferences to universities away from their home in order to meet the new criteria, resulting in substantial increases in budgetary liabilities.

The government believe that students who need to move deserve additional support. We acknowledge that. That is why our reforms put in place relocation scholarships and more generous parental income cut-out points for students who need to move to study—that is, \$140,729 for two students living away from home or \$107,709 for two children at home. The government do not believe in providing support to everybody regardless of how well off they are. We do not believe that that is an appropriate investment of public moneys for people who are very wealthy. Our reforms target the most resources to students from low- and middle-income families. We cannot support amendments that do not target support to those most in need of it.

Senator MASON (Queensland) (4.11 pm)—I hear what the minister says about targeting of welfare, and of course he is quite right on some levels. But the minister, and indeed the government, too often make a mistake when they speak about access. The opposition agree about access—access to higher education is critical. Included in access and social inclusion is the idea that Indigenous students or students from low socioeconomic backgrounds should have access to universities. We agree with that and the minister is right. But also, and this is Senator Fielding's point, kids from rural and regional Australia frequently have to move away to go to university—in fact, nearly always. They are disadvantaged and are part of a disadvantaged community with respect to access to higher education.

I know Senator Fielding was a member of the Senate Rural and Regional Affairs and Transport References Committee that looked at this bill. While not agreeing with the honourable senator's amendments, the opposition agree with the spirit of the amendments. We think that people who have to move away to go to university should be assisted and should have access. That is what the opposition believe. In particular, we believe in support for students who live in rural and regional Australia. While we agree with the spirit of Senator Fielding's amendments, we have some problems with their application. We think that the recommendations of the committee that Senator Fielding participated in are better reflected in the opposition's amendments, which are more flexible. Rather than specifically talking about 100 kilometres, we say that guidelines should be developed by the secretary of the department which are more flexible and which would be audited. For example, if someone had to move just 80 kilometres away rather than 101, they would miss

out. We think that is a bit arbitrary. While the opposition agree with the spirit of Senator Fielding's amendments, we will not be supporting them. However, I foreshadow that the opposition will move amendments in that same spirit.

Senator HANSON-YOUNG (South Australia) (4.13 pm)—I completely understand where Senator Fielding is coming from with these amendments. I agree that it is young people from rural and regional areas who have an extra barrier to cross in order to get to university and start a university course, and of course the extra burden that puts on their families. You only have to look at the maths on this. To suggest a household in the country on one income can somehow carry the same cost in order to get their children to university as a household in the city on the same income is clearly not right. We know it is upwards of \$18,000 or \$20,000 per year to send a child from the country to the city to go to university.

Of course many of these students want to be independent. They have finished high school. They have applied themselves. They have got into university, and they see themselves as being able to be independent of their parents. That is why they move out of home. They are young adults. I completely understand where Senator Fielding is coming from, although, similar to the opposition, I believe the Greens amendment in fact deals with this issue in, perhaps, a better way. It applies that criterion to people who, say, do have to move out of home and need to travel X amount—we suggest 90 minutes. Then you should get that youth allowance. Our motion will follow.

Senator FIELDING (Victoria—Leader of the Family First Party) (4.15 pm)—It seems there are three different approaches trying to solve a problem that the government is in denial of. We will probably, maybe, settle on one out of the three. There is a 100-kilometre rule that Family First have put forward. The Greens have put forward a 90-minute criterion. The opposition have put forward a move-away-from-home type guideline. The interesting fact is that the rest of the chamber, other than the government, believe there is a serious problem here, and the government are in absolute denial. So the arguments they are using here are going to be applied to all three, which is a bit of a worry.

Senator Carr, you may have got your education for free, like I did. I think it is a bit rich to say that this is going to cost a lot. I think the cost is for rural and regional areas and a lot of kids that rely on youth allowance. There are going to be 26,000 worse off and 13,000 getting nothing with regard to youth allowance. You have totally underestimated this, and you are going to find a fairly major concern in rural and regional areas. You stand there and say, 'It's because of money.' I think you are penny-pinching, frankly. Your government have come in here and spent billions and billions

of dollars—borrowed it—but you will not take care of our kids that need to get to university.

A clever country would make it easier for our kids to get to university, not harder. Rural and regional areas are already struggling with the professions that require a university degree. You have made some changes to income assistance. Some of them are positive and will help others. But you should not make people worse off, especially when you are prepared to spend billions and billions. When it comes to our kids and their education the Labor government are doing the absolute reverse of what people thought you would do. You are making it harder for a bunch of kids to get to university. You may be helping some others, but you sure as heck are going to deliver a kick in the pants to people from rural and regional areas and treat them as second-rate citizens when it comes to education. That is disgraceful from Labor. It is not a fair go.

You have decided to take a sledgehammer, penny-pinching approach here, when you are prepared to spend billions elsewhere. It is so short-sighted it is not funny. Rural and regional areas will hold this government accountable. This is about education. This is about helping the next generation get ahead. It is about making sure rural and regional areas are not left behind. This is more serious than you are making out to believe. I urge Labor to rethink this and support one of the three amendments being put forward, whether it is the 100-kilometre relocation, 90 minutes or moving away from home. There is a serious issue in that the government have absolutely, categorically, steadfastly refused to admit they have a problem. They have held out and held out. Somewhere along the line they said: 'Look, we'll throw a bone. What we'll do is exempt some of the gap-year students that are currently taking a gap year.' But you deferred the problem; you did not fix it. You acknowledged there is a bit of a problem but thought: 'What the hell. We'll just do that. Maybe that's enough to camouflage it and get it through.' You have deferred the problem, not fixed it.

One of these three amendments is going to have to get through, because Family First will not support this legislation. You will say, 'You're stopping scholarships.' Well, you folks have waited until the last week and a half to come in here and face the facts. I said at the time you passed the previous bill which was linked to the scholarships that you should not have these two bills together, so that you would not try and force us into this situation. You are reckless in the way that you have gone about this. You are trying it on. You are trying it on to hold us accountable. Hopefully we will pass one of these three amendments. I am hoping it is Family First's. One of the three has to get through. We have a serious problem here. You are making it quite clear upfront, using bullyboy tactics again, saying: 'We're not going to support any of the changes you do

in this regard. That means you're going to bounce it back up again.' Let us see what happens the second time around.

It is not on and it is not right and you should be ashamed. You should be ashamed not to acknowledge you have a problem. You have taken a sledgehammer to this problem and you should not have. You should have thought it through a bit more and made sure rural and regional areas are looked after and that those kids that have to relocate are looked after. The relocation money that you have provided elsewhere is just not going to be enough. It is not good enough. So I urge this chamber to support this amendment. If it is not this one then maybe you could support one of the other two. This is an important issue and I urge the chamber to support this amendment.

Question negatived.

Senator Fielding—There has been a revision to my amendment.

CHAIR—It has been circulated.

Senator FIELDING (Victoria—Leader of the Family First Party) (4.24 pm)—by leave—I move amendments (1) to (3) on sheet 5921 revised:

- (1) Schedule 1, item 2, page 4 (line 20), omit “or (10C)”, substitute “, (10C) or 10(CA)”.
- (2) Schedule 1, item 2, page 5 (after line 24), after paragraph 1067A(10C), insert:
- (10CA) This subsection applies to a person if the Secretary is satisfied that:
 - (a) in 2008 the person completed a course of education determined under section 5D of the *Student Assistance Act 1973* to be a secondary course for the purposes of that Act; and
 - (b) the person is undertaking full-time study because of his or her enrolment at a higher education institution in a course of education (the *chosen course*) determined under section 592N to be an approved scholarship course.

Note: For *undertaking full-time study* see section 541B.

- (3) Schedule 1, item 4, page 6 (line 4), omit “and (10C)”, substitute “, (10C) and 10(CA)”.

This amendment realises that the government has made some changes to the original legislation that said that gap-year students will be exempt if they have to move away from home. These are students that have finished their studies in 2008 and decided to take a gap year in 2009. The government cheekily, outrageously, tried to change the rules on these people. It was outrageous that they could do that and think they could get away with it. We have got an amendment here for those students that did not take a gap year in 2009—they finished their studies in 2008 and, going on the premise of the existing rules, are working like crazy to try to qualify for youth allowance, or the independence part of it, for the following years.

Most of these students have worked very hard and are studying and doing a job part time, knowing that they could sustain it for a year just to get through. We are saying that the rules should apply to the kids who have not taken a gap year and decided to study on the basis that they were going to earn enough money to qualify for youth allowance, knowing that they could not study or work at the same rate going forward. So this amendment really looks after those people who, in good faith, were working on the basis that the rules were fixed until the end of the year. It takes care of those people who did not take a gap year but studied and also tried to qualify for youth allowance. It means that the old rules will apply for them going forward.

Question negatived.

Senator HANSON-YOUNG (South Australia) (4.26 pm)—My amendment on sheet 5957 relates to the creation of a new criterion for independence, based on the fact that young people in rural and regional areas need to move out of home. If they need to travel more than 90 minutes and have moved out of home in order to get to university then they would qualify for youth allowance. Thank you to the chamber for allowing me to jump ahead to my amendments. I thought it made more sense, seeing that we had just had the discussion about Senator Fielding's amendments.

This amendment reflects the feeling within the community from day one, when it was announced on budget night that the workforce participation criterion was going to be removed without any real comparable alternative for those young people in rural and regional areas. Primarily, those young people have gone through their final years of high school knowing that they want to go to university. They were told by their course counsellors and by members of Centrelink who visited their schools, ‘The best way to get yourself to university and have yourself supported is to take a gap year and earn the \$19,500 and you will qualify for youth allowance.’ And of course their families have all budgeted on this, as have their brothers and sisters before them—and that is what they were thinking, after them.

This new criterion would allow for those people not to be simply left out in the cold. I do believe it deals with the issues that the government raises in terms of why they wanted to restructure some of those criteria. That was because of some of the ‘rorting’—in the minister's own words—that was happening. Young people from metropolitan areas were going off, earning \$19,500 during a gap year, but staying at home and still getting that maximum rate of \$371. Of course we acknowledge that that is not an appropriate use of the youth allowance.

This new criterion would solve that problem because this is only going to be available for people who have moved out of home. They are not going to be sitting in their parents' houses and ‘rorting the system’, to

use the minister's words. This is about trying to give young people, particularly those from rural, remote and country areas, the same opportunities to access higher education as their city brothers and sisters or cousins. It gives a pathway which, as Senator Fielding has put it, will make going to university easier as opposed to putting up barriers. I move amendment (3) on sheet 5957:

- (3) Schedule 1, page 5 (after line 25), at the end of item 2, add:

Students required to move away from home

- (10D) A person is independent if the Secretary is satisfied:

- (a) that the person is required to move away from the family home in order to undertake a course of at a higher education institution; and
- (b) that the time required to travel between the higher education institution and the family home would exceed 90 minutes.

Senator MASON (Queensland) (4.29 pm)—Senator Fielding has indicated that there are three amendments circulating—from Family First, from the Australian Greens and from the opposition—that relate in a sense to the same issue. They are all pretty much in the same spirit. I congratulate Senator Hanson-Young. Again, I do not take any issue with the spirit of the amendment. It is just that the opposition believes that its amendments are more in line with the Senate committee and also are sufficiently flexible to better facilitate access to higher education by rural students. I think this does facilitate debate on this issue, so it was a good move by Senator Hanson-Young to insist upon this interposition. We cannot support the Greens amendment but we do support the spirit of the amendment.

Question put:

That the amendment (**Senator Hanson-Young's**) be agreed to.

The committee divided. [4.34 pm]

(The Temporary Chairman—Senator GM Marshall)

Ayes..... 7

Noes..... 29

Majority..... 22

AYES

Brown, B.J.	Fielding, S.
Hanson-Young, S.C.	Ludlam, S.
Milne, C.	Siewert, R. *
Xenophon, N.	

NOES

Birmingham, S.	Boyce, S.
Brown, C.L.	Carr, K.J.
Colbeck, R.	Cormann, M.H.P.
Crossin, P.M.	Farrell, D.E.
Feeney, D.	Forshaw, M.G.
Furner, M.L.	Hutchins, S.P.
Lundy, K.A.	Marshall, G.
Mason, B.J.	McEwen, A.
McGauran, J.J.J.	McLucas, J.E.

Moore, C.	Nash, F.
O'Brien, K.W.K.	Parry, S.
Payne, M.A.	Polley, H.
Sherry, N.J.	Stephens, U.
Troeth, J.M.	Williams, J.R. *
Wortley, D.	

* denotes teller

Question negated.

Senator MASON (Queensland) (4.37 pm)—by leave—I move opposition amendments (1) to (4) on sheet 5978 together:

- (1) Schedule 1, item 2, page 4 (lines 17 to 20), omit subsection (10A), substitute:

(10A) Paragraph (10)(b) does not apply for the purposes of determining whether a person is to be regarded as independent for the purposes of Part 2.11, this Part or section 1070G, unless subsection (10B) or (10C) applies to the person.

(10AA) Paragraph (10)(c) does not apply for the purposes of determining whether a person is to be regarded as independent for the purposes of Part 2.11, this Part or section 1070G, unless subsection (10B), (10BA) or (10C) applies to the person.

- (2) Schedule 1, item 2, page 4 (after line 24), after paragraph 1067A(10B), insert:

(10BA) This subsection applies to a person if the Secretary is satisfied that the person is required to live away from home to pursue his or her chosen course of education.

- (3) Schedule 1, page 5 (after line 25), at the end of item 2, add:

(10D) The regulations may prescribe an audit process to enable the Secretary to verify that a person who is to be regarded as independent for the purposes of Part 2.11, this Part or section 1070G because of subsections (10AA) and (10BA) continues to meet the requirements of those subsections.

(10E) Regulations made for the purposes of subsection (10D) may include a requirement that such a person periodically provide relevant information to the Secretary, including evidence capable of satisfying the Secretary that the person continues to live away from home.

(10F) If:

- (a) a person fails to meet a requirement prescribed by regulations made for the purpose of subsection (10D); or

- (b) the Secretary is no longer satisfied that the person meets the requirements of subsections (10AA) and (10BA);

the Secretary may determine that the person is no longer to be regarded as independent for the purposes of Part 2.11, this Part or section 1070G because of subsections (10AA) and (10BA).

- (4) Schedule 1, item 4, page 6 (line 4), omit “, (10B)”, substitute “, (10AA), (10B), (10BA)”.

The opposition's amendments relate clearly to recommendations that came from the Rural and Regional

Affairs and Transport References Committee's report. I note Senator Nash, who chaired that report, is in the chamber now.

Opposition amendment (1) will retain the workforce participation criteria in section 1067A(10)(c), which relates to the fixed amount earned within 18 months. That will be retained so that students required to leave home to pursue higher education qualify as independent. That reflects recommendation 1 of the committee.

Opposition amendments (2) and (3) reflect recommendation 2 of the committee, relating to the auditing process to ensure that, once students have received independent youth allowance, they do not return to live at home. The Secretary of the Department of Education, Employment and Workplace Relations must be satisfied that the student is required to live away from home to pursue his or her chosen course of education. The secretary will be required to develop guidelines to establish the criteria under this legislation and enforce that legislation.

Amendment (4) is simply a consequential amendment relating to recommendation 1 of the committee. That, in a sense, is the opposition remedying the mischief created by the government's legislation, which Senator Fielding and Senator Hanson-Young have spoken to. I repeat: that is to ensure access for people in rural and regional areas to higher education and social inclusion. That is what the Senate committee recommended, and that is what the opposition's amendments seek to do.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (4.40 pm)—I indicate that the government strenuously opposes these propositions. The opposition's measures, if they were accepted by the government, would mean, on indicative estimates calculated by the department, around \$750 million over the forward estimates—a \$750 million increase in expenditure. This charge, of course, could be offset if the Liberal Party had any sense of economic responsibility, but where are the offsets? Where are the offsets that you are proposing? You want the government to pick up \$750 million worth of increased expenditure, and we are not going to do it.

Senator MASON (Queensland) (4.40 pm)—I want to specifically address the minister's concern. That was interesting coming from Senator Carr—fiscal rectitude coming from a party of former economic conservatives. They are not any more, I understand, but they certainly were formerly. As the minister is well aware, today we will be debating in this chamber the savings measure that the opposition has designed, and that is to reduce the start-up allowance from \$2,254 to \$1,000 per year. That is the measure we will be introducing to pay for this measure, and the minister is very well aware of that.

Senator WILLIAMS (New South Wales) (4.41 pm)—The problem for people in rural and regional Australia is the assets test. Minister Carr is probably not aware that, if you have, in an area of rather reliable rainfall—whether it be the mid-north of South Australia or around Inverell, where I live—1,000 acres, a bit of machinery, a tractor and perhaps a header and you do a bit of contracting, that could be \$2.286 million. Even if you are one of the very few fortunate farmers who are debt free, how do you send your children to tertiary education?

Senator Hanson-Young—Sell the paddock!

Senator WILLIAMS—Yes—perhaps sell the tractor or mortgage the farm! This is the reason, Minister Carr, that 33 per cent of people who complete year 12 in regional areas of Australia go on to tertiary education while in the cities the figure is 55 per cent. How do we get professionals in rural and regional areas—doctors, dentists and nurses, who provide those vital services—when you are preventing those students from going to university? This is budgeted, as Senator Mason has pointed out, and it is something that would give those people who want a tertiary education a fair go. You, Minister Carr, would probably expect them to sell a paddock of the farm.

Senator NASH (New South Wales) (4.42 pm)—I rise to make a few additional comments to those of my colleagues here. It is obvious, and I do understand, that the minister is only the minister representing and probably does not have a very clear view about all of this—and that was also evident through the estimates process. This was a recommendation from the committee. One of the very clear things that came through in the committee process was the existing inequity between rural and regional students and metropolitan students. That is very easily characterised by the financial burden that exists for those families in regional Australia who are required to—make no mistake: this is not a choice—relocate their children for the purposes of attending tertiary education. That has a cost attached to it of around \$20,000. There is a very serious inequity there that needs to be addressed.

Further to that, the Rural and Regional Affairs and Transport Committee are at the moment undergoing a broader inquiry into access for rural and regional students to secondary and tertiary education. We are doing very detailed work on provisions that would address that existing inequity.

In the meantime we have to deal with the legislation as it stands before us. Nowhere in this legislation is the issue of the inequity for rural and regional students addressed, which is why the coalition has moved this amendment. This amendment simply retains one of the existing criteria for the qualification for independent youth allowance criterion (c)—if you like, the gap year. But we are mindful that there were some circum-

stances around that where people were choosing to live at home and gain the independent rate, which is why we have added the requirement that students must live away from home and, also, the requirement that an audit process must be put in place to ensure that that is indeed the case.

So, while it is not perfect—and I do envisage that the rural and regional committee will come up with a much more comprehensive policy framework to address this inequity—it exists and the coalition is putting this forward simply because no other mechanism exists in this legislation to address the inequity in the financial burden that exists for rural and regional families and students. I commend the amendment to the Senate and I hope that our colleagues here are very much of the same view. I think that the mechanisms by which we want to get to this point may differ slightly, but we are very much of the same view that this has to be passed and has to be in place so that the inequity for rural and regional students and their families can be addressed. We know that those students need the option to get to tertiary education, because they are far more likely to come back to our regions, practise those professions and contribute to the sustainability of those regional communities.

Senator HANSON-YOUNG (South Australia) (4.46 pm)—I would like to indicate the Greens support for this amendment, although I want to put it on the record that we do not agree that we should be paying for it through cutting back the scholarship funds. I think that is a really important thing to maintain.

I would like to see the government think a bit more about the impact that simply removing the workplace participation criteria of eligibility criterion (c) in order to ensure that we replace it with something that is still going to be comparable for those kids from the bush, who do need the extra support to get them to university, as do their families. This is in the same spirit as both the Australian Greens amendment—the one just voted on—and of course Senator Fielding's amendment. But I understand where the opposition are coming from. The Greens are more than happy to support this amendment because we do think that the government has completely overshot the mark on this issue. It seemed to be a policy that was scribbled on the back of an envelope with very little thought as to what it means for country students.

I understand the need to tighten and retarget youth allowance so that it goes to those most in need—absolutely. But you need to consider the geographical disadvantage of students who have to move out of home in order to go to university—those who have leave their towns, leave their families and of course do not have the other option of simply living down the road and still being able to rely on mum and dad, because the university is not just down the road. The uni-

versity could be 100 kilometres, 500 kilometres or 1,500 kilometres away from their family home, so they have move. They have got no other choice.

I do not think that saying that it costs too much for the government is really palatable. You are the government that was elected on the back of a promise for an education revolution. You want to be able to encourage more people to go to university yet you are not putting any more funds into the pot in order to support those students. You cannot suggest that 100,000 extra students will be supported without putting any extra money in. Not a single dollar has gone into propping up the student income support in this budget measure. Yet you want to spread the money around another 100,000 people. It means that everybody gets less. That is the mathematics of the issue. The sooner you face those facts the better for rural and regional kids. I support the coalition's amendment.

Senator FIELDING (Victoria—Leader of the Family First Party) (4.49 pm)—Family First will support the coalition's amendment. I would have preferred mine, but I can understand the arguments that have gone around the chamber. As I said before, everybody, except the government, realises they have got a problem. But I suppose that is how it works sometimes.

This is an extremely important amendment. It will ensure that people from rural and regional areas are not treated like second-rate citizens when it comes to education. I believe that the government has got it wrong. I think it is penny-pinching. You are short-changing Australia as a whole. I think you are short-changing future generations. The so-called education revolution is in danger of becoming an education revolt by those people who are really concerned about this.

I want to make it clear that we have to amend this legislation. It will be interesting to see what the government does with this. I think you have seen that this chamber is absolutely dead-set serious about making sure that you soften the blow and make sure that some reasonableness is put into the changes to youth allowance. As I said, you are taking a sledgehammer to it. If you have got some problems with it, by all means address them, but don't do what you have done. You have got to face the fact that you have underestimated the impact of these changes. I do not want to pre-empt the vote but we have seen an indication from the chamber. I am hoping that the government supports these changes in the lower house and realises that they have got it wrong. I think this amendment should be supported by the government.

Senator XENOPHON (South Australia) (4.51 pm)—In the absence of a comprehensive plan by the government to deal with the issue of the geographical discrimination and additional expense that regional students face, I have no choice but to support this amendment. However, I would like to hear from the

government about whether they have an alternative approach to deal with this. I am concerned about the budgetary constraints on this issue. We need to be very mindful of that, as are the opposition with their concern about deficit, but I look forward to continuing discussions with the government on whether there is an alternative way through this to address these issues faced by regional students.

Question agreed to.

Progress reported.

MINISTERIAL STATEMENTS

Timor Sea Oil Spill

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (4.53 pm)—On behalf of the Minister for Resources and Energy and the Minister for Tourism, Mr Martin Ferguson, I table a ministerial statement on an update on the Montara oil spill incident.

Senator SIEWERT (Western Australia) (4.53 pm)—by leave—I move:

That the Senate take note of the document.

Senators will be acutely aware that I have taken a very deep interest in this oil spill in the Timor Sea. This is a disaster of incredible proportions. It went on for over 10 weeks—73 days—and, even by the company's estimates, which we think are inaccurate, leaked over 4.5 million litres of oil. However, the estimates given to us by the Department of Resources, Energy and Tourism during Senate estimates indicate that it could have been as high as between 10 and 20 million litres of oil. The extended environmental damage of this spill is unknown because monitoring from the start of this spill was not undertaken. The government in fact only commissioned a five-day scientific review of those impacts. I am not maligning the scientific report at all—I think it was very good given the circumstances. It showed that there were a lot of animals that were potentially interacting with the oil and being attracted to it, including sea snakes, turtles, killer whales and dolphins. Of course, they are also very important fishing and fish-sporting grounds. The damage to the fishing industry is unknown at this stage. There is evidence that the oil has gone into Indonesian waters and is impacting adversely on Indonesian fishing communities.

We believe that the oil spill and the inquiry will have important consequences for the offshore oil and gas industry in Australia and that, if there are any problems found with our regulatory process or anything could be done to prevent this type of accident happening again, we will need to make some amendments. The government has rightly called for an inquiry into the oil spill. I was pleased to see that the Minister for Resources and Energy announced that two days later the oil leak was stopped. However, we believe there remain some significant unanswered questions about

this commission of inquiry. For a start, it is still unclear whether there will be public hearings. The minister has not, through the terms of reference, explicitly make clear that public hearings will be part of the inquiry. To date, the commissioner has withheld comment on whether there will definitely be public hearings. In our view, to ensure that this process is accountable and transparent, there have to be public hearings. The way that the terms of reference for the inquiry are drafted means that the inquiry could happen totally behind closed doors, which we do not think is appropriate. Commissioner Borthwick needs to quickly reassure the community that there will be public hearings. We also believe that the government needs to guarantee that it will release the commission of inquiry report at the end of April and release it in a very timely manner.

One of the key elements that we are deeply concerned about is the fact that the terms of reference do not make it plain that the inquiry will review the government's response to this spill. It does not have specific terms of reference. The terms of reference mainly focus on the actions of the company, the particular agency's response, whether the regulatory process was met and whether it is adequate. While we of course support those terms of reference, we believe there needs to be a very clear review of how different government agencies responded, how ministers responded and how the responses were coordinated. That was unclear, as I highlighted during the 10 weeks of the incident, and that needs to be reviewed.

Another area that we are concerned about is that it is not clear in the terms of reference whether the possible impact on Indonesian waters will be reviewed. It is unclear at this stage whether the inquiry will investigate the impact of the oil spill and, in particular, its impact on Indonesian fishing communities. There is evidence to suggest that the Montara oil may be impacting on the fishing grounds of Indonesian fishers. These claims need to be investigated and the government must secure a guarantee from PTTEP that, if the oil is found to have impacted on Indonesian waters and on Indonesian fishers, they will be compensated quickly and fairly. These fishers rely so heavily on these fishing grounds as a source of both income and protein. It has been reported that some families are not eating fish at the moment because they are concerned that they may be contaminated with oil, and this needs to be addressed by the commission of inquiry as well.

The inquiry was put in place 12 days ago, but we are concerned that there is still nowhere for people to send submissions. We are fielding calls from stakeholders wanting to make submissions and to be involved in the process and at the moment I am not able to direct them anywhere. We are hoping that the commissioner will announce where people can send submissions immediately, because of course these issues are currently in

people's minds. People want to be able to contribute to the inquiry. In fact, I have had dozens of emails about this issue. People clearly want to contribute their evidence, their thoughts and information that they have into this inquiry. It is absolutely essential that the commissioner open the process. It has been said that they will be taking submissions. It is unclear at this stage whether those submissions will also be made public. We believe that they should be, but we are calling on the commissioner to please open the period for submissions immediately so that people can start contributing.

Although we agree with the reporting date, it is at the end of April. Given the complexity of some of these issues, that is a relatively short period of time. I am not complaining about that, but it does mean that the commissioner needs to get down and get those submissions in so the commission can review them and hold hearings. As I said earlier, we believe the hearings need to be public hearings. We believe there is a lot to be learned from this incident. We still do not know the causes. The company are now claiming that they know but, unfortunately, they have not let on to the community. If I understood correctly what was said at estimates, up until that date they had not told the government what they believed was the cause of the incident. We do not know the cause of the fire, which unfortunately started on 1 November and was put out—thank goodness—on 3 November. As I said, we do not know the impact of this disaster on the marine environment. We do not know if it is having an impact on Indonesian waters or on Indonesian fish. We do not know what impact it has had on the fishing industry. We do not know if the regulatory process was in fact complied with or if that caused the accident, and we do not know at this stage whether there needs to be a tightening of the regulation.

There are clearly a wide range of issues that need to be considered during this inquiry, and we encourage the community to participate in the inquiry as much as possible. We believe that it needs to be an open and transparent process. We encourage as many people as possible to participate and we look forward very keenly to the report of the inquiry and the government's response.

Question agreed to.

AUDITOR-GENERAL'S REPORTS

Report No. 11 of 2009-10

The ACTING DEPUTY PRESIDENT (Senator Bernardi)—In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: report No. 11 of 2009-10: *Performance audit—Garrison support services: Department of Defence*.

COMMITTEES

Public Accounts and Audit Committee

Reports

Senator LUNDY (Australian Capital Territory) (5.03 pm)—On behalf of the Chair of the Joint Committee of Public Accounts and Audit, I present the following reports of the committee: Report No. 415—*Review of Auditor-General's reports tabled between September 2008 and January 2009* and Report No. 416—*Review of the major projects report 2007-08*. I seek leave to move a motion in relation to the reports.

Leave granted.

Senator LUNDY—I move:

That the Senate take note of the reports.

On behalf of the Joint Committee on Public Accounts and Audit, I present the committee's Report 415: *Review of Auditor-General's Reports tabled between September 2008 and January 2009*. The Joint Committee of Public Accounts and Audit, as prescribed by its act, examines all reports of the Auditor-General and reports the results of the committee's deliberations to the parliament. This report details the findings of the committee's examination of five performance audits tabled in 2008 and 2009. These five reports were selected for further scrutiny from the 15 audit reports presented to the parliament between 23 September 2008 and 28 January 2009.

As usual, these reports cover a range of agencies and highlight a number of areas of concern. The two key themes the committee encountered were the need to adequately and effectively report progress towards goals and the need to maintain adequate and up-to-date customer records. The committee reviewed the business partnership agreement between the Department of Education, Employment and Workplace Relations and Centrelink. While we were pleased to find that inter-agency dispute resolution had been improved, we were disappointed to find that the agencies have not managed to fully implement an ANAO recommendation from 2004 to ensure that the business partnership agreement is kept up to date. Accordingly, we recommended that the agencies fully implement this recommendation before the commencement of the next business partnership arrangement in 2010.

As a result of the investigation into Centrelink's tip-off management system, we found that Centrelink was acting quickly to implement all ANAO recommendations. Through the hearing process, we found that Centrelink was still retaining data that was based on unsubstantiated claims against a number of customers. The retention of this information has the potential to prejudice further claims made against a customer, and we therefore recommended that Centrelink ensure that such information is deleted from the tip-off recording system as soon as it is identified.

In reviewing the management of Disability Employment Services by the Department of Families, Housing, Community Services and Indigenous Affairs and the Department of Education, we found the agencies had effectively planned, managed and implemented their policy initiatives. Additionally, we were satisfied with their implementation of the ANAO's recommendations. However, we found that the agencies were unable to report effectively on progress towards achieving the objective of enhancing the quality of life of people with a disability. Accordingly, we recommended that the agencies monitor and report on progress towards achieving this goal.

We also examined the Australian Sports Commission's management of the Active After-school Communities Program. This program provides support to service providers who deliver after-school physical activity sessions for primary school children. The program has proven to be popular with students, and it has been well implemented, considering the rapidity of its rollout. We were concerned at the ANAO finding that some adults working on the program had not completed the appropriate checks for working with children but we found in our hearing that these had now been completed and were mandatory and that waivers were no longer available. We note that it is difficult to report on the success of the program outside of anecdotal evidence, but we believe the development of motor skills is a key factor in developing an interest in physical activity. We recommended that the Australian Sports Commission determine ways to measure the development of motor skills and that they seek to have funding for the measurement of motor skills development included in their next funding bid.

Finally, we looked at the administration of Job Network outcome payments. We were pleased to see the Department of Education, Employment and Workplace Relations is addressing the issues noted in the audit report; however, we remain concerned that it is difficult to determine the contribution that outcome payments make to the Job Network expenditure and we recommend the Department of Education, Employment and Workplace Relations provide disaggregated financial data on estimated and actual expenditure on outcome payments.

I would like to acknowledge the valuable work of the Auditor-General and the staff at the Australian National Audit Office. We look forward to continuing reviews of the Auditor-General's reports. I commend the report to the Senate. I seek leave to incorporate the tabling statement for report No. 416 in *Hansard*.

Leave granted.

The statement read as follows—

On 6 December 2006, the Joint Committee of Public Accounts and Audit unanimously agreed to recommend that the Australian National Audit Office receive additional funding

to produce an annual report on progress in major Defence projects. This report would detail cost, schedule and capability information for a number of large acquisition projects. The Government agreed with that recommendation and approved funding for the report in the May 2008 budget.

The Committee's purpose in recommending funding for the annual Major Projects Report (or the MPR) was to provide a means by which accessible, transparent and accurate information could be made available to the Parliament and the Australian public about the state of Defence's major acquisition projects.

The Major Projects Report 2007-2008 is a pilot of that report - it provides information on nine selected DMO projects. The report is comprised of a series of Defence Materiel Organisation Project Data Summary Sheets that provide a snapshot of key performance data for each of the projects, an overview by the DMO and a review undertaken by the Auditor-General.

In accordance with its statutory obligation to examine all reports of the Auditor-General that are tabled in each House of Parliament, the Committee has reviewed the Major Projects Report 2007-2008. Having completed that review, the Committee is very encouraged about the benefits of that report to the Parliament and the Australian public.

However, the pilot report has also reaffirmed in the minds of Committee members that establishing and maintaining the reporting systems that underpin the MPR is an evolving process. Major acquisition projects are complex and often diverse in nature. This creates challenges for both the DMO in presenting consistent data across projects and for the ANAO in reviewing this work. The purpose of this review is to provide guidance and direction to both the DMO and the ANAO and to that end, this review outlines some of the ways the Committee believes the MPR can be improved. For example, the review highlights again the importance of ensuring that lessons learned on previous acquisition experiences are not only documented but incorporated into future policy and practice. The review also reinforces the need for benchmarking scores to convey as much information as possible so as to provide the reader with a tool for assessing a project's development, and the presentation of information on capability achievement is reiterated as another key area for further development.

It is the Committee's intention to continue to monitor the MPR process closely. This includes keeping a watchful eye on the issues that gave rise to the scope reduction and qualification contained in the pilot report and the agencies adherence to the MPR schedule.

The Major Projects Report is a real step forward. It increases transparency and accountability around Defence acquisitions and provides the Parliament and the Australian public with an opportunity to assess the progress of major acquisitions while they are still in train.

This week, we look forward to the release of the next MPR for the year 2008-2009. The next MPR will report on a further six projects and the Committee is hopeful that by 2010-11 the Major Projects Report will be reporting progress on up to 30 of Defence's major acquisition projects.

On behalf of the Committee, I would like to congratulate Mr Ian McPhee, the Auditor-General and Dr Stephen Gumley, the CEO of the DMO on the cooperative manner in which

they and their staff have worked to produce the MPR 2007-08. We very much look forward to seeing the MPR evolve over time into a comprehensive, high-quality, reliable document which the Committee believes will be of great benefit both within and outside of the Department of Defence. The Committee stands firm in its commitment to continuously monitor Defence's acquisition processes and outcomes and to provide input where necessary. Ultimately the MPR should provide the Australian public with confidence that Defence procurement dollars are being spent wisely to provide our highly-valued Australian Defence Force personnel with the quality support they deserve.

Question agreed to.

Intelligence and Security Committee

Report

Senator MARSHALL (Victoria) (5.08 pm)—On behalf of the Chair of the Parliamentary Joint Committee on Intelligence and Security, I present the Parliamentary Joint Committee on Intelligence and Security report *Review of the re-listing of Hamas' Brigades, PKK, LeT and PIJ as terrorist organisations*. I seek leave to move a motion in relation to the report and have the tabling statement incorporated in *Hansard*.

Leave granted.

Senator MARSHALL—I move:

That the Senate take note of the report.

The statement read as follows—

PARLIAMENTARY JOINT COMMITTEE ON INTELLIGENCE AND SECURITY

Review of the re-listing of Hamas' Brigades, PKK, LeT and PIJ as terrorist organisations

Senator Gavin Marshall

CANBERRA 17 November 2009

Mr President, on behalf of the Parliamentary Joint Committee on Intelligence and Security I have pleasure in presenting the Committee's report entitled *Review of the re-listing of Hamas' Brigades, PKK, LeT and PIJ as terrorist organisations*.

Hamas' Izz al-Din al-Qassam Brigades (the Brigades)

The Brigades are the armed element of the military wing of Hamas. While the Brigades are an integral part of Hamas, they also operate independent of, and times at odds with, Hamas' stated aims. Hamas, through the Brigades, seeks to destroy the state of Israel and establish an Islamist Palestinian state in the existing Gaza Strip, West Bank and Israel. It will not enter into peace talks with Israel and its leaders have stated Hamas cannot live with an Israeli state.

The statement of reasons lists numerous attacks against Israeli civilians. The three most recent were:

- November 2008: the Brigades announced on its website it had fired a total of 43 Qassam rockets and a number of mortar shells at several Israeli civilian and military targets;
- November 2008: five Grad rockets were fired from the Gaza Strip at the Israeli city of Ashqelon; and
- January 2009: numerous rockets fired into Israel.

In addition to the well known attacks against Israel the Brigades also carry out brutal suppression against the Palestinian people. For example, in August 2009 Hamas launched a devastating attack against a mosque in Rafah. The attack killed at least 22 Palestinians, including an 11-year-old girl.

The Committee does not recommend disallowance of the regulation in relation to Hamas' Brigades.

PKK

Since 1995, the PKK has been involved in many terrorist attacks, including suicide bombing attacks, which have resulted in large numbers of civilian casualties. These terrorist attacks have been directed against not only Turkish security force, but also against civilian and foreign targets.

During the course of its review the Committee became aware of some moves towards peace between the PKK and the Turkish government. ASIO assured the Committee that substantive peace discussions could be one trigger that led to them advising the Attorney-General to de-list the PKK.

Mr President, none of the submissions to the Committee's inquiry denied that the PKK had been involved in terrorist acts that satisfy the statutory criteria for re-listing. The Committee does not recommend disallowance of the regulation in relation to the PKK.

LeT

Lashkar-e-Tayyiba, who maintain links to the Taliban and al-Qa'ida, is one of the most active of the Pakistan based Kashmiri militant groups and represents one of the most significant threats to security forces and civilians in Indian-administered Kashmir and beyond.

Although the LeT formally denied any involvement, the most significant operation conducted by LeT were the attacks on multiple targets in the Indian city of Mumbai between 26-29 November 2008 in which 172 persons were killed and at least 248 wounded.

The Committee does not recommend disallowance of the regulation in relation to LeT.

PIJ

Palestinian Islamic Jihad PIJ is considered to be one of the militarily more effective of the Palestinian militant groups and it has a significant presence in the Gaza and the West Bank and rejects the idea of any political process with Israel.

The Committee does not recommend disallowance of the regulation in relation to the PIJ.

Mr President I would like to take this opportunity to thank my fellow Committee members for their work in reviewing these and other terrorist organisations. Lastly I would like to thank the Secretariat.

Mr President, I commend the report to the House.

Senator Gavin Marshall

Parliamentary Joint Committee on Intelligence and Security
17 November 2009

Question agreed to.

Economics Legislation Committee

Additional Information

Senator McEWEN (South Australia) (5.09 pm)—On behalf of the Chair of the Economics Legislation Committee, Senator Hurley, I present additional infor-

mation received by the committee relating to the following inquiries:

Car Dealership Financing Guarantee Appropriation Bill 2009 Corporations Amendment (Improving Accountability on Termination Payments) Bill 2009 [Provisions]

National Consumer Credit Protection Bill 2009 and related bills [Provisions]

Trade Practices Amendment (Australian Consumer Law) Bill 2009 [Provisions]

Legal and Constitutional Affairs Legislation Committee

Report: Corrigenda

Senator McEWEN (South Australia) (5.10 pm)—On behalf of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I present corrigenda to the report of the committee, tabled yesterday, on the provisions of the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009.

Ordered that the document be printed.

Treaties Committee

Report

Senator PARRY (Tasmania) (5.10 pm)—On behalf of the Joint Standing Committee on Treaties and the deputy chair thereof, Senator McGauran, I present the committee's report entitled *Report 107: Treaties tabled on 20 August (2) and 15 September 2009*. I seek leave to move a motion in relation to the report and to have the tabling statement incorporated in *Hansard*.

Leave granted.

Senator PARRY—I move:

That the Senate take note of the report.

The statement read as follows—

Mr President, I present Report 107 of the Joint Standing Committee on Treaties. The report reviews ten treaty actions:

- one taxation agreement with New Zealand;
- two taxation agreements with Jersey;
- one taxation agreement with Belgium;
- three agreements for the reform of the IMF and the World Bank;
- a recasting of the Chapeau Defence Agreement with the United States;
- an agreement with the Republic of Singapore concerning the use of Shoalwater Bay Training Area; and
- a minor treaty action amending the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

The Committee recommended that binding treaty action be taken for the three IMF and World Bank Agreements in Report 104, which was tabled on 9 September this year. In this report, the Committee expresses support for the remaining agreements and recommends that binding treaty action be taken in each case.

The Committee has made additional recommendations on the three agreements to reform of the IMF and World Bank and the recasting of the Chapeau Defence Agreement.

The three treaties for the reform of the IMF and World Bank are the:

- Proposed Amendment of the Articles of Agreement of the International Monetary Fund to Enhance Voice and Participation in the International Monetary Fund;
- Proposed Amendment of the Articles of Agreement of the International Monetary Fund to Expand the Investment Authority of the International Monetary Fund; and
- Proposed Amendment of the Articles of Agreement of the International Bank for Reconstruction and Development (the World Bank) to Enhance Voice and Participation in the International Bank for Reconstruction and Development.

Mr President, participation in the IMF and World Bank is based on a voting system that provides a guaranteed minimum number of votes for each member nation, and additional votes based on relative economic weight of each member country.

These additional votes are called 'quotas'. Quotas are allocated using a formula that incorporates the GDP, openness, economic variability and the international reserves of each member nation.

The number of quota votes has increased significantly since the establishment of the IMF and the World Bank, while the basic vote allocation for each member nation has remained the same. Consequently, there has been a shift in the balance of power within these institutions towards the countries with greater economic weight.

The two Voice and Participation Amendments aim to redress this imbalance by increasing the number of basic votes allocated, and then fixing the proportion of basic votes to quota votes in perpetuity. The change will result in a decline in the voting power of the countries with larger economies.

Mr President, I will now turn to the IMF Investment Authority Amendment, which will permit the IMF to diversify its income base.

The IMF's income can, at present, only be derived from the marketable obligations of member nations. In other words, the IMF relies on interest payments from loans made to member countries for its income.

The new funding model combines income from lending activities with new sources of income, including a mandate to invest funds.

The IMF Board of Governors indicated that the investment policies will reflect the public nature of the funds to be invested and include safeguards to ensure that the broadened investment authority does not lead to actual or perceived conflicts of interest.

Mr President, I will now discuss the recast Chapeau Defence Agreement, amending the Agreement, which came into effect on 1 December 1995.

The original Chapeau Defence Agreement clarified the legal status of liability claims between the Australian Department of Defence and the United States Department of Defense as a result of death, injury or damage to property that occurred as a consequence of cooperative research, development, test

evaluation or production programs and the provision of logistic support.

The amended Agreement's origins are in advice from the United States Department of Defense that, contrary to a previous understanding, United States law requires the United States Department of Defense to have agreements binding in international law covering all personnel programs.

In other words Mr President, a treaty would be required for each personnel program involving an Australian citizen placed with a United States defence organisation or a United States citizen placed with an Australian defence organisation.

Mr President, there are currently 28 bilateral arrangements, relating to 400 Australian personnel placed with the United States defence organisation and 102 United States defence personnel placed with the Australian defence organisation. None of these 28 documents are legally binding under international law. As a consequence, they do not meet the requirements for cooperation under United States law.

The Australian Department of Defence determined that the most efficient way to accommodate the United States' requirement was to amend the existing Chapeau Defense Agreement to incorporate terms and conditions covering the exchange, secondment and liaison of personnel between the two nations' defence organisations.

The amended Chapeau Agreement will extend the application of the Chapeau Defense Agreement's terms and conditions to cover personnel loans, secondments, exchanges and liaison officer activities.

Mr President, I will now say a few words about the agreement with the Republic of Singapore concerning the use of Shoalwater Bay Training Area.

The Agreement provides the Singapore Armed Forces with access to the Shoalwater Bay training area to conduct unilateral training activities, in particular Singapore's major annual exercise, Exercise Wallaby.

The Agreement being considered here is the latest in a series of agreements with the Singapore Defence Force concerning the use of Shoalwater Bay, the first of which was negotiated in 1995. The previous version of the Agreement was reviewed by the Committee in 2005.

The Agreement requires Australia to provide access to the Shoalwater Bay facility for not more than 45 days between August and December each year to allow the Singapore Defence Force to conduct Exercise Wallaby.

Singapore is permitted to deploy up to 6600 troops, 150 armoured vehicles, 150 soft skinned vehicles, 250 special purpose engineering vehicles, 70 motorcycles and 30 other vehicles as part of the exercises.

Finally Mr President, I might turn briefly to the various tax treaties included in this Report.

The Committee considered a taxation agreement with:

- New Zealand in relation to reducing the barriers to bilateral trade and investment;
- Jersey in relation to offshore tax evasion and the exchange of information relating to taxes; and
- Belgium to bring our agreement into line with the OECD tax standards.

Mr President, these agreement will encourage international economic relationships and increase transparency and fair-

ness in the tax system. The Committee supports all these tax treaties.

I thank the numerous agencies, individuals and organisations who assisted in the Committee's inquiries.

I commend the report to the Senate.

Question agreed to.

DOCUMENTS

Tabling

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

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

COMMITTEES

Finance and Public Administration References Committee

Membership

The ACTING DEPUTY PRESIDENT—The President has received a letter from a party leader seeking to vary the membership of a committee.

Senator McEWEN (South Australia) (5.11 pm)—by leave—I move:

That Senator Ludlam replace Senator Siewert on the Finance and Public Administration References Committee for the committee's inquiry into the process for determining public interest immunity claims, and Senator Siewert be appointed as a participating member of the committee.

Question agreed to.

HEALTH INSURANCE AMENDMENT (COMPLIANCE) BILL 2009

TAX LAWS AMENDMENT (2009 BUDGET MEASURES NO. 2) BILL 2009

INCOME TAX (TFN WITHHOLDING TAX (ESS)) BILL 2009

First Reading

Bills received from the House of Representatives.

Senator McEWEN (South Australia) (5.12 pm)—These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have one of the bills listed separately on the *Notice Paper*. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator McEWEN (South Australia) (5.13 pm)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

Health Insurance Amendment (Compliance) Bill 2009

This bill will amend the Health Insurance Act 1973 to give effect to the Increased Medicare Compliance Audits initiative which was announced in the 2008 09 Budget.

Expenditure on the Medicare scheme was over \$14 billion in 2008-09 and has grown by more than \$1 billion per annum over the last two years. Compliance audits are conducted to ensure that taxpayers' money is spent appropriately. At present, many practitioners voluntarily cooperate with Medicare Australia during a compliance audit. However, on average 20% of practitioners either do not respond to or refuse to cooperate with a request for documents. When this occurs Medicare Australia does not have the authority to require the production of relevant documents, and cannot confirm that the Medicare payment is correct. This legislation is intended to address that deficiency.

The Government has worked closely with stakeholders, including the Office of the Privacy Commissioner, the Australian Medical Association, key medical colleges and the Consumer's Health Forum to balance the public interest in ensuring the integrity of public revenue expended on Medicare services with the privacy concerns.

Key stakeholders were consulted and given the opportunity to comment during 2008 and in the first half of 2009. This process included the release of an Exposure Draft and Privacy Impact Assessment, as well as referral of the Compliance Audits initiative to the Senate Community Affairs Legislation Committee.

The Report of the Senate Community Affairs Legislation Committee Inquiry into Medicare Compliance Audits recommended that Regulations to ensure that patient clinical records are only required to be accessed where necessary during a compliance audit should be developed. The Government has accepted the substance of the recommendation. However given the concerns expressed during the hearing it is more appropriate to address this in the primary legislation. Therefore the Bill will provide for significant involvement by medical practitioners employed by Medicare Australia in the compliance audit process.

In response to the stakeholder feedback and Senate Committee recommendations, the Government has amended the Bill to include significant involvement by medical practitioners employed by Medicare Australia in the compliance audit process. This will mean that Medicare Australia will have employees who are medical practitioners involved in every compliance audit.

This Bill will enable the Chief Executive Officer (CEO) of Medicare Australia to give a notice requiring the production of documents to a practitioner, or another person who has custody, control or possession of the documents, to substantiate whether a Medicare benefit paid in respect of a service should have been paid. However before a notice to produce documents can be given to a person the CEO must fulfil several conditions:

- Firstly, the CEO must have a reasonable concern that the Medicare benefit paid in respect of a service may exceed the amount that should have been paid. This means that Medicare Australia cannot conduct random compliance audits. A reasonable concern may be related to a particular practitioner, a group of practitioners or a

particular service or groups of services. For example, the use of a particular Medicare item may have grown so significantly or unexpectedly that the CEO can have a reasonable concern about the provision of any service associated with that item number. The CEO may also have a concern about a professional service if it has been provided by a person who is a particular type of practitioner and the CEO has a concern about that specific group of practitioners.

The compliance audits conducted by Medicare Australia under the provisions in this Bill will be limited to seeking to confirm whether a Medicare Benefit paid in respect of a service exceeded the amount that should have been paid.

This means that the audit will seek to establish that the elements of a particular service, which are outlined in the Medicare Benefits Schedule and are relevant to the accuracy of the payment, were performed. For example if a Medicare benefit is only payable for a service when a specific test is undertaken, Medicare Australia will ask the practitioner to produce documents that demonstrate that the test was performed.

Medicare Australia's compliance audits will not review matters relating to clinical decision making, the clinical relevance of the service provided to the patient or professional conduct. This means that the elements of a service which are not factual, but rely on the clinical judgement of a practitioner will not be reviewed during a compliance audit. For example, one element which must be completed in order for a Medicare benefit to be paid for some Medicare services is the requirement for practitioners to undertake an exhaustive patient history. However the judgement about what constitutes an 'exhaustive history' is clinical rather than a matter of fact. Therefore this element of the service would not be in scope during a compliance audit.

- Secondly the CEO must take advice from a medical practitioner employed by Medicare Australia on potential sensitivities associated with the kinds of documents a practitioner may need to provide to substantiate the service.
- Thirdly the CEO must give the person a reasonable opportunity to voluntarily respond to an audit request. This means that practitioners who choose to voluntarily tell Medicare Australia that they have received a benefit that exceeds the amount they should have been paid, will still benefit from discounts on any financial penalty that may apply.

Only when these three conditions are met can the CEO serve a notice requiring a person to produce documents to substantiate a Medicare benefit paid in respect of a service.

The Bill does not introduce any record keeping requirements. It will be up to the person who receives the notice to decide what documents they have available to substantiate the service.

The notice to produce documents must include a statement that documents containing clinical details do not have to be produced unless these are necessary to substantiate the service. However the Bill includes a provision that a person does not have to produce documents containing clinical details to anyone who is not a medical practitioner employed by Medicare Australia. This means that practitioners can choose to supply documents containing clinical details to

another medical practitioner employed by Medicare Australia rather than an administrative officer. As a result the practitioner who provided the Medicare service will decide whether documents containing clinical details need to be provided to Medicare Australia, and if so, who will receive those documents.

Medicare Australia is also working with relevant stakeholders, including the Australian Medical Association, to develop guidelines for practitioners setting out the kinds of information that will substantiate particular services or groups of services. These guidelines will be publicly available and will emphasise that clinical information is not to be provided unless it is absolutely necessary to substantiate the service.

The provisions in this Bill do not commence until 1 January 2010 in order to allow for the development and publication of these guidelines.

The Bill provides protection for practitioners by providing that the documents and information about particular services provided in response to a notice cannot be used as the basis for a referral to Professional Services Review or for most criminal and civil proceedings. This means that information relating to identified services produced in response to a notice to produce documents will not be able to be used in any other proceedings, except for those relating to false and misleading statements under the Health Insurance Act 1973.

The Bill ensures that practitioners will be notified of the outcome of an audit in which they were involved. Where a practitioner is found to owe a debt to the Commonwealth, the Bill also introduces a requirement that they be given 28 days in which to seek internal review of the decision before a debt notice is issued.

At present, where the amount paid in respect of the service cannot be substantiated, the practitioner is required to repay the amount. This will continue to occur. In addition, this Bill provides that a practitioner who cannot substantiate the amount paid in respect of a service may also be liable for a financial administrative penalty. The financial penalty is intended to encourage practitioners to itemise Medicare services correctly.

A base penalty amount of 20% will be applied to debts in excess of \$2,500 or a higher amount if specified in regulations. An analysis of Medicare Australia data indicates that this threshold reflects the point at which mistaken claims may become routine, or reflective of poor administration or decision making. In 2008-09, only 22% of practitioners who were found to have made incorrect claims were asked to make repayments of more than \$2,500.

The \$2,500 threshold amount may be increased by regulations. This provides for future adjustments of the threshold to ensure that practitioners are not disadvantaged by incremental increases in the value of the Medicare benefit amount paid in respect of services.

The Bill allows the base penalty amount of 20% to be reduced or increased according to individual circumstances described in the legislation. This encourages self-disclosure and promotes voluntary compliance whilst discouraging recidivism. If a practitioner:

- tells Medicare Australia that an incorrect amount has been paid in respect of the service prior to being con-

tacted by the CEO, there is a 100% reduction in the penalty;

- tells Medicare Australia that an incorrect amount has been paid in respect of the service before a notice to produce documents is issued, the penalty is reduced by 50%;
- tells Medicare Australia that an incorrect amount has been paid in respect of the service after a notice to produce documents has been issued but before completion of the audit, the penalty is reduced by 25%;
- does not respond to a notice to produce documents, the full amount of the services identified in the notice become repayable and the penalty is increased by 25%;
- has been unable to substantiate an amount paid in respect of other services in the previous 24 months and the total they repaid was more than \$30,000, the penalty in respect of the current amount which is being recovered is increased by 50%.

The Bill is not retrospective and will only apply to Medicare services provided after the commencement of the legislation on 1 January 2010.

This Bill forms part of the Government's commitment to responsible economic management.

Tax Laws Amendment (2009 Measures No. 2) Bill 2009

This Bill amends various taxation laws to implement a range of improvements to Australia's tax laws.

Schedule 1 ensures there are no inappropriate tax consequences arising from payments made under the financial claims scheme, which this Parliament enacted in October last year. Under that scheme, APRA can make payments to account holders in failed financial institutions and to claimants under general insurance policies with failed insurance companies. The specific amendments cover capital gains tax, farm management deposits, retirement savings accounts, first home saver accounts and various withholding and reporting obligations.

Schedule 2 increases access to the small business CGT concessions for taxpayers owning passively held CGT assets.

These amendments will extend access to the small business CGT concessions to circumstances that are not currently eligible. Owners of passively held assets will now be able to qualify for the concessions under the small business entity test, which was introduced in 2007 to simplify eligibility requirements for the small business concessions.

This means that a taxpayer that owns a CGT asset used in a business by an affiliate or entity connected with the taxpayer, and partners owning certain CGT assets used in the partnership business, will have access to the small business CGT concessions via the small business entity test from the 2007-08 income year.

The Schedule also makes a number of minor amendments to refine and clarify aspects of the existing small business CGT concessions provisions so that they operate flexibly and as intended.

Schedule 3 provides a general exemption from CGT for capital gains or capital losses arising from a right or entitlement to a tax offset, deduction or similar benefit. A highly techni-

cal interpretation of the income tax law may result in a capital gain or capital loss arising to taxpayers who have a right to receive an urban water tax offset on the satisfaction of the right. This amendment will put beyond doubt that a capital gain or capital loss would not arise for taxpayers in such circumstances, or in other circumstances where taxpayers have a right or entitlement to a tax offset, deduction or other taxation benefit.

Schedule 4 provides refundable tax offsets for eligible projects under the Government's \$1 billion National Urban Water and Desalination Plan. Under the Plan, eligible projects may receive assistance at a rate of 10 per cent of eligible capital costs, up to a maximum of \$100 million per project.

This Schedule implements the refundable tax offset component of the Plan and delivers on the Government's election commitment.

Schedule 5 amends the list of deductible gift recipients, known as DGRs, in the Income Tax Assessment Act 1997. Subject to conditions, taxpayers can claim income tax deductions for gifts to organisations with DGR status. DGR status will assist the listed organisations to attract public support for their activities. This Schedule adds four new organisations to the Act:

- Australasian College of Emergency Medicine
- ACT Region Crime Stoppers Limited
- The Grattan Institute, and
- Parliament of the World's Religions Melbourne 2009 Limited.

This Schedule also extends the time limit on the DGR status of three further organisations:

- Bunbury Diocese Cathedral Rebuilding Fund
- St George's Cathedral Restoration Fund, and
- Yachad Accelerated Learning Project

Schedule 6 amends the A New Tax System (Australian Business Number) Act 1999, or ABN Act, to allow the Registrar of the Australian Business Register to act as the Multi-agency Registration Authority to enable representatives of businesses to be identified for the purpose of communicating electronically with multiple government agencies on behalf of businesses. This is a part of the Government's Standard Business Reporting program. There are also a number of other amendments to the ABN Act that improve the integrity and efficiency of the Australian Business Register and help position the Registrar to take on the role of the Multi-agency Registration Authority.

Schedule 7 amends the Fuel Tax Act 2006 and related provisions elsewhere in the tax law, to remove the provision that businesses must be a member of the Greenhouse Challenge Plus program to claim more than \$3 million of fuel tax credits in a financial year. This amendment to the Fuel Tax Act will have effect from 1 July 2009.

The Greenhouse Challenge Plus program will cease after 30 June 2009. The Greenhouse Challenge Plus program provision in the Fuel Tax Act was originally included so that large fuel users would monitor and take measures to reduce their carbon emissions. This outcome will be better achieved through the Government's Carbon Pollution Reduction Scheme.

Without this amendment, businesses would be unable to claim fuel tax credits in excess of \$3 million in a financial year after 30 June 2009. This would be inconsistent with the policy intent of the fuel tax credit system.

Finally, Schedule 8 provides an exemption from tax for the Clean up and Restoration Grants paid to small businesses and primary producers affected by the Victorian bushfires. This measure recognises the extraordinary hardship suffered by small businesses and primary producers in affected areas, and provides certainty for recipients in terms of tax treatment at a time when they should not need to worry about tax matters.

Full details of the measures in this Bill are contained in the explanatory memorandum.

Income Tax (TFN Withholding Tax (ESS)) Bill 2009

This bill imposes tax on certain amounts relating to employee share schemes, and for related purposes.

Full details of this Bill are contained in the explanatory memorandum already presented.

Debate (on motion by **Senator McEwen**) adjourned.

Ordered that the Health Insurance Amendment (Compliance) Bill 2009 be listed on the *Notice Paper* as a separate order of the day.

BUSINESS

Rearrangement

Senator PARRY (Tasmania) (5.15 pm)—by leave—I move:

That business of the Senate notice of motion no. 1 (proposing the disallowance of the Proclamation dated 14 May 2009 [Coral Sea Conservation Zone]) be postponed till after consideration of business of the Senate order of the day no. 2 (Threat Abatement Plan for disease in natural ecosystems caused by *Phytophthora cinnamomi* (2009))

I have discussed this motion with the Government Whip.

Senator McEWEN (South Australia) (5.15 pm)—by leave—Can I just clarify that the intention is for Senator Siewert to move her motion about phytophthora and, when the debate on that motion is concluded, it will be put to the vote. Then we will move to the debate on the second disallowance motion on the Coral Sea Conservation Zone and that will be put to the vote.

Senator PARRY (Tasmania) (5.16 pm)—by leave—I am pleased you mentioned the name, Senator McEwen, because I cannot pronounce it! Yes, the intention is for Senator Siewert to exhaust No.2 and then we will move into Business of the Senate notice of motion No. 1 standing in the names of Senators Boswell and Macdonald.

Question agreed to.

THREAT ABATEMENT PLAN FOR DISEASE IN NATURAL ECOSYSTEMS CAUSED BY PHYTOPHTHORA CINNAMOMI (2009)

Motion for Disallowance

Debate resumed from 16 September, on motion by **Senator Siewert**:

That the Threat Abatement Plan for disease in natural ecosystems caused by *Phytophthora cinnamomi* (2009), made under section 279 of the Environment Protection and Biodiversity Conservation Act 1999, be disallowed

Senator McEWEN (South Australia) (5.17 pm)—Bearing in mind the time constraints on the chamber this afternoon, I will certainly keep these comments brief. The arguments for and against this disallowance motion on the threat abatement plan for disease in natural ecosystems caused by *Phytophthora cinnamomi* have been well canvassed and it is very important that the Senate has the opportunity to express its view on this. I note that an arrangement has been reached that debate will conclude at 6.50 pm. I would certainly urge all senators speaking on both of these disallowance motions to keep their comments short so that the Senate does have the opportunity to bring both motions to a vote and we get to hear the express views of the Senate on both motions.

The government does not support the motion to disallow the threat abatement plan for disease in natural ecosystems caused by *Phytophthora cinnamomi* (2009). The plan provides a strong framework for advancing the coordination of management of *P. cinnamomi* and for strengthened training, education and communication with both professional land managers and the public. It has a detailed set of actions and performance indicators. It identifies high-priority actions, including improving monitoring systems, investigating natural selection for *P. cinnamomi* tolerance in high-risk groups of plants for areas of high-conservation value, and developing a national risk assessment process for land owners and managers.

The plan builds on and significantly strengthens the original 2001 plan. It reflects the outcomes of a comprehensive review of that plan and has been developed through a robust, science based, transparent process. The plan was prepared by the Centre for Phytophthora Science and Management at Murdoch University in Western Australia. Consultation on the plan was undertaken with state and territory government agencies and through a three-month period of public consultation, during which 18 submissions were received. The plan has also been examined and approved by the Threatened Species Scientific Committee and has been developed in accordance with relevant legislative requirements.

I will respond briefly to some concerns that have been raised by senators. It has been suggested that a more preventative approach is required that protects

not only threatened communities and flora but also communities and flora that may become threatened as a result of *P. cinnamomi*. I am happy to advise that the plan as drafted does in fact do this. Specifically, goal 2 of the plan is:

Minimisation of the spread of *P. cinnamomi* infestation so that further species and ecological communities do not become threatened.

With regard to funding for the plan, the plan provides a framework for directing activities across a range of Commonwealth, state and territory government agencies and private organisations. Commonwealth funding is provided in that context to support the activities of others and to undertake priority activities and, like all plans, there is no set amount of funding committed. However, funding is made available through a range of sources, including \$2.2 million under Caring for our Country and significant funding of approximately \$2.4 million has also been spent on implementation of actions identified in the 2001 threat abatement plan. In addition to this, in 2006-07 and 2007-08 around \$4.2 million was spent on natural resource management activities aimed at reducing the impacts and spread of phytophthora. That makes a total of at least \$6.6 million of Commonwealth funds spent on phytophthora related activities since 2001. The Commonwealth expects that state and national park agencies will continue to fund and manage their state lands in accordance with the plan and does not provide funding for these state responsibilities.

Concerns have also been raised that the plan does not appear to have mechanisms to compel compliance with planned guidelines. However, the EPBC Act requires that Commonwealth agencies act consistently with the plan; otherwise, there are no legal mechanisms available under current legislation to compel compliance. In fact, the EPBC Act does mandate voluntary cooperation by states and the act states that, if a threat abatement plan applies outside Commonwealth areas in a particular state or self-governing territory, the Commonwealth must seek the cooperation of the state or territory with a view to implementing the plan jointly with the state or territory to the extent to which the plan applies in the state or territory. The Minister for the Environment, Heritage and the Arts, Mr Garrett, has written to his state and territory counterparts regarding the plan, requesting cooperation in its implementation.

Concern has also been raised that there does not appear to be an audit mechanism that can be used to evaluate success and provide accountability. I am pleased to inform the Senate that the EPBC Act 1999 requires that plans be reviewed at intervals of not longer than five years and that, consistent with that, the 2001 plan was reviewed by the Centre for Phytophthora Science and Management at Murdoch University in Western Australia.

Finally, a query has been raised as to whether, if the Senate disallows this plan, the original 2001 plan will continue in force. While that is correct, the actions in the 2001 plan either have been completed or do not reflect the latest research. Consequently, there will no longer be an authoritative statement on the environmental effects of phytophthora nor on the best methods of responding to this threat. It is questionable whether the 2001 plan remains a feasible, effective and efficient way to abate this key threatening process as section 270A(2) of the EPBC Act requires. If that were found to be the case, the minister might need to consider revoking the 2001 plan.

The government strongly believes the plan before the Senate provides a strong foundation for managing *Phytophthora cinnamomi* in relation to both existing impacts and future threats. Funding and other support is available to ensure implementation. Without the plan, there will not be an effective framework in place to manage *Phytophthora cinnamomi*. For these reasons the government encourages the Senate not to disallow the plan.

Senator SIEWERT (Western Australia) (5.23 pm)—I can assure the Senate that the Greens are keen to have a vote on both of these motions, so I will try and sum up and conclude this debate as quickly as possible. I point out that although the government just outlined that \$6 million will be spent—from 2001, I think they said—scientists estimate that expenditure of around \$10 million per year is required. So the expenditure the government is committing is way below what is needed to address this threat. I articulated during our previous discussion on this motion the impact that phytophthora is having. Scientists consider that it should be listed as one of our top three threatening processes in Australia. I have articulated that it is not just a Western Australian problem; it is also a South Australian problem, a Tasmanian problem and a Victorian problem—at least; it could be spreading to other areas. In concluding this debate I do not want to reiterate what I said previously, but I would like to go to specific arguments that the government raised around what happens if they disallow this and around the threat abatement plan.

The government claims that the new threat abatement plan contains a detailed set of actions and performance indicators against each objective. It also attempts to suggest that if the 2009 plan is disallowed there will be no compulsion to carry out the new priority actions. However, even if the plan is in place, there is still no compulsion for anyone to carry out the new priority actions. As the government acknowledges, there is nothing within the EPBC Act which compels states or territories to implement a threat abatement plan. This means two things. Firstly, it tells us that whether we continue with the outdated 2001 threat

abatement plan or whether we put in place the inadequate 2009 threat abatement plan it will make little practical difference to phytophthora management activities carried out by land managers and state agencies.

Secondly, it tells us that if the Commonwealth government is serious about making a difference in the management of our biodiversity and natural resources through threat abatement plans or other mechanisms then it needs to convince state and territory land management agencies to play along. This is in fact what they used to do through bilateral arrangements and joint funding under previous programs like NHT and NAP. However, under the brave new world of Caring for our Country, they have dispensed with the need for bilaterals with state agencies. If we were serious about getting environmental outcomes then we would commit these resources. If we were serious about getting the bang for our buck then the more investment in resources we can leverage from state and territory agencies, land management and the private sector, the better.

If you take the time to look through the threat abatement plan, you will see that it does not contain any of the things that you or I or anybody working in day-to-day land management would normally expect to see in any sort of management plan. It does not contain any specific targets or measurable outcomes. It does not identify any completion dates or any resources to be deployed. There is none of the who, what, where, when or how that is needed to develop a plan that is deliverable. For decades we have known that we need to base natural resource management planning on 'smart goals and objectives'. These are specific, measurable, achievable, relevant and time-bound. The goals and objectives of the threat abatement plan are none of these things.

The government said that it is questionable that the 2001 plan remains a feasible, effective and efficient way to abate the key threatening processes of phytophthora as required under section 270A(2) of the EPBC Act. However, it is equally questionable—as we have shown—that the 2009 plan is a feasible, effective or efficient way of abating the spread of phytophthora. It is not likely to be effective because it does not contain resources to achieve smarter objectives. It is not likely to be efficient because, as we have shown, focusing exclusively on threatened ecological communities misses the low-cost options of preventing the spread of dieback and results in more expensive and less effective treatment and containment actions once phytophthora has already spread to adjoining areas. Given what we have said about the magnitude of this threat and the likely scale of its impacts, it is not likely to be feasible to manage, contain and abate this threat with-

out committing resources or identifying actors and targets.

Finally, there is a suggestion that, if this threat abatement plan is disallowed, the more up-to-date scientific information it contains and the work done to update the 2001 plan will be wasted. However, we note that it has taken an unusually long time to get to where we are now with the 2009 plan. Work was done in 2006 to review the old 2001 threat abatement plan, leading to three months of consultation to develop the plan in 2007. That plan, developed in 2007 from consultation in 2006, was released when I asked questions about the plan in 2009. Between this so-called current work in 2007 and now, considerable work has been done on phytophthora management—for example, the work that was released just recently in Western Australia, the updated dieback atlas.

There have been some important discoveries made and lessons learned since 2007 which are not in the 2009 plan. This work, plus the work that informed the current plan, has been communicated, and continues to be communicated, between researchers and land managers through all the usual channels of communication. It will not be wasted if the current plan is disallowed any more than the extent to which it is being wasted by the fact that it has not been included in the new threat abatement plan. The fact is that this threat abatement plan lacks the necessary teeth to make any difference whatsoever. We believe that, to be truly effective, it certainly needs to contain at least the information current as of 2009, not the information that was current in 2007.

In conclusion, the scale of this problem is much larger than is recognised. The level of the response is simply not appropriate. We need to take a preventative approach. We need a strategic approach that protects ecosystems before they become threatened—in other words, have a fence at the top of the cliff rather than an ambulance down the bottom. We cannot hope to protect threatened ecological communities in isolation. A threat abatement plan with no commitment to action and no resources is an empty gesture and we simply need to do better.

We suggest that more needs to be done to make a difference, to respond to this very serious threat posed by what is commonly called dieback. The best thing for the Minister for the Environment, Heritage and the Arts to do would be to put in a new draft plan with appropriate resources—to develop it, put it on the table and use it as a basis for ongoing negotiations on specific outcomes and targets with the states. Otherwise we risk getting ourselves in a position, in coming years, where phytophthora has spread to a significant number of vulnerable ecosystems and we will be powerless to stop its spread, creating even more threatened ecological communities in high-value conservation areas. We

will find ourselves facing an even more serious biodiversity crisis if dieback is allowed to spread and the government does not commit adequate resources to deal with this problem and does not have a truly efficient and effective threat abatement plan.

Senator IAN MACDONALD (Queensland) (5.31 pm)—by leave—When this issue came before the chamber earlier, I indicated that we should adjourn any decision until the government had a minister in the chamber—they did not at the time—who could answer some of the questions that we had. I have to say that, since then, Mr Garrett has sent his adviser around to speak to both Senator Siewert and me and I very much thank him for that. The information given was very useful and there was a lot of it. I indicate and acknowledge that, again today, I received a call from Minister Garrett's office asking if we needed any more information. So I do thank Mr Garrett, who is in my good books at the moment for having stopped the Traveston Crossing dam.

Notwithstanding all that, I indicate to the chamber that, in this instance, Senator Siewert has persuaded us, with I think science as well as eloquence, that the interests of those who are concerned about phytophthora would be better served if we did disallow this and started again. I indicate that, as well as the areas of Australia that Senator Siewert talked about, it is an issue in Queensland and, I assume, New South Wales as well. Certainly up in the north-west areas of Queensland it is an issue. Following Senator Siewert's arguments, in this instance the coalition will be voting with Senator Siewert in the hope that we can get a better plan in place very quickly.

Question agreed to.

PROCLAMATION DATED 14 MAY 2009 [CORAL SEA CONSERVATION ZONE]

Motion for Disallowance

Senator BOSWELL (Queensland) (5.34 pm)—On behalf of Senator Macdonald and me, I move:

That the Proclamation dated 14 May 2009 [Coral Sea Conservation Zone], made under subsection 390D(1) of the Environment Protection and Biodiversity Conservation Act 1999 declaring an area to be a conservation zone, be disallowed.

I rise in support of this motion to disallow the proclamation of the Coral Sea Conservation Zone that was made on 14 May under section 390D(1) of the Environment Protection and Biodiversity Conservation Act 1999 declaring an area to be a conservation zone. I am moving this motion on behalf of Senator MacDonald and me. Senator Macdonald is a resident of North Queensland, his office is in North Queensland, and he understands this issue very well. I have delayed this motion for a number of days to let the Independents get their minds around it. I know that they are very busy

people and they are inundated with requests, so I willingly did that. But it is an important issue.

On 14 May 2009, the Minister for the Environment, Heritage and the Arts, Peter Garrett, proclaimed the Coral Sea Conservation Zone—972,000 square kilometres of Australian waters east of the Great Barrier Reef Marine Park and out to the edge of Australia's exclusive economic zone. The Coral Sea Conservation Zone is within the proposed eastern bioregion that runs from Cape York to Batemans Bay. At present, the bioregion is under investigation by various scientific groups. Public consultation has started and dialogue with user groups has taken place. The process has been extended for a further six months and the draft plan should be ready halfway through next year. The Coral Sea Conservation Zone was declared on 14 May 2009 at the Sydney Aquarium—not in North Queensland, which it was going to affect, because it would have invoked a lot of ill feeling, but a stone's throw from Minister Garrett's Kingsford Smith electorate office.

The Pew Charitable Trusts has campaigned long and hard for this conservation zone to be declared. Pew is an environment group based in America and funded from America. Not only has it campaigned hard for a conservation zone; it has argued strongly that a no-take zone should be included in the Coral Sea Conservation Zone. It has the first leg of the double up if this disallowance is not carried.

The Coral Sea is a very low-volume, high-value fishery with \$10 million of fish stock taken in 2006. There is no increased pressure on the fish stock in this area. The area is in pristine condition and has been for 200 years. A number of charter boats work the area. A game fishing industry works the Coral Sea for the marlin fishery, which is a catch and release fishery. It is a very important tourism operation for Cairns. Multimillionaires go to the area to partake in this catch and release fishery. They hire mother ships, which are big and expensive, and then they hire the game boats. When they are in the area, it really benefits the Cairns economy. Mr Acting Deputy President Bernardi, Senator Macdonald and I will tell you that Cairns is going through a severe economic downturn and to lose this fishery would be very difficult for the area.

The fishery supplies data to various government departments and anyone else who needs the information. There are no current or proposed oil, gas or mineral explorations or production operations in the conservation zone, despite the area having been open and available for exploration for many years. There is no threat to the environment from anywhere or anyone. Yet Minister Garrett declared this Coral Sea Conservation Zone without any consultation. This was confirmed in the estimates committee when I asked Steve Oxley, manager of the marine division, whether there had been any consultation. He assured me there had been no

public consultation. The amateur and professional fishing industries were not consulted nor were any other user groups or the public. The declaration was made at the Sydney Aquarium.

An East Marine Bioregional Plan will be declared in 2010. That region will run from Cape York to Batemans Bay, just east of Canberra. The east marine bioregion will include the whole area of the Coral Sea Conservation Zone. The process for the bioregion plan is taking place as we speak. The process includes input from the general public, public meetings in various areas and consultations with user groups, environment groups, state and Commonwealth departments, marine scientists, oceanographers, fish experts and fish management experts, and all the other interested parties. It is a process designed so all parties involved will be able to place their submissions on the public record. This is an open process that has been extended for six months. This raises the question: why was the Coral Sea not dealt with in the same way, because it was supposed to happen in the same way?

The Coral Sea Conservation Zone was declared without any impact statement, without any consultation and without any scientific process, yet the whole East Marine Bioregional Plan is being extensively examined. Why was it declared on 14 May 2009 when the processes that will take place next year have not been completed? Senator Ian Macdonald asked the question in estimates: if this disallowance is carried, will it in any way impact on the assessment process of the marine protected areas or the East Marine Bioregional Plan? Steve Oxley, manager of the marine division, gave a clear, concise no to that question. Why was the Coral Sea Conservation Zone declared on 14 May when it could have waited until next year when all the investigations will be completed?

On 8 September, I placed on notice question 2122 regarding the East Marine Bioregional Plan and the Coral Sea Heritage Park. I asked what meetings had taken place and with whom. I was informed that on 19 March 2009 the department met with the Australian Conservation Foundation regarding Coral Sea conservation issues. I was told that on 14 April 2009 the department met with Pew Charitable Trusts regarding the Pew proposal for the Coral Sea Heritage Park. Two groups were consulted: the Australian Conservation Foundation and Pew Charitable Trusts. On 14 May, one month later, the minister declared the Coral Sea a conservation zone. We were told at estimates there was no public consultation. The first hint of the existence of the Coral Sea Conservation Zone was given to the Coral Sea industry stakeholders when they received Minister Garrett's media release announcing the proposal. I do not consider that very fair.

I think everyone has the right to lobby but these were special groups. There was consultation with two

groups: the Australian Conservation Foundation and the Pew Charitable Trusts. This is proof that the government listens to the green groups but ignores everyone else. Only the Australian Conservation Foundation and Pew got the ear of the department. Ms Zethhoven from Pew acknowledged that she had spoken to Minister Garrett, albeit a short conversation on the heritage park. No-one else got a look in—not the charter boat operators, the boating industry, the amateur and professional fishermen or the public. I submit that this was unfair. The people of North Queensland did not get a fair go. They never got a chance to express their views on their fishing areas that are adjacent to Cairns, nor did anyone who made their living from the Coral Sea. The Pew Charitable Trusts is campaigning openly for a no-take zone in the Coral Sea. Pew told Steve Oxley that that is what it wants and it has told that to many other people.

I believe that in Australia everyone has the right to lobby governments on any issue. We all get many people in our offices asking for support on many issues. That is what our system of government is all about, and I support it. Everyone should have that right. What our system of government is not about is only giving two green groups their say to the department and Ms Imogen Zethoven a meeting with the minister, even if it was only once. Peter Garrett has been captured by the green groups. This is happening more and more in state politics and federally as we see the Labor Party introducing legislation that prevents people going about their daily lives without complications and uncertainty.

Adjacent to the Coral Sea Conservation Zone in North Queensland we are seeing Aboriginal communities losing the right to use their land for farming and grazing enterprises by the introduction of the wild rivers legislation. This is just one of the many examples of legislation that is impacting on regional Australia, and it has received a lot of publicity over the past several months with Mr Pearson. It is happening in Aboriginal communities. It is happening to farmers. It is happening to the forestry industry. It is happening to beekeepers in that they are being thrown out of the forest. We are seeing Peter Garrett and his state environmental ministers surrender more and more territory to the environmental groups and the Greens. My friend and colleague Nigel Scullion, who is a master fisherman and a master mariner, will give some practical examples of how this will impact on fishermen and charter boat operators.

We are told that nothing is going to happen, we will all be free and it will be okay; everyone will be allowed in. But the charter boat operators are very worried. They are having their rights withdrawn to go into the Coral Sea zone, but they are going to be given a permit. I am told—and I think Senator Scullion will be

able to expand upon this, and possibly Senator Macdonald, who is a lawyer—that a permit is a sort of—

Senator Mason—Property right.

Senator BOSWELL—Well, it is not a property right. It is a gift that can be repossessed. The fishing and boating industry have sought some advice from the ANU, the Australian National University. They paid for the advice and received a presentation to their stakeholders advisory group which suggested that the issuing of permits is regarded as a privilege which can be withdrawn without compensation. I want to refer to the permit and read out one of the conditions. I know Senator Nigel Scullion will expand on this further, because he is a fisherman and a boat operator. This is from general condition 2:

The Permit cannot be sold or transferred (including transfer of the benefit of the Permit, whether by lease, hire or otherwise) to another person, body or organisation.

You might have a fishing boat or a charter boat. These boats are not cheap; they could be worth \$1 million, particularly the mother ships. They could be worth \$2 million, and that would just be a good boat—nothing flash, but a reasonable boat. That is accompanied by a fishing boat, which would be a 42-footer or something like that. So if you had two permits and for some reason you wanted to sell—if you wanted to retire or get out of the industry—you have to put those permits in. They cannot be transferred; they cannot be leased out. So you, in effect, have lost control of your business. If you have lost control of your business, you cannot sell your business. People are worried. I know Senator Macdonald was visiting some people on the jetty the other day that were particularly worried—deckhands thought their jobs were on the line. He will expand on that more.

In summary, the East Marine Bioregional Plan will provide detailed information about key habitats, species, natural processes, conservation, heritage values and human issues in this region. The draft plan will be released halfway through next year, and that is when this decision should be made—when everyone has had the right to put their submissions in and be judged. But that has not happened now. Two people have had this right—Pew Charitable Trust and the Conservation Council. That is unfair.

The declaration of the Coral Sea Conservation Zone has created uncertainty with professional fishermen. They have already been through great disruption with the Great Barrier Reef Marine Park closures—as we know them, RAPs. They are concerned that the declaration of the Coral Sea Conservation Zone and the continuing campaigning by Pew Charitable Trust in going for a no-take zone is going to have a huge impact on their industry. They are concerned that licensing will be devalued, and they just cannot face any more uncertainty on their livelihoods. They want out. The uncer-

tainty has become too much for them. They have been through it once, and it looks like they will have to go through it again, under a similar process to RAPs. They now want the government to buy them out. With no public consultation, with only two green groups having had their say, this disallowance motion should not be carried. It is unfair. It is uncertain. The whole issue of the Coral Sea will be addressed with the Eastern Marine Bioregional Plan, the correct consultation process taking place over the Coral Sea area, and the outcomes will be known next year. I urge the Senate to disallow this regulation.

Senator SIEWERT (Western Australia) (5.52 pm)—The Greens will not be supporting this motion. I am sure that does not come as a surprise to the movers of the motion. The Coral Sea is a very important natural area. It also is an important heritage area. The Coral Sea provides essential habitat for an abundance of species, including critically endangered hawk's bill turtles and endangered green turtles, 25 species of whales and dolphins and 27 species of seabirds. It is one of the last places on earth where populations of shark, tuna and bill fish—for example, swordfish and marlin—have not yet been severely depleted.

The underwater landscape of the Coral Sea is highly varied, with reefs, lagoons, inlets and cays, and with plateaux, canyons and underwater mountains. It is an important area for smaller fish that gather in these habitats seeking refuge. It has endemic species that are found nowhere else in the world. The majority of reefs in the Coral Sea lie on the Queensland Plateau. This area contains about 440 species of demersal fish. The seafloor of the Coral Sea, and its reefs, lagoons and cays, are different to those in the Great Barrier Reef. There is less hard coral and a greater proportion of sponges and coloured algae. Many species of starfish, brittle-stars, feather-stars and sea cucumbers are rich in this area.

This area is also an important source of life for the Great Barrier Reef. The ocean currents flowing west from Vanuatu replenish the biological communities that grow on the emergent reefs of the Coral Sea. In turn, these communities are important sources of recruitment for the Great Barrier Reef. This area is an undisturbed habitat for nesting green turtles and, as I have said, it is also important for other turtles such as loggerhead turtles, the olive ridley turtle, and the hawk's bill, the flatback and the leatherback turtles. In other words, this is an important area for turtles.

As I have said, there are many species of seabird. It is an important breeding area for seabirds. It is also a regionally important area for the east coast humpback whale. In other words, as I was saying, this is an extremely important area. If you look at this in the context of what is happening globally to our oceans you would know that our great fish species are being sub-

stantially depleted globally. So this is important not just for the Great Barrier Reef and for the region; we know that 90 per cent of the world's big fish—such as shark, tuna, marlin, groper and snapper—have vanished in the last 50 years from overfishing. We believe that there is also danger of other fisheries collapsing or facing collapse. We believe very strongly that we need to be protecting this area.

This conservation zone is being put in place so that the dialogue over what areas should be included in marine protected areas can begin. It is important, we believe, that this conservation zone be put in place to allow the discussion that Senator Boswell has been talking about. The issue at hand here is whether the proclamation of the Coral Sea Conservation Zone is having specific impacts. Then we need to look at the consequences of disallowing this proclamation. We do not want to be sidetracked or distracted by conspiracy theories or speculation and concern about possible future acts. The proclamation of the Coral Sea Conservation Zone does not prevent or impose upon the rights and activities of commercial fishers, recreational fishers and/or tourist operators operating within the Coral Sea. What it does is put in place some interim protection and data collection measures—that's threatening: data collection measures!—that ensure that a proper consultation and planning process can be undertaken so that we can have an informed debate about the future management of the Coral Sea. It does not and should not cost existing users or prospective users of the Coral Sea—commercial or recreational fishers—anything. Existing commercial fishers already have licences and permits which will be continue to be recognised. Tourist operators running—

Senator Boswell interjecting—

Senator SIEWERT—I was quiet when you were talking. Could you please do the same for me.

The ACTING DEPUTY PRESIDENT (Senator Bernardi)—Order! Ignore the interjections, Senator Siewert.

Senator SIEWERT—I am trying, but when he is doing it in your ear it is very distracting.

The ACTING DEPUTY PRESIDENT—May I just remind the Senate that interjections are disorderly. I ask you to listen to Senator Siewert in quiet.

Senator SIEWERT—Tourist operators running fishing charters into the Coral Sea and scientists conducting research merely need to apply for free permits, which will simply allow DEWHA to monitor the level of activity taking place within the area as part of the assessment process and the development of the bioregional plan for the East Marine Region. The affected area of the Coral Sea, which lies between the Great Barrier Reef Marine Park and the boundary of our EEZ, is, people will acknowledge, a long way off the

coast. In fact, this makes it difficult and expensive to get to. As a consequence there are, in fact, few recreational fishers and fishing charters operating in this area who are likely to be affected. The impost on them, we believe, is very small—particularly when you consider the conservation value and the environmental values of this area.

As we understand it, at the moment there are nine commercial trap and line permits operating in the Coral Sea. We believe that decisions about the management of our natural resources need to be made on the basis of the best scientific evidence available and with a view to ensuring the sustainability and long-term health of those resources and the industries that depend upon them. We need to be reasonable in balancing the demands of industry—who are often driven by the immediate commercial imperatives rather than the long-term imperatives and the need to protect these areas—with the long-term interests of management and maintaining these resources so that we can continue to maintain the health of the fishery and the environment on which it depends, to ensure industry productivity for the long term.

In other words, we need to be looking not just at the short term but at the long term. We believe that this is what this process is designed to do. We believe that we have a responsibility to make sensible decisions and not short-term populist ones. We also have the tools available to work with industry and the community to provide a fair and equitable process to support industry into the future, as has been demonstrated previously. We are well aware of the problems that have been experienced in the past—both on land and at sea—when public discussion and debate has taken place, about natural resource management and conservation management, without an effective interim process being put in place during this discussion.

When we look at the history of land caring in the country in recent years, we see that the greatest periods of clearing of private land have corresponded with a public debate around the possibility of introducing restrictions on land clearing. Much of this activity has been unnecessary and, in our opinion, ill-informed, and the result of the use it or lose it attitude. This is deliberate misinformation and attempts to whip up hysteria to oppose what we believe are sensible conservation measures.

We also need to not forget the contribution to Queensland and in fact to the Australian economy made by tourism, and the need to preserve and enhance the existing natural values of an area that, in the future, may draw increasing numbers of tourists to this area. Of course, we then need to put in appropriate management plans to ensure that those tourists do not damage the very thing that they have come to look at and love. There are possibilities for us, and for conservation, to

promote this area that will lead to it being enjoyed by many people in the future. But we need to make the decision about which areas will go into the marine protected area and we will need to put in place appropriate management plans.

We believe that this proposal is a sensible proposal. We are concerned that there has been a great deal of misinformation about the impacts of this particular proposal. There has been a lot of hysteria in this debate and misinformation about what it actually means to people, about the impact of the conservation zone and about the compliance and enforcement mechanisms. There has been some misinformation that is simply not substantiated by the law itself about the likely consequences for recreational fishers and charter operators operating unknowingly in this area.

DEWHA's paper states the compliance process and what will happen if people unwittingly contravene the Coral Sea Conservation Zone regulations. I draw your attention to the department's discussion paper and the process it undertakes for compliance and enforcement policy. It sets out the framework for sensibly dealing with these sorts of issues and lays out a process of progressive and proportional response. The focus is on using communication, education, timely information, advice and persuasion to encourage and achieve cooperation, with legal enforcement very much an option of the last resort. That is in the discussion paper.

When collaborative approaches fail, the policy lays out a range of sanctions that escalate in severity in response to the lack of compliance and the scale of its impact. This policy lays out specific criteria for determining the appropriate level of response: cancelling permits, injunctions, remedial orders, fines and criminal prosecution. In other words, there has been some hysteria around this. The department clearly sets out what its process is for noncompliance. But the point here is: this is a conservation zone designed to enable the discussion of the consultation process to put in place the permanent marine protected area, which, I am quite sure, the broader community is very strongly supportive and in favour of.

I am deeply concerned that there has been this push to disallow this conservation zone. I am wondering what the motive is for getting rid of any appropriate conservation process to ensure the protection of the Coral Sea, because that has certainly been the rhetoric and the nature of the debate that has been occurring. The message that is being sent to the community is: we do not want any marine park over the Coral Sea; we do not want to protect the Coral Sea—it is doing very well thank you very much. They are trying to isolate the Coral Sea from the broader issues of the marine environment, whereas I have said that the marine environment in the world is suffering. Coral reefs around the world are declining, we have lost 75 per cent of our

coral reefs around the world and 90 per cent of our big fishes have already been lost. One of the reasons for the need to put some conservation protection over this area is to protect those species that are left because we have so few natural, unaffected and virtually pristine areas left in the world and it is imperative that we protect these areas. The measures that have been put in place by this conservation zone do not impact on commercial fishers, recreational fishers or on charter boat operators other than requiring them to provide information for data collection that will enable a more informed debate over the marine protected areas. These people get free permits—they do not have to pay for permits—but they do have to provide information. As I understand, it was the previous government that put in place the process for establishing marine protected areas in terms of requiring extensive community discussion.

Senator Ian Macdonald—Quite right.

Senator SIEWERT—I will take that slight interjection by Senator Macdonald. In fact, I think he was a member of the government at the time and was the minister for fisheries. They did put in place a process for marine protected areas. This is a conservation zone; it is not a marine protected area yet. It is to enable the consultation process to start and to progress in a meaningful way with an informed database. I do not see what the fishing operators have to fear from this conservation zone when they are getting their permits. Yes, they have to provide data, but is that an issue?

Senator Boswell—No.

Senator SIEWERT—No, that is not the issue. I fail to see why people are so scared of what is, I think, a very sensible process to enable further discussion about putting in place, in the future, a marine protected area. This will ensure the protection of not only the conservation values, which are very high for this area, but also the significant heritage values of the Coral Sea. People would be well aware of the heritage values of the Coral Sea, particularly as a result of the Second World War. I understand there are heritage values there from the First World War. Matthew Flinders had a historical association with the area as well.

This area is important not only from a heritage perspective but, particularly, from a conservation perspective. This proposal is for temporary measures to be put in place for the period of discussion about the extent of boundaries and more accurate detailing of boundaries for a marine protected area into the future. We do not support this disallowance, because we do not believe that the scare campaign developed around this conservation zone should scare the community away from ensuring effective conservation for this area into the future. As I said, this conservation zone is put in place while we have that discussion. It does not threaten current recreational or commercial fishing. I have heard

various comments like, 'You won't be able to take on deckhands.' I think they are all furphies—some people simply do not want to see marine protection in this very important area. Our marine environment is under desperate threat around the world. We need to take this issue very seriously and ensure that Australia protects its highly important and highly biodiverse marine areas.

Senator IAN MACDONALD (Queensland) (6.08 pm)—I want to first of all respond to some of the things that Senator Siewert said. In my contribution I am talking of course to the whole Senate, and the people of Australia who are listening, but I am particularly talking to Senator Xenophon and Senator Fielding, who I understand are as yet undecided.

Senator Xenophon—No, that's not quite right.

Senator IAN MACDONALD—I am told that being undecided is not quite right! Let me try, lest your decision, Senator Xenophon—through you, Mr Acting Deputy President—not be in support of us, to urge upon you some reality checks. Senator Siewert quite rightly and graciously said the marine planning process was all put in place by the Howard government, and the coalition is not intending to trash that process. I was very much involved in the south-east marine protected area process, in the south-east of Victoria. After a lot of negotiation, consultation, and working and talking it through in meetings with conservationists, fishermen, boating people and anyone else concerned, we got to a stage where there was a multi-user marine protected area in place, and it brought the whole community with it. Once it was implemented, it was followed without compulsion being necessary because it was a consultative process. The fishermen and conservationists were all involved. Whilst at the end of the process not everyone was 100 per cent happy, 100 per cent of the people were 80 to 90 per cent happy. That is the coalition's position, and we are not going to change that.

This bioregional process that is in place is a result of the process put in place by the Howard government some years ago. The process for the bioregional planning for places including the Coral Sea is already in place. It will indeed continue—I just pause while Senator Brown interrupts my conversation with all senators, including, particularly, Senator Xenophon. That process will continue. It is already happening.

Do you know what that kind of process should involve? Consultation, taking people with you, making sure at the end of the process you have everyone on board. You also find out that, by consulting with people, you get a result that gets rid of some of the unintended consequences. I regret to say, in relation to green zones on the Great Barrier Reef—and Senator Boswell will hate me for this—that the end result was a good conservation measure, but we got into all sorts of

problems because we did not properly consult on it. The consultation that occurred with the department at the time was, I regret to say, not always truthful. Because of that, we have had years of battles in court. The process started off with a compensation bill of \$10 million and has now added up, at the last count, to over \$300 million. That all happened because there was not sufficient consultation. We learnt our lesson there, and with the south-east marine protected area we got consultation going and we got a pretty good result. That is how this process should happen.

What happened in this particular instance? Without explaining to those who were involved, we woke up one day and found that there had been a proclamation to declare a conservation zone—not a multi-user reserve or anything—in the whole of the Coral Sea. Most Australians waking up and hearing that on the news would think: ‘The Coral Sea—that’s the coral reef, the Great Barrier Reef. Yeah, we like that—good idea.’ But of course the Coral Sea is anything but the Great Barrier Reef; it is nowhere near the Great Barrier Reef. It is beyond the Great Barrier Reef. It is hardly fished at all. I think the estimates answers told me that less than 500 tonnes of fish were caught from the Coral Sea in the last year, and it has been going down. The fishing impact on the Coral Sea is negligible.

What does happen on the Coral Sea is that the charter operators—they were called ‘marlin boats’ in the old days—go out there. They are the boats that put Cairns on the map, and currently there are hundreds of them in Cairns, providing employment and investment returns for those who have invested in the Cairns tourism industry. I remind senators, as I have done in this place before, that Cairns currently is suffering a 17.5 per cent adult male unemployment rate. Across the board, unemployment in Cairns is about 14 per cent, the highest for a region anywhere in Australia. I was in Cairns the other day and was privileged to be staying at the Shangri La Hotel, right on the waterfront. I went for a walk in the morning past the marlin boats that were all lined up there. I thought it would be interesting to wander into the marina and talk to a couple of deckhands there. I asked them: ‘What are you doing? Getting the boat ready?’ ‘Yes,’ they replied, ‘we have got three people flying in from America in about two hours time. They will come straight out from the airport and jump on board.’ I did not ask how much they were charging them, but my understanding is that it would be \$5,000, \$10,000 or \$15,000 to go out marlin fishing for the day. I said to these young fellows, ‘You go out to the Coral Sea.’ ‘Of course,’ they replied. I said: ‘You go out beyond the Great Barrier Reef, where the marlin are. It is the thing that put Cairns on the map.’ I then asked, ‘Did you hear about the conservation act?’ They said: ‘Yeah, we heard about that. We’ll lose our jobs.’ I said, ‘Perhaps not,’ and they said, ‘Yes,

we will.’ Whether they are right or wrong, I do not know. I suspect they are right.

Senator McLucas—I will follow it up.

Senator IAN MACDONALD—I will give you the name of the boat and the owner. The owner was not there. I was talking to the deckhands and they said, ‘We will lose our jobs out of this.’ Unemployment is 17.5 per cent. I see that Senator McLucas is going to take some part in the debate. Tell me what the government is doing about 17.5 per cent unemployment in Cairns. What are they going to do? They are going to knock off one of the few remaining profitable industries on the Cairns waterfront. That is what this regulation is all about.

I will look now at the proclamation. It says:

The environmental significance of the Coral Sea derives from the globally unique assemblage of scattered coral reefs, seamounts, atolls, abyssal plains, deep sea canyons and islands and the extent to which the region’s natural and heritage values have remained relatively undisturbed by direct human impact.

Hang on! This is the area they want to save with a conservation zone, but they are saying that it is ‘relatively undisturbed by direct human impact’. What is going to change in the next year or two that is going to alter that? It is so pristine that after 100 years of being used by the marlin boat operators, the few fishermen who are out there, the scuba divers and anyone else, it is still in a pristine state that remains relatively undisturbed by direct human impact. So what are we trying to correct with this conservation zone?

I say to those senators who might be wavering: here we are with a process in place—the marine regional process—which, as Senator Siewert rightly said, requires the government to consult with everybody, to take them with them and to listen to what they might say about unintended consequences. That process is in place. So why come in in the middle of that and slap this conservation zone on it—a conservation zone that will impact upon the investment potential, the investment confidence, of those still investing in the marine industries in Cairns. I can assure the Senate that were the coalition in power we would continue with the bio-regional planning process—and Greg Hunt, the shadow minister for the environment has asked me to make this point. We, after all, started it and we understand the importance of it. But we want to take people with us. We want to make it a multiuser park. Senator Siewert is throwing in things about these sunken ships. Well, thanks, Senator Siewert, but you know better than I that they are already protected by the Historic Shipwrecks Act. You do not need this conservation zone for that, and you know it.

I say to you that the amount of research done out in the Coral Sea—and I know this from the time when I was fisheries minister—is absolutely minimal. I know

AIMS, that great institution, tries to do some work, but they are starved of funds and are unable to do it. Do you know who does the most research out there in the Coral Sea? Do you know who tells them where the sea mounts are? Do you know who tells them where the tuna are running—but that is not important because they do not fish for tuna? Do you know who tells them where the marlin are running when they come in—with which tide and which current? Do you know who provides all of this information to the research agencies? It is the charter boats; it is the marlin boats. They are the ones who go out and catch fish, tag and release them and then when they are caught again in a couple of years time they read the tag and take the information and pass it back to the research agencies. It is those boats that are doing the only data collection out there. And this silly regulation actually wants those people to be stopped. Sure, they say, 'Oh, we will give them a permit anyhow and we are not going to charge them any money.' Well, why bother if that is the case?

This is the thin end of the wedge. It does not need to be done. We do not want another great conflict like we had at the Traveston Crossing dam—I see Senator Bob Brown here; he ran both sides of the fence on the Traveston Crossing dam, you might recall. We do not want that sort of conflict in environmental issues. We want people to be taken with us, together.

Mr Acting Deputy President McGauran, I think there is someone breaching standing orders by wandering around the chamber. Perhaps it was the person who I mentioned had walked both sides of the fence with the Traveston Crossing dam—on one occasion he opposed it and floated down the river and on the other occasion he gave preferences to the government that wanted to build it. But I know independent senators and others who are listening to this will not be distracted by a pretty obvious ploy by the Greens leader to distract their attention.

The data is there. We want to take people with us to make sure that we get an arrangement in the Coral Sea that has universal support—and it can happen. Ms Zethoeven, for whom I have some regard as a person in a social capacity, is saying: 'The fishermen would like to get out of there. Give them four or five million dollars for their licences and they will be out tomorrow.' But, hang on—this arrangement does not provide four or five million dollars for a fishing licence; in fact, it provides nothing. It tries to give them a permit which could well impact on any compensation that might come or be able to be insisted upon if this should eventually become part of the bioregional marine planning process.

We do not want to confiscate people's licences without reward, so let's have a look. I think Senator Scullion is full bottle on this, and he will be talking shortly. Is it the case that, when a permit is given, you

are then taking away or giving by government grant a right that has existed under the fisheries act for some time and which, if taken away, might entitle those fishermen to some compensation? Why do this? That is the bit I cannot understand.

I have demonstrated that it is a pristine area already. It is there, it is so pristine, everybody wants to preserve it. So why bother? The marine planning process is going to continue. If the Australian public decides to get rid of this government at the next election, which I hope it will do, I can assure you that the next government will continue the process that the Howard government started—that is, the marine protected areas and the bioregional planning process.

We were the first government in the world to start the marine planning process. That was an initiative of the Howard government and it will continue with the Turnbull government. We are very proud of that. There is no doubt that we will continue it, but we will do it in conjunction with all of those people involved. We will do it in conjunction with the fishermen. We will do it in conjunction with the marlin boat operators. We will do it in conjunction with the conservationists.

I think at times that Ms Zethoeven has a belief—and I do not want to verbal her here—that the ends sometimes justify the means. In this case you can get to the ends, but you can get to them by taking everyone with you. Someone should have a look at the regulations themselves. I did; I used to be a lawyer. The regulations that this proclamation brings into play, and I know that Senator Scullion is going to talk about this, are quite horrific. Why bother? Why go through it all? Why cause that division? It is not necessary. By the time the bioregional planning process comes around, it might be a year. It might be two years. It might be three years. But it is on the way. It is happening now.

Senator Boswell—It is happening next year.

Senator IAN MACDONALD—Next year, is it? Thank you, Senator Boswell. It is happening now, so why interfere with that process? Why have half the people demonstrating in the streets, arguing against it and getting all upset when it is not necessary? This conservation zone is not needed. The bioregional planning process will continue. So why bother with it?

I pay tribute to Senator Ron Boswell. We have not always agreed, and some of the things that I have said today I know Senator Boswell will not agree with, but I commend a senator who has been passionate in his support for the fishing industry in Queensland and, beyond that, for the tourism industry. He, as do I, has this great concern about the unemployed in Far North Queensland and the impact that this will have upon their jobs.

I plead with those in the Senate who have not yet made up their minds to ask themselves: why is this

being pushed forward? I do not subscribe to conspiracy theories, but it is not necessary, so why is it being done? Why is it being pushed by a group from America—who were formed, I might say, with oil money? Perhaps there is a guilty conscience there. Why not talk to some people in Cairns rather than talking to some Americans? What is behind it? There is no conspiracy, perhaps, but what is the purpose of it all when it is quite unnecessary? It was announced without any warning, without any consultation with those directly involved and it is completely unnecessary.

I, like Senator Boswell, am passionate about these things. I am passionate about the Barrier Reef. I am passionate about marine conservation. I am also passionate about my fellow North Queenslanders who do not have a job—all they want to do is argue with the government, because the government in this instance and in one other instance has not taken them with it. We can solve all that. We can pursue the bioregional process and keep it going at a fast rate, but let us not destroy the goodwill for the sake of these regulatory measures, which are completely unnecessary. No-one who has spoken in this debate so far has in any way convinced me that there is anything that this proclamation will do that would not happen otherwise.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (6.29 pm)—I move:

That the debate be adjourned.

I seek to allow a second motion to be moved by leave so that we can extend this debate until 7.20 pm. I would prefer that this matter be dealt with by 6.50 pm. We could then go on to deal with the youth allowance during the last remaining hour. Hopefully, those opposite might be able to confine their debate to that period. I would then be able to make that time available for the youth allowance debate. Otherwise, we would end up in a position where this debate continued without a resolution of the Senate.

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (6.30 pm)—I seek clarification. The effect of the motion would be that the disallowance motion is not voted upon. Is that correct?

Senator Faulkner—No, it gives you more time to debate it.

Senator PARRY—When will the additional time be applied?

Senator Faulkner—From 6.50 to 7.20.

Senator PARRY—It would have been nice if you had consulted with us so I could have discussed this matter with you.

Senator Ludwig—We tried.

Senator Faulkner—To be fair, Senator Ludwig—

The ACTING DEPUTY PRESIDENT (Senator McGauran)—Order! Senator Faulkner, you should have this debate outside the chamber, if you wish, not across the chamber.

Senator PARRY—I will speak against the proposition to adjourn and the opposition will not be supporting that motion.

Senator IAN MACDONALD (Queensland) (6.31 pm)—The Manager of Opposition Business has spoken. I think that is appropriate. If anyone wanted to consult with him perhaps now would be an opportune time. What if we go for half an hour and we have not finished the debate then? That is my concern. Do we have another half-hour extension and do we then go to Christmas time?

Senator Faulkner interjecting—

The ACTING DEPUTY PRESIDENT—Senator Macdonald and Senator Faulkner, you are not to carry on the conversation across the chamber. Any questions can be asked outside the chamber.

Senator IAN MACDONALD—Indeed. I am concerned about this. The government again is demonstrating how it cannot manage this chamber. It is in complete disarray, in the same way as the economy will be in a year or two when we have to turn around and start paying off the huge borrowings that this government has embarked upon—

The ACTING DEPUTY PRESIDENT—Senator Macdonald, on advice from the Clerk I should put this motion now. There should be no debate on a motion to adjourn the debate.

Question put:

That the motion (**Senator Ludwig's**) be agreed to.

The Senate divided. [6.36 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes.....	31
Noes.....	<u>31</u>
Majority.....	<u>0</u>

AYES

Arbib, M.V.	Brown, B.J.
Brown, C.L.	Carr, K.J.
Collins, J.	Crossin, P.M.
Farrell, D.E.	Faulkner, J.P.
Feeney, D.	Forshaw, M.G.
Furner, M.L.	Hanson-Young, S.C.
Hogg, J.J.	Hurley, A.
Hutchins, S.P.	Ludlam, S.
Ludwig, J.W.	Lundy, K.A.
Marshall, G.	McEwen, A.
McLucas, J.E.	Milne, C.
Moore, C.	O'Brien, K.W.K. *
Polley, H.	Siewert, R.
Stephens, U.	Sterle, G.
Wong, P.	Wortley, D.
Xenophon, N.	

NOES

Adams, J.	Back, C.J.
Barnett, G.	Bernardi, C.
Birmingham, S.	Boswell, R.L.D.
Bushby, D.C.	Cash, M.C.
Cormann, M.H.P.	Eggleston, A.
Ferguson, A.B.	Fielding, S.
Fierravanti-Wells, C.	Fifield, M.P.
Fisher, M.J.	Heffernan, W.
Humphries, G.	Joyce, B.
Kroger, H.	Macdonald, I.
Mason, B.J.	McGauran, J.J.J.
Nash, F.	Parry, S.
Payne, M.A.	Ronaldson, M.
Ryan, S.M.	Scullion, N.G.
Troeth, J.M.	Trood, R.B.
Williams, J.R. *	

PAIRS

Bilyk, C.L.	Colbeck, R.
Bishop, T.M.	Coonan, H.L.
Cameron, D.N.	Brandis, G.H.
Conroy, S.M.	Johnston, D.
Evans, C.V.	Minchin, N.H.
Pratt, L.C.	Abetz, E.
Sherry, N.J.	Boyce, S.

* denotes teller

Question negatived.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (6.39 pm)—I move:

That the question be now put.

Question put.

The Senate divided. [6.44 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes.....	32
Noes.....	<u>30</u>
Majority.....	<u>2</u>

AYES

Arbib, M.V.	Brown, B.J.
Brown, C.L.	Carr, K.J.
Collins, J.	Crossin, P.M.
Farrell, D.E.	Faulkner, J.P.
Feeney, D.	Fielding, S.
Forshaw, M.G.	Furner, M.L.
Hanson-Young, S.C.	Hogg, J.J.
Hurley, A.	Hutchins, S.P.
Ludlam, S.	Ludwig, J.W.
Lundy, K.A.	Marshall, G.
McEwen, A.	McLucas, J.E.
Milne, C.	Moore, C.
O'Brien, K.W.K.	Polley, H.
Siewert, R.	Stephens, U.
Sterle, G.	Wong, P.
Wortley, D.	Xenophon, N.

NOES

Adams, J.	Back, C.J.
Barnett, G.	Bernardi, C.
Birmingham, S.	Boswell, R.L.D.
Bushby, D.C.	Cash, M.C.
Cormann, M.H.P.	Eggleston, A.

Ferguson, A.B.	Fierravanti-Wells, C.
Fifield, M.P.	Fisher, M.J.
Heffernan, W.	Humphries, G.
Joyce, B.	Kroger, H.
Macdonald, I.	Mason, B.J.
McGauran, J.J.J.	Nash, F.
Parry, S.	Payne, M.A.
Ronaldson, M.	Ryan, S.M.
Scullion, N.G.	Troeth, J.M.
Trood, R.B.	Williams, J.R.

PAIRS

Bilyk, C.L.	Colbeck, R.
Bishop, T.M.	Coonan, H.L.
Cameron, D.N.	Brandis, G.H.
Conroy, S.M.	Johnston, D.
Evans, C.V.	Minchin, N.H.
Pratt, L.C.	Abetz, E.
Sherry, N.J.	Boyce, S.

* denotes teller

Question agreed to.

The PRESIDENT—The question now is that the motion moved by Senator Boswell and Senator Macdonald be agreed to.

Question put.

The Senate divided. [6.48 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes.....	31
Noes.....	<u>31</u>
Majority.....	<u>0</u>

AYES

Adams, J.	Back, C.J.
Barnett, G.	Bernardi, C.
Birmingham, S.	Boswell, R.L.D.
Bushby, D.C.	Cash, M.C.
Cormann, M.H.P.	Eggleston, A.
Ferguson, A.B.	Fielding, S.
Fierravanti-Wells, C.	Fifield, M.P.
Fisher, M.J.	Heffernan, W.
Humphries, G.	Joyce, B.
Kroger, H.	Macdonald, I.
Mason, B.J.	McGauran, J.J.J.
Nash, F.	Parry, S.
Payne, M.A.	Ronaldson, M.
Ryan, S.M.	Scullion, N.G.
Troeth, J.M.	Trood, R.B.
Williams, J.R. *	

NOES

Arbib, M.V.	Brown, B.J.
Brown, C.L.	Carr, K.J.
Collins, J.	Crossin, P.M.
Evans, C.V.	Farrell, D.E.
Faulkner, J.P.	Feeney, D.
Forshaw, M.G.	Furner, M.L.
Hanson-Young, S.C.	Hogg, J.J.
Hurley, A.	Hutchins, S.P.
Ludlam, S.	Ludwig, J.W.
Lundy, K.A.	Marshall, G.
McEwen, A.	McLucas, J.E.
Milne, C.	Moore, C.

O'Brien, K.W.K. *
Siewert, R.
Sterle, G.
Xenophon, N.

Polley, H.
Stephens, U.
Wortley, D.

PAIRS

Abetz, E.
Boyce, S.
Brandis, G.H.
Colbeck, R.
Coonan, H.L.
Johnston, D.
Minchin, N.H.

Pratt, L.C.
Wong, P.
Cameron, D.N.
Bilyk, C.L.
Bishop, T.M.
Conroy, S.M.
Sherry, N.J.
* denotes teller

Question negated.

BUSINESS

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (6.50 pm)—by leave—I move:

That:

- (a) consideration of government documents be not proceeded with today; and
- (b) the routine of business from 6.50 pm till 7.20 pm shall be government business order of the day no. 1.

Question agreed to.

PROCLAMATION DATED 14 MAY 2009 [CORAL SEA CONSERVATION ZONE]

Motion for Disallowance

Senator XENOPHON (South Australia) (6.52 pm)—by leave—In relation to the motion that has just been dealt with in terms of the Coral Sea, I can indicate that I supported the government's position subject to a number of conditions. I note that the government will be making a formal statement sometime tomorrow in relation to this. Firstly, the government will outline the extent of consultation in relation to the current plan being considered. Secondly, in relation to general conditions Nos 3 and 4, which relate to the fact that staff must not include any person that has been convicted of an offence against the act or the regulations within five years of the date of the conviction, the government will be seeking to amend that.

The government has indicated that in relation to condition No. 21, with respect to scuba-diving conditions, it will make it clear that it does not apply to snorkelling. In relation to condition No. 19, with respect to notification of an injury or a person being seriously ill, it will make it clear that there must be reasonableness in respect of that. They are the key elements of the matters I have discussed with the government. These are matters that I understand that Senator McLucas has indicated will be the subject of a formal statement by the government to confirm the same.

SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (INCOME SUPPORT FOR STUDENTS) BILL 2009

In Committee

Consideration resumed.

The TEMPORARY CHAIRMAN (Senator McGauran)—We are dealing with the Greens amendments.

Senator HANSON-YOUNG (South Australia) (6.54 pm)—I assume these are amendments (1) to (4) on sheet 6007. Is that correct?

The TEMPORARY CHAIRMAN—Correct.

Senator HANSON-YOUNG—I withdraw those.

Senator MASON (Queensland) (6.54 pm)—In relation to the opposition's amendments on sheet 5968, there are four of them. I will discuss all four of them if I may. With respect to item (1), this and amendment (3) extend the time frame for the government's proposals so as to ensure that the students currently in their gap year are not disadvantaged. This is a transition measure to allow those students who have started under the old rules to continue under them without disadvantage.

With respect to item (2), we are removing this requirement in the context of extending the gap provisions because it is retrospectively applying to all students who have made decisions regarding their study arrangements this year based on what the government, through Centrelink, teachers, careers advisers and so forth, told them last year when they were finishing year 12. At present the government's proposals as outlined by Ms Gillard and reflected in this legislation are that only some 5,000 of the 30,000 students affected will be entitled—that is, those that live more than 90 minutes from university by public transport. So, in effect, this is the opposition's amendment that will overcome what we see as the retrospectivity of this bill. Students who, in good faith, received advice that the law operated in a certain way enabling them to become independent and qualify for youth allowance would in future be able to do so. The law was being changed midstream. While I agree that it is not technically retrospective, it is retrospective in operation.

In relation to item (3), that is simply an extension of the independence time frame reflected, of course, in the Greens amendments that Senator Hanson-Young withdrew before. In relation to item (4), this is about the amount of student start-up scholarship payment. From 1 January 2010 all recipients of youth allowance will receive an annual start-up scholarship. The government said it would be \$2,254 in 2010, and I think it is thereafter to be indexed and paid in lump sums. This scholarship will be paid to about 146,000 students in 2010, growing to 172,000 students by 2013. What the opposition's amendment does is to reduce this amount from \$2,254 to \$1,000 per year. We are not taking

away any moneys that students are currently receiving; we are merely reducing the amount of money they would have started receiving as a new initiative from next year onwards. In effect this is a savings measure to pay for the opposition's other proposals debated earlier this evening. A saving of about \$700 million over four years is achieved through this amendment, and it will go towards financing the extension of the gap year provisions to the students currently affected by Labor's proposed changes and the opposition's other amendments that were passed earlier this evening to maintain the most important workforce participation tests for rural students who must leave home to pursue higher education.

That is the gamut of the opposition's amendments. They relate to fighting the effective retrospectivity—that is very important to us—and also, of course, in effect the finance measure to pay for those amendments. That is what the opposition's amendments seek to do.

The TEMPORARY CHAIRMAN (Senator McGauran)—I just wish to clarify this with you, Senator Mason: do you wish to move those motions? I do not think you formally have. Do you wish to take them together or move them separately?

Senator MASON—I seek leave to move amendments (1) to (3) on sheet 5968 together.

The TEMPORARY CHAIRMAN—And (4) separately?

Senator Carr—Do you want (4) separately or (1), (2), (3) and (4)?

Senator MASON—I understand that Senator Hanson-Young wants to move Greens amendments (4) and (5) on sheet 5957 before we move opposition amendment (4).

Senator Hanson-Young—I would suggest to the chair that we move opposition amendments (1), (2) and (3) on sheet 5968 and then go on to the three remaining amendments after that.

Senator MASON—That is what I suggested, yes.

Leave granted.

Senator MASON—I move opposition amendments (1) to (3) on sheet 5968:

- (1) Schedule 1, item 2, page 5 (lines 13 and 14), omit "30 June 2010", substitute "31 December 2010".
- (2) Schedule 1, item 2, page 5 (lines 18 to 20), omit paragraph 1067A(10C)(e).
- (3) Schedule 1, item 2, page 5 (line 23), omit "1 July 2010", substitute "1 January 2011".

Senator HANSON-YOUNG (South Australia) (6.59 pm)—I would like to acknowledge that the reason the Australian Greens withdrew their previous amendments just before Senator Mason spoke to the opposition amendments was that we believed that the

opposition amendments are doing a similar thing. The Greens amendments perhaps went a little further in reversing that retrospectivity by ensuring that we caught all current gap year students, but I think that the opposition amendments provide a much better position than the current legislation, and that is why I am willing to support them.

I want to point out from the outset that any type of policy that has a retrospective nature is a bad way to go. It does not matter whether we are talking about student income support, health measures, other education measures or climate change. Whatever it is, you do not as a general rule introduce laws that are retrospective. It is just not a good principle. Aside from the fact that these young people have been caught and have had the rug pulled out from underneath them as the rules have changed, and despite the fact that they were advised by government officials themselves to take a gap year to get a job to earn \$19½ thousand, the government is proposing to change the rules.

I just think the whole idea of retrospective law-making is quite outdated and archaic. It is not something that a government which wants a visionary approach to the future would be taking. We need to deal with this, and I would have liked to have seen the government deal with the retrospective nature themselves before they introduced the legislation and brought it to the Senate. They did do a little bit of a backflip but we all know that it did not actually deal with everybody. If you agree that retrospectivity is bad for some, surely you agree that it is bad for all.

Senator NASH (New South Wales) (7.02 pm)—This is indeed a matter of fairness. I think it is fairly simple for those in this chamber and elsewhere to realise that it does not matter if you live further than 90 minutes by public transport from a tertiary institution or not—the students on either side of that barrier are caught in exactly the same set of circumstances. That set of circumstances is the fact that they embarked upon this gap year in good faith on advice from Centrelink, from school counsellors and from a range of people that it was an appropriate way forward for them to gain access to independent youth allowance.

The government has simply changed its mind mid-stream and pulled the rug out from under the feet of those students. It was only forced into a partial backflip, but those exact same issues relate to all students. Regardless of whether or not they live further than 90 minutes away by public transport from the tertiary institution, if the government is going to argue the cost factor, that is simply ridiculous. This should not be about dollars and cents. This is about students' education and them being told by the government what was an appropriate avenue to access that assistance. They simply had the rug pulled out from underneath them, and it should be reinstated.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (7.03 pm)—The proposition that has been put before the chamber seeks to delay the new independence criteria by one year for all students, including those living at home, rather than endorsing the government's much more targeted approach of a six-month push back to the current gap year for students who need to move to study. What this will effectively mean is that there will be some \$700 million removed from the scholarship program. That will effectively become a permanent cut equivalent to \$50 per fortnight for around 150,000 students for each year that they are at university. That is what item (4) does. As a fig leaf to certain student elements there is an attempt to establish what they call a 'new scholarship'. There are no details on the value. There is no detail on the numbers. It is said to be worth \$120 million over four years, and that is to be funded from the \$700 million. So what we have is a very, very substantial gap in the opposition's mathematics. This new scholarship will go to students who miss out on receiving youth allowance, presumably because their parents' income is above the income test. So what we have is a series of propositions where the coalition's numbers clearly do not add up.

The Department of Education, Employment and Workplace Relations estimates that there are some 23 per cent of students from rural and regional areas at universities on student income support. This means that, of the almost \$700 million that the Liberals want to cut out of the scholarship scheme, a significant proportion of that will mean a permanent reduction for students in regional areas. You have actually undermined your own case, Senator Mason. On our calculations, you are taking from families who are eligible for the youth allowance—those who earn less than \$76,000 and have one student at home, those who earn \$92,000 and have one student away from home and those who earn up to \$141,000 and have two students away from home—in order to give families who earn larger sums of money than that a benefit.

Senator Mason interjecting—

Senator CARR—What we have here, Senator Mason, are some rather misguided approaches that the coalition are seeking to pursue on this issue. If they are serious about taking up the issue of regional participation, they want to stick to the current arrangements, which, according to their own former shadow minister: ... particularly disadvantages many students—particularly those from the country—who have to leave home to study ... But they would be better than the proposals that you have. The coalition, frankly, should drop these amendments if they are serious about engagement with students from rural and regional areas. Their proposals would in fact mean that 150,000 new scholarships would be blocked.

Senator WILLIAMS (New South Wales) (7.07 pm)—I find the government's attitude amazing: it is all about saving money. If these students just gave up the gap year and went on the dole the government would gladly give them \$453 a fortnight but not \$371.40 a fortnight to carry out their studies. Life is about fairness. These students finished year 12 last year and they sought advice from Centrelink, careers advisers et cetera, and you have changed the rules halfway through the game. That is unfair. As I said, you will gladly give someone who leaves year 12 and who does not get a job \$453 a fortnight and you gladly spend a billion dollars extra for the ceiling batts, but when it comes to educating our students in a tertiary degree to provide the essential services that all Australians require you are now pulling the pennies. It is unfair, it is retrospective in effect and that is why this amendment should be passed.

Senator HANSON-YOUNG (South Australia) (7.08 pm)—I just want to point out that, despite my concerns about the scholarship issue, that is not actually the amendment we are dealing with, so you may need to repeat all those comments at the next amendment.

Question agreed to.

Senator HANSON-YOUNG (South Australia) (7.08 pm)—by leave—I move:

That the House of Representatives be requested to make the following amendments:

- (1) Clause 2, page 2 (table item 4), omit "1 July 2012" (twice occurring), substitute "1 January 2011".
- (4) Schedule 1, item 23, page 14 (line 10), omit "1 July 2012", substitute "1 January 2011".
- (5) Schedule 1, item 31, page 16 (line 6), omit "1 July 2012", substitute "1 January 2011".

Statement pursuant to the order of the Senate of 26 June 2000

Amendments (1), (4) and (5)

These amendments bring forward by 18 months the date of effect of provisions that relax the 'personal income test' for students, increasing the amount they can earn before they begin to lose their entitlement to youth allowance payments. The provisions in the bill would increase the amount of the payment received by a class of people. The additional expenditure expected under these provisions is offset by savings elsewhere in the bill, however it appears that the combined effect of introducing these provisions and bringing forward the date of their commencement would result in increased expenditure under the standing appropriation in section 242 of the *Social Security Administration Act 1999*.

Amendments (1), (4) and (5) should therefore be moved as requests.

Amendment (3)

Schedule 1, item 2 of the bill imposes conditions restricting the entitlement of some students to the receive the youth allowance at the independent rate. In this respect, the effect

of the bill is to restrict the class of people who would be eligible for the payment, and reduce expenditure under the standing appropriation in section 242 of the Social Security Administration Act 1999.

Amendment (3) would add a new class of eligible students and increase expenditure under the standing appropriation, as compared to the provisions in the bill. It is not clear, however, that the effect of the amendment would be to increase expenditure under that appropriation above the expenditure authorised under the Act as it currently stands.

Amendment (3) should therefore be moved as an amendment.

Amendments (6) and (7)

The combined effect of these amendments is to exempt certain scholarships from income tests under social security legislation. Although the effect would be to enable a small class of people to receive increased benefits, it has been argued that the cost will be negligible. It is not clear that the effect of these amendments would be to increase expenditure under the standing appropriation in section 242 of the Social Security Administration Act 1999 when compared with the expenditure under the Act as it currently stands.

Amendments (6) and (7) should therefore be moved as amendments.

Statement by the Clerk of the Senate pursuant to the order of the Senate of 26 June 2000

The Senate has long followed the practice that it should treat as requests amendments which would result in increased expenditure under a standing appropriation.

On the basis that amendments (1), (4) and (5) would result in increased expenditure under the standing appropriation in section 242 of the Social Security Administration Act 1999, it is in accordance with the precedents of the Senate that those amendments be moved as requests.

It is also in accordance with the precedents of the Senate that amendments (3), (6) and (7) not be moved as requests. Although those amendments would increase the expenditure authorised under the bill, it is not clear that their effect would be to increase expenditure under the standing appropriation.

Senator HANSON-YOUNG—These amendments are in relation to the issues that came about after the government realised there was such a backlash to the retrospectivity aspect of cutting the gap year halfway through people's journeys of raising the \$19½ thousand on their way to achieving independent status for youth allowance. In her wisdom, the Deputy Prime Minister, not wanting to admit that this was a badly conceived policy scribbled on the back of an envelope, decided she would punish those other students further down the track by pushing back the ability for them to continue to earn a little more money in the personal income threshold in order to help pay for their education and living costs. The need to increase that personal income threshold has been paramount for years.

Last night in my speech in the second reading debate I spoke about how low the maximum rate of youth allowance is. It is far below the Newstart allowance, let alone anywhere within reach of the Henderson poverty

line. For young people who are struggling to pay for all their living costs—rent, textbooks and everything—the fact is that they then get penalised for taking a part-time job and can only earn a certain amount, and that amount is set quite low. There has been a long campaign from student groups right around the country to try to lift this.

It was good, in the beginning, that the government saw this needed to be done. It was obviously a recommendation from the Bradley review, which was fabulous. But the Deputy Prime Minister, in her cruel and twisted way, decided to punish those students because she did not want to fess up that she had stuffed up the policy in the first place by being retrospective. We need to remove this, because it is virtually unfair now to push back one of the more positive aspects of this package. I was one of the first people to acknowledge that this was a positive aspect of the package, but in her cruel and twisted way she has pushed that back in order to save face where the removal of the workplace criteria was retrospective and she has pulled the rug from underneath other students. We need to ensure that we remove that because it is simply unfair.

Senator MASON (Queensland) (7.11 pm)—The opposition cannot support these amendments simply because they have budgetary implications that we would not be prepared to undertake.

Question negatived.

Senator MASON (Queensland) (7.12 pm)—I move opposition amendment (4) on sheet 5968:

(4) Schedule 2, item 4, page 20 (line 17), omit "\$1,127", substitute "\$500".

I did traverse this issue before and I just repeat that for the coalition this is very important, because this is the savings measure by which we pay for all our proposals. Let me leave it at that.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (7.12 pm)—I have indicated our position on this: we are opposed to the proposition.

Senator HANSON-YOUNG (South Australia) (7.12 pm)—I have indicated already that I cannot support this for the same reasons as I could not support the government's proposal in the bill about pushing back the personal income threshold. I see that it is an issue of robbing Peter to pay Paul at a time when we need to invest in education and therefore invest in student support. I understand that there are budgetary issues, but that is the problem when you seek to save money when investing in education and to save money from students. It is really not appropriate. We need to see more money put into this pot. You cannot expect to enable 100,000 extra students to get something without putting more money in, because everybody gets less—even those people who need it the most. I just cannot

support that. I understand why the coalition are doing it, but I do not think it is appropriate.

Question put:

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

A division having been called and the bells being rung—

Senator Mason—I seek leave to cancel the division.

Leave granted.

The TEMPORARY CHAIRMAN—The division has been cancelled.

Senator MASON (Queensland) (7.15 pm)—by leave—I thank the Senate. This was a very important savings measure that the opposition desperately wanted. We recognise that we do not have support in the Senate for it. Because the Senate is nearly out of time to debate this, I will leave it at that.

The TEMPORARY CHAIRMAN—The question is that opposition amendment (4) be agreed to.

Question negatived.

Senator HANSON-YOUNG (South Australia) (7.15 pm)—by leave—I move Australian Greens amendments (6) and (7) on sheet 5957:

- (6) Schedule 2, item 13, page 26 (lines 31 and 32), omit “to the extent that the payment does not exceed the person’s threshold amount for that year;”.
- (7) Schedule 2, item 14 page 27 (lines 19 to 34), omit subsection 8(8AB).

This is the last set of amendments after a marathon run, as I think we would all agree. These amendments seek to address an issue that affects those postgraduate research students currently in receipt of a scholarship. I stress that the Greens welcome the government’s commitment to extend the exemption of scholarships other than the Commonwealth scholarships when it comes to assessing income support for students. In December last year the House of Representatives handed down a report into how we can better support postgraduates in research training places. We believe that the amendments before the committee today address this issue of equity in ensuring that those research postgraduate students who may be in receipt of a parenting or carer payment will still be able to receive their income support without it being docked. Clearly this is an important issue for postgraduate students. By virtue of being postgrads and being an older generation, they face extra issues.

We already know that research students are a group of students that already struggle. By removing the threshold amount that the government has set, this small but important change could really assist the postgrad students who are in receipt of a parenting payment by exempting them from losing their income support. I think this is an important amendment. It was over-

looked in the government’s legislation. I would like to take this opportunity to rectify the situation.

Senator MASON (Queensland) (7.17 pm)—Given the failure of the opposition’s savings measure that has just been defeated by the Senate, we are unable to support these amendments.

Senator XENOPHON (South Australia) (7.17 pm)—I indicate my support for these amendments. These are important amendments because too often the plight of postgraduate students in our universities can be neglected. Our up-and-coming researchers on research scholarships need to be working as well. That is why I think these amendments are sensible and important. The government may well say that this is a cost that it cannot support; rather I say it is an investment. I support these amendments.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (7.18 pm)—The government does not support these amendments.

Question negatived.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Bill read a third time.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Moore)—Order! It being 7.20 pm, I propose the question:

That the Senate do now adjourn.

Community and Neighbourhood Houses and Centres

Senator FARRELL (South Australia) (7.20 pm)—I rise to speak in recognition of a group of tens of thousands of volunteers who are, in many respects, the unsung heroes of communities throughout Australia. I refer, of course, to the Australian Neighbourhood Houses and Centres Association, which represents more than 1,000 houses and centres throughout Australia that are staffed largely by volunteers who are dedicated to improving the lives of others. These volunteers, who number some 600,000, are supported by a very much smaller paid staff who work from several hours per week to full time.

Community and neighbourhood houses and centres play a crucial part in the lives of many Australians, right across all age groups, and have a number of extremely worthy objectives: firstly, acting as platforms for social inclusion where individuals and families can become connected, find information, learn, and improve health and general wellbeing; secondly, providing a focus for building community capacity through health programs, community education, transitional programs leading to training and employment, volunteer involvement, children’s programs, action groups and involvement in local decision making; thirdly,

practising preventative and early intervention strategies, working on the basis that a fence at the top of the cliff is far better than an ambulance at the bottom; and, finally, partnering with a broad range of organisations and government agencies to enhance their services.

The houses and centres offer unique opportunities to reach people where they live. They have extensive community and social networks and make amazing but often unrecognised contributions towards enhancing all of our lives. While there is no specific Australian data to support the value of community houses and centres, a New Zealand report shows conclusively that, for every dollar spent on funding organisations such as community centres, the return on the investment is between \$54 and \$72.

One of my most recent contacts with the Australian Neighbourhood Houses and Centres Association has been in relation to a national campaign seeking deductible gift recipient tax endorsement. Not having deductible gift recipient tax endorsement, or DGR, restricts the ability of community centres to access philanthropic and corporate funding, and also means that the vast majority are reliant on government funding and small-scale fundraising. A DGR study by the Australian Neighbourhood Houses and Centres Association notes that only seven per cent of Australian neighbourhood houses and centres have DGR endorsement, and yet it is estimated that by 2012 donations via philanthropy to the overall community sector will exceed \$500 million.

The association says that unless the other 93 per cent of neighbourhood houses and centres are granted DGR they will, of course, miss out on the opportunity to seek this much needed and valuable funding. Obtaining DGR would have many positive benefits, according to the association, such as increased investment from the philanthropic and private sectors, less reliance on government funding, an increase in the number of community partnerships, a significant increase in social inclusion and community-strengthening programs, and stronger and healthier Australian communities.

In my own state of South Australia, the state peak organisation for neighbourhood houses and centres goes under the acronym of CANH, which is the Community and Neighbourhood Houses and Centres Association. Its vision is to act as a catalyst to assist communities to develop through participation, engagement and skills development. There are 96 neighbourhood houses and centres in South Australia, with 23 country members and the balance being in Adelaide. Some are council-managed, with the majority locally operated by the communities that they serve. All together they have some two million contacts per year. South Australian neighbourhood houses and centres contribute more than 15,000 volunteer hours per week, valued at over

\$15 million per annum. These centres are, like those throughout the nation, welcoming and nurturing bodies that are non-judgmental and offer an extremely wide range of services.

South Australia has been operating community and neighbourhood houses for more than 30 years, providing exceptional service on shoestring budgets and very limited human and financial resources. Like those throughout Australia, they too suffer from a lack of paid staff to manage the complexities and responsibilities related to supporting crucial volunteer and community programs. Some centres receive state neighbourhood development funding through the South Australian Department for Families and Communities and additional program funding through: the Department of Further Education, Employment, Science and Technology; the Office for Recreation and Sport; and the Department of Health. Others receive funding through their local governments in the areas in which they are located. But the sector has no single funding source and does not receive the necessary amount of base funding to deliver its full potential in partnering with government to achieve community-building outcomes.

The Executive Officer of CANH in South Australia, Ms Gillian McFadyen, and her small staff, recognise the amazing workload carried out by neighbourhood houses and centres—work which is done extremely well despite a lack of funding and sufficient human resources. Ms McFadyen is one who sees DGR as important to her sector's wellbeing, but she also has three additional wishes that she would dearly love to see fulfilled. Firstly, she would like to see each of the state's 96 centres have a minimum of two paid full-time staff: a community development worker and an administrator. Again, that is not an unreasonable request. That would ease the current burden under which many CANH centres struggle. She would like to see some continuity of funding. Short-term contracts are inefficient, and well-run, successful programs can be ended before lasting outcomes or sustainability can be identified. Staff cannot be retained, and a great deal of time is consumed in winding up programs only to recommence them if funding is successful. Minimum three-year funding cycles and three-month notification periods for continuation of funding would assist in resolving this.

Secondly, she would like to see community and neighbourhood houses in South Australia receive the recognition and respect they so richly deserve. I concur with this, for there is nothing quite so unrewarding as working as a volunteer and yet never receiving any formal or official thanks. And, finally, she would like to see something positive done about compliance and report writing. Because most of the sector's funding comes from government sources, governments, quite

rightly, demand that reports be submitted regularly on how the funding was spent. Many community centres work with multiple funding sources and contracts to deliver a variety of services and projects. Reporting is time consuming and complex because there is no uniform reporting style required. I know that many CANH centres doubt if the reports, when submitted, are actually even read. These three wishes are hardly onerous, especially the recognition of and respect for a job that is being well done. The writing of reports that one believes will never be read can be soul destroying as well as hard yakka. Data collection and writing reports takes up about a fifth of the time of the full-time staff—time that could more profitably spent in helping the community.

South Australia's CANH is currently running an awareness program using four people who came to their local centres seeking connection: an Indigenous woman who felt alone and isolated and who, through her local centre, discovered her talent as an artist and is now teaching art to other Indigenous women; a widower suffering from loneliness and depression who, through his centre, discovered his talent at computing and photography and is now actively involved in a drama group; a young unemployed and 'at risk' street person who has become, through his centre, a fully employed project officer; and a single mother who, through her centre, developed her literacy skills to help her daughter with homework and now works as a CANH volunteer. She has found full-time employment in the beauty industry.

It is stories like these that warm one's heart and make one realise the extent to which many in the community depend on organisations such as community and neighbourhood houses and centres. These are community resources that we cannot continue to undervalue. We must recognise them for their contribution to society through appropriate funding and resourcing. We are indeed fortunate to have them.

Berlin Wall

Senator HUMPHRIES (Australian Capital Territory) (7.29 pm)—Last week, on 9 November, we marked the 20th anniversary of an event that truly shook the world. Nineteen eighty-nine was a very significant year when many important things happened, but the most significant thing for the course of human history occurred right at the end of that year with the collapse of the Berlin Wall. The Berlin Wall was the most vivid symbol of the Cold War and the oppression of those trapped behind the so-called Iron Curtain—oppression that was both political and physical. It became the symbol of opposing ideologies: east versus west, communism versus capitalism. Although the wall symbolically represented the crushing power communism extended over its people, for the citizens of Berlin it was more than just a political symbol. It was a pain-

ful reality expressed in barbed wire, reinforced concrete and minefields. For the people of Berlin, the wall was the fence that made them prisoners in their own home.

For many, the erection of the wall came as a complete surprise. As late as June 1961, the head of state of the German Democratic Republic had remarked emphatically, 'It is no-one's intention to erect a wall in Berlin.' And yet two months later, on 13 August 1961, beginning with road and rail closures, the first fixtures of the wall were built. These fixtures were built upon and expanded through a number of iterations before the final result emerged: a wall of reinforced concrete spanning 155 kilometres, containing metal fences and 96 watchtowers, numerous ditches and minefields, beds of nails, bunkers and electric fences.

Berlin was separated into two sectors, completely severing economic, political and social ties between the indivisible halves of the one great city. Over the ensuing decades, we were horrified to see the violence, the division, the tears and the grief that were all directly associated with the wall. We heard the stories of those who tried to cross it, risking their lives in a desperate bid for freedom, with many coming painstakingly close—only to have their freedom denied in a hail of machine gun bullets or at a barbed wire fence. As a child I had the privilege of travelling to Berlin. On a tour of the eastern part of the city—it was compulsory to undertake such visits on organised tours—we asked our East German guide why a wall was there. She said to us, 'This is to keep the West out.'

For many, the Cold War was an abstract, ideological battle for presidents and generals—a war without apparent bloodshed or casualties. But the wall gave it a human face. In the wall the world saw the real difference between ideological systems played out on the streets of this great city. On 26 June 1963, in his famous 'Ich bin ein Berliner' speech, US President John F. Kennedy remarked:

Freedom has many difficulties and democracy is not perfect, but we have never had to put a wall up to keep our people in ...

... ..

... the wall is the most obvious and vivid demonstration of the failures of the Communist system ... an offence not only against history but an offence against humanity, separating families, dividing husbands and wives and brothers and sisters, and dividing a people who wish to be joined together.

The President's eloquence seemed to make no difference. The wall stood beyond his words—the face of the Cold War; the symbol of the brutality, oppression and tyranny of communism throughout eastern Europe. Although the wall in Berlin was not replicated in the same form in other Iron Curtain countries, the citizens of those countries remained prisoners. They lived under rule that was forced, not chosen. They lacked that

most precious freedom: the freedom of choice. This was not lost on US President Ronald Reagan when, in his speech in 1987 behind the Brandenburg Gate, he challenged Mikhail Gorbachev to 'open this gate' and 'tear down this wall'. He went on to say:

Behind me stands a wall that encircles the free sectors of this city, part of a vast system of barriers that divides the entire continent of Europe. From the Baltic South, those barriers cut across Germany in a gash of barbed wire, concrete, dog runs, and guard towers. Farther south, there may be no visible, no obvious wall. But there remain armed guards and checkpoints all the same—still a restriction on the right to travel, still an instrument to impose upon ordinary men and women the will of a totalitarian state.

Yet, it is here in Berlin where the wall emerges most clearly; here, cutting across your city, where the news photo and the television screen have imprinted this brutal division of a continent upon the mind of the world.

Standing before the Brandenburg Gate, every man is a German separated from his fellow men.

Every man is a Berliner, forced to look upon a scar.

Reagan's most prescient words, however, were:

As I looked out a moment ago ... I noticed words crudely spray-painted upon the wall, perhaps by a young Berliner:

"This wall will fall. Beliefs become reality."

The President went on:

Yes, across Europe, this wall will fall, for it cannot withstand faith; it cannot withstand truth. The wall cannot withstand freedom.

For nearly 30 years, the wall was the very embodiment of a lack of freedom, of restrictions, of oppression. But for the people of Berlin, the people of eastern Europe, the wall was not a persuasive symbol. It did not make people give up hope and accept the reality. Their desire for freedom, for the freedom to choose, remained and indeed gathered momentum as the years went on.

We remember the images of the wall falling, the sledgehammers and the people streaming through the gaps. But these were the images of the climax, not the beginning. The collapse of the wall was in fact the culmination of the revolutionary changes that had been sweeping eastern and central Europe earlier that year. Throughout the Soviet bloc, communist governments in the late 1980s were under siege as reformers emerged, seeking an end to almost half a century of communist rule. That change began in Poland, which had never been a particularly diligent part of the Soviet bloc, where the government had always remained a little more tolerant of its citizens' desires for freedom and where enormous changes resulted. In June 1989, the first free elections led to the election of the Solidarity trade union movement to power. The fact remains that the Polish election was a watershed of huge proportions. It marked not merely the promise but the reality of a new non-totalitarian order. If the collapse of communism in Europe was an avalanche, the Polish election of 4 June was the start of the rockslide at the

top of the mountain, and the Berlin Wall lay at the bottom.

The rockslide affected Hungary next. With the first multiparty elections in a generation, Hungary became, for the first time in many years, a genuine republic. Meanwhile, thousands of East Germans were fleeing their homes into West Germany through both Hungary and Czechoslovakia. The government of East Germany responded by closing the border to Hungary, leaving Czechoslovakia as the only option for escape. By October 1989, the government closed the border to Czechoslovakia as well, completely closing off East Germany from its neighbours. Thus, even as the neighbouring states were embracing reform, the government of the GDR refused to accede to the same demands.

In October that year, the long-term GDR leader, Erich Honecker, resigned and the new leader, Egon Krenz, undertook to open the border with Czechoslovakia once again, resulting in a flood of refugees pouring through. Unable to stem the flow, Krenz decreed that East Germans would be allowed to travel directly into West Germany through eastern checkpoints. As the announcement of this order was broadcast, tens of thousands of people instantly flooded the checkpoints, demanding passage through. As reporter David Molyneux remarked:

Easterners who had been trapped inside the Soviet bloc crossed the border like water through a dam that had sprung a leak—first a trickle, then a torrent of people who climbed over the cement wall and through holes they chipped in the concrete.

Caught unawares, the border guards initially refused passage but, in the face of the overwhelming masses of people and with no-one willing to authorise the use of force, they relented, and on the evening of 9 November 1989 the Berlin Wall fell.

This was not just another event that students in history might study; it was a truly important change in the direction of the world. In the wake of this dramatic symbol of surrender, democratic systems and genuinely independent governments multiplied across Europe and Asia. The economic potential of millions of people was released in newly created free markets. Billions of dollars committed to Cold War infrastructure in both the east and west was freed up for more productive uses. Free trade negotiations and globalisation gained a greater urgency, lifting millions of people out of poverty. It truly seemed that a new world order had arrived—and all of us are the better for that new world order having occurred.

World Diabetes Day

Senator WORTLEY (South Australia) (7.39 pm)—Last Saturday, 14 November, was World Diabetes Day. To mark the occasion, the Juvenile Diabetes Research Foundation, or JDRF, has launched an online petition

to support research into type 1 diabetes. While Australians continue to be diagnosed and suffer with this autoimmune disease, I will continue to speak about it and the government will continue to act. The government has heard the concerns and needs of Australians touched by diabetes. It has committed \$872 million for health promotion and preventive health. This is the largest commitment of any Australian government.

The Commonwealth's \$805.5 million Indigenous Chronic Disease Package aims to improve the prevention, early detection and ongoing management of chronic diseases, including diabetes. In addition, the government funds the National Diabetes Services Scheme at an annual cost exceeding \$126 million. Government expenditure on diabetes products supplied by the NDSS and expenditure on medicines for diabetes through the Pharmaceutical Benefits Scheme exceed \$400 million each year. In addition, the National Health and Medical Research Council invested more than \$57 million in 2008 for diabetes research.

The government also supports the Diabetes Vaccine Development Centre, as a joint initiative of the Juvenile Diabetes Research Foundation and the NHMRC, with the aim of developing an effective vaccine or preventive immunotherapy approach for type 1 diabetes. The government has maintained the commitment made in the 2005 budget to provide the JDRF with over \$30 million to refine pancreatic islet cell transplantation as a treatment for type 1 diabetes. Among other things, too, the government has provided support through the subsidy of diabetes products and pharmaceuticals supplied by the National Diabetes Services Scheme, expenditure on medicines for diabetes through the Pharmaceutical Benefits Scheme—approximately \$400 million each year in total—and the subsidy of insulin pumps for people with type 1 diabetes under the age of 18. However, despite these measures and investments, there is no identifiable cause and there is no cure—yet. There are trials of a vaccine taking place in Australia, but more research is needed.

World Diabetes Day is aimed at raising awareness of both main forms of diabetes—type 1 and type 2—and it is important to understand the difference between them. While there are lifestyle factors such as diet and exercise associated with type 2 diabetes, type 1 cannot be cured by any amount of exercise and is not caused by obesity or eating the wrong foods. Type 2 diabetes can be caused by a combination of genetic and environmental factors. The risk of developing it is greatly increased when a genetic predisposition is combined with lifestyle factors, such as high blood pressure, overweight, poor diet and insufficient physical activity.

While type 2 diabetes, like type 1, has no actual cure, it can be managed, initially through a healthy diet and regular exercise. As the disease progresses, it may be necessary to supplement this regime with tablets to

control blood glucose levels and the monitoring of these levels. Eventually, it may be necessary to start taking insulin to control glucose levels. As with type 1 diabetes, the earlier that type 2 diabetes is diagnosed, the better. The sooner a diagnosis is made, the sooner the sufferer can work to manage the disease and regain some control of their health. Type 2 diabetes usually affects older adults but, unfortunately, more and more younger children are being diagnosed.

Type 1 most often affects children and young adults and it can strike infants as young as eight weeks old. While it usually begins in childhood or early adult years, it can occur at any age. There are other myths about juvenile diabetes that should be debunked. Firstly, it cannot be cured by insulin. Insulin keeps people with type 1 alive, but it is not a cure and it does not ultimately prevent the serious complications that can arise from this disease. It is not caused by being overweight or eating too much sugar. It is not inherited, nor is it contagious and nor can it be outgrown.

Symptoms of juvenile diabetes can include extreme thirst, constant hunger, sudden weight loss, frequent urination, blurred vision, nausea, vomiting, extreme tiredness and infections. Despite every effort to make life as normal as possible, those with juvenile diabetes and their families cannot lead a so-called normal life easily. For them, a normal day includes frequent finger-prick blood tests to monitor glucose levels and multiple insulin injections, unless they are on an insulin pump. Even so, no matter how much care they and their families take, attaining and maintaining the right blood glucose level is not always possible. Levels that are too high or too low can over time cause long-term health complications and even death. The complications of this disease can include eye disease leading to blindness, nerve damage leading to amputation, kidney disease leading to renal failure, and heart disease and stroke. On average, those with type 1 diabetes will have their life expectancy shortened by 15 years. Life with type 1 diabetes is tough to say the least. It is tough on those who suffer with it. It is tough on their families as they try to support their loved one and help keep them as healthy as possible, all the while battling their own fears.

I have previously outlined the experiences of some of the families I know personally who have been touched by juvenile diabetes. Their stories and their lives never cease to amaze, move and inspire me—the sleepless nights, the almost constant worry that when you do go to sleep you or your child may not wake up again if blood sugar levels dip too low. There is an enormous strain on the parents of those with type 1. It places pressure on families, relationships, finances, work life as well as home life, and mental as well as physical health. In fact, I am told depression and eating disorders are becoming increasingly common among

sufferers, particularly the younger sufferers, as they battle the restrictions of their condition. I am sure those with type 1 could use all of the support we can give them, individually and/or through the work of the Juvenile Diabetes Research Foundation.

Last month, I again joined with parliamentary colleagues in the annual Walk to Cure Diabetes in Adelaide. Those who took part in our South Australian polities team may have been of differing allegiances—we had members of parliament of all political persuasions and from all sides of politics—but they had a common goal: to raise the funds needed to beat this disease. In the past week, the first edition of the JDRF newsletter, *Path to a Cure*, lobbed into my inbox. Each month this newsletter aims to inform readers of the latest in type 1 diabetes research. It allows people to share their stories, post comments, offer feedback and be connected to the juvenile diabetes community. It plans to educate and inform. To join the subscribers list, all people have to do is log on to www.jdrf.org.au/newsletter. This online newsletter also contains a link to JDRF's support petition, which aims to promote increased understanding and support for medical research into type 1 diabetes. This petition can be accessed through the www.jdrf.org.au home page.

Wheat Exports

Senator NASH (New South Wales) (7.49 pm)—My colleagues in the chamber would be very well aware that there are a number of very significant issues that we are having to deal with in this parliament at the moment, but there is one issue that is very much under the radar that I think should be right up there in everybody's minds—that is, the issue of wheat. It might not sound very exciting to be standing here and talking about wheat when we have got things like the ETS and many other issues around at the moment, but this is a vitally important issue for our agricultural sector. What we have seen with the deregulation of the wheat marketing system last year is an appalling change of circumstances for our farmers. If ever there was a stupid decision by a government, that was it because it has done absolutely nothing but make circumstances worse for the majority of our farmers. Quite frankly, in my view we should have a single desk back. I know we cannot go back to exactly the same old single desk system, but there is no doubt in my mind that we should be going back to an orderly system of marketing wheat, and I believe that because I know that the majority of growers also believe that.

We have a very interesting situation where we have got the Productivity Commission inquiring into the changes in the wheat export marketing arrangements. But guess what? Submissions had to be lodged by 13 November—talk about black Friday—and the hearings across the country for this inquiry are between 23 November and 15 December. I do not know if the gov-

ernment are completely stupid, but if they opened their eyes and talked to a few people out in the farming sector they might actually realise that the harvest is going on as we speak. These are farmers who have had to deal with years and years of drought, who know that the changes to the wheat marketing system have not been to their advantage, yet because they are flat out hard at work in the middle of the harvest they have not got the time to either put in a submission or be able to attend any of the hearings.

It is interesting that the Assistant Commissioner of the Productivity Commission responded to an email from one grower by saying, 'We appreciate that the timing of the initial hearings and regional forums is inopportune for wheat growers; however, the timetable for the Productivity Commission's inquiry in the wheat export marketing arrangements is beyond its control.' I wonder who decided when these hearings and the submissions were supposed to be in. I stand to be corrected, but my guess is that it was the Minister for Agriculture, Fisheries and Forestry, Mr Burke. How disconnected must he be from the farming sector to have the Productivity Commission conduct this inquiry right in the middle of the harvest. If anything shows what complete disregard he has for the farming sector, it is that. It is absolutely appalling and he should be extending this time frame. The commission does not have to report until the middle of next year and there is absolutely no reason that this minister should not be extending the time frame so these farmers can deal with what is an incredibly difficult issue.

Before we went down the path of deregulating the wheat export marketing system, there were a number of players out there who were full-on about how we should be deregulating. Mind you, this was in the face of the Americans, who for years had been saying that Australia should get rid of the single-desk system for exporting wheat because it gave us an unfair advantage. If ever there were a reason to keep a system in place, surely that was it. But, no, we got rid of it anyway.

There were a number of commentators and analysts who made comments around that time, and one of them was Malcolm Bartholomaeus, who on 16 March 2007 said change is what the sector needs. He said:

Growers need radical change if they are to remain competitive in the global agricultural economy.

The old AWB single-desk system has failed.

... ..

The ultimate would be a deregulated model ...

Guess what? In the *Land* on 12 November, just last week, we again heard from Mr Bartholomaeus, who writes a regular column called 'Smart marketing' in the *Land*. Keep in mind the comments I just gave you as I quote him:

As we enter the peak harvest period this year basis levels are running at \$0/t to +\$5t, or still up to \$20/t lower than what we would have expected from the old single desk.

The question for growers is how to get basis levels, and therefore the final price, up to the levels we used to enjoy from the single desk pool system.

It is highly likely that delivering to a pool in the deregulated market is not going to get us over the line.

... ..

If changes are not made, most growers will be worse off, the industry will be worse off, and the country will have lost valuable export income.

It goes on to say a range of things, including:

Second, we need to begin replicating what AWB used to do.

This is from one commentator who, at the time, was held in very high esteem by those who wanted to deregulate the market. Now he is saying, 'We need to begin replicating what AWB used to do.' There are many, many farmers right across this country who already know that. They already know that because they know the difficulties that are being placed on them by the changes to this system.

Growers are not able to manage the risk. We often have situations now where the debt-to-equity rate is changing for farmers—it is getting much worse—and they simply do not have the opportunity to take advantage of the market tools that are available. They just do not have the financial resources available to manage the risk. Some growers have said to me that the deregulation legislation has torn up about \$1.5 billion to \$2 billion in value to wheat growers in 16 months. The national pool used to manage the risks. This has now become open slather with no structure, and it is to the detriment of farmers. I note that Tony Burke said on a program last week—I think it was with Peter Switzer—how fantastic it was that we were opening up all these niche markets. The minister only has to stand still for two seconds to realise that if you have a niche market then by definition there are not very many people in it. We are talking about the majority of farmers, who are worse-off as a result of these changes to the deregulated market.

The pool had quite significant wholesale negotiating power when it came to rail freight, storage and handling and port loading and could get prices that were to the best advantage of growers. We have seen an increase of around \$20 to \$30 per tonne for storage, handling and freight. Indeed, we have seen prices come down. When this issue is raised, people say, 'It is just world market prices; it's got nothing to do with deregulation going.' The national pool had the ability to manage those risks. This is the point. Now it is up to individual growers, there is no orderly marketing system and there is no ability for the holder of the national pool to manage those risks.

We had a situation where we were selling to single-desk buyers. You do not have to be a rocket scientist to figure out that if you have one seller selling from one country into a market, and you are selling an exceptionally good product that people want and that people understand is quality controlled, then you are going to be able to extract a premium price. It is simply mind-boggling that the minister thinks, 'We've opened up this market and everything is just fine.' It is not. I can tell you it is not because I am speaking to the growers out there on the ground, who overwhelmingly are saying, 'We are worse off under this system.' Again, I repeat: the Americans used to say to the Australians, 'You have to get rid of the single desk for wheat because it is giving you an unfair advantage.' What complete stupidity was it to get rid of that?

Everywhere you turn now, regional Australia is getting absolutely belted. It is our farmers across this community who are feeding this nation. We need to ensure that they have a viable future. This government whacks them across the head at every turn—taking away the single desk, getting rid of Land and Water and cutting the Department of Agriculture, Fisheries and Forestry more than anyone else. This government is trying to impose an ETS that is going to hit regional Australia harder than anywhere else and, even if agriculture is excluded, all of those costs—fuel, transport, electricity, fertiliser, cement, packaging—still exist and they are all going to fall right in the lap of the farmers. It is about time this minister paid attention to what the majority of Australian wheat farmers want. It is time this country stood up and listened to what those farmers want so that they can have a sustainable future.

Australian Technical College Northern Tasmania

Senator BARNETT (Tasmania) (7.59 pm)—Tonight I stand in the Senate to speak about the important campaign to save the Australian Technical College in Northern Tasmania. Tomorrow the Senate will vote on a motion to save the Australian Technical College in Northern Tasmania. That motion was lodged in the Senate today by me, Senator Richard Colbeck and Senator Parry, with the support of Senator Bushby and Senator Abetz on behalf of the Tasmanian Liberal Senate team.

Today I also seek leave to table, in the Senate, petitions with 4,685 signatures, which are a testament to people power and the overwhelming community support for the ATCNT, with more signatures still to come. I seek leave to do that right now.

Leave granted.

Senator BARNETT—Each and every one of those signatures sends a message to the federal government and indeed to state Labor that the Tasmanian community wants to keep the ATCNT. The Australian Technical College Northern Tasmania has been a highly successful model of education for students who wish to

learn a trade and complete their Tasmanian Certificate of Education. The ATCNT, with campuses in Launceston and Burnie, is currently set to close on 31 December 2009, with the loss of 35 staff jobs and the displacement of over 270 students. The options currently being offered to students for 2010 by the Tasmanian government are in no way comparable to current courses offered by the ATCNT and further place at risk the education and employment prospects of the students and indeed future students.

The federal government has invested over \$26 million for the establishment and operation of the ATCNT, including \$14 million on the building of the Launceston and Burnie facilities. The outstanding performance of the ATCNT in its first three years of operation includes winning more than 40 awards for students and staff, including the 2007 Tasmanian and Australian School Based Apprentice of the Year and being named the 2009 Registered Training Organisation of the Year for Tasmania. The ATCNT has achieved a retention rate of 95 per cent between year 11 and year 12 and a 94 per cent success rate for completing students in securing full-time employment—an outstanding record throughout Australia. It has been a fantastic effort.

The motion that has been put to the Senate and which will be voted on tomorrow calls on the government to support the ongoing operation of the ATC in Northern Tasmania and I hope it is successful. I do not know what the Labor senators for Tasmania will do in response to that motion. Tomorrow will tell. What I do know is that the history is that, yes, it was a Howard government initiative, initially from 2005 to 2009—a four-year funding program for the establishment of 25 ATCs around Australia. The previous federal Liberal member for Bass, Michael Ferguson, played a pivotal role in securing the two-campus model—college campuses in both Launceston and Burnie—for Northern Tasmania, ensuring that the students from both the north and north-west were able to access the college.

In advance of the 2007 federal election, the then shadow minister for education and training, Stephen Smith, released the following commitment in a document to ATCs:

A Rudd Labor Government has made a commitment not to close any existing Australian Technical Colleges, and to honour all existing contracts.

That promise will be breached if the college closes. According to documents, the Tasmanian Catholic Education Office made it clear that they were unable to continue the operation of the ATC in Tasmania as early as 21 August 2009. Their letter states:

This notice has been provided as soon as the financial picture has become clear, to maximise the time for you—

meaning the federal department and the federal government—

to develop an alternative strategy ...

So the federal government had known about it for some time in the lead-up to that letter and has obviously known about it since. But what have they done? Pretty well nothing.

I want to pay a tribute to the Save Our ATC campaign. I want to pay a special tribute to the staff and the students at the ATC, the local community and the local business community. I thank, in particular, the local newspaper, the *Examiner*, and the *Advocate* for their strong support to save the ATC. I want to acknowledge, in the Senate chamber tonight, Nigel Hill, CEO of the ATC, Mark Kenzie, a facilitator with the ATC, and the staff representatives. Nigel and Mark have been strong advocates with the support of students, students such as Brad Garwood—what a wonderful advocate for his colleagues—Alex Schreuder, Philip Ferguson, Adam Puzzelato, Claire Martin, Sopheena Fairey from Scottsdale and Stacey Perkins. These are wonderful students and they are but a few of those who have been out there fighting this campaign, gaining signatures and petitions, running a Facebook campaign and building support in the local community. That has been fantastic.

The original board put out a statement today. Mac Russell, on behalf of the board, in reference to the Catholic Education Office, spoke of:

... their unanimous disappointment with that body's decision not to continue the operation of the college.

He says:

It is our view that Catholic Education (CE) has breached the agreement it made with our Board.

It goes on to say that five members of the original board, including Chairman Mac Russell, Deputy Chairman Martin Rees of KPMG, John White of Delta Hydraulics, John Dingemanse of cb&m and David Castle of Learning Partners have now offered their services to support the ongoing operation of the college.

I put out a plea to the federal government and a plea to the state Labor government to reconsider this decision to close the ATC. It is wrong. It is against the best interests of the students. It is against the best interests of the local community and the small businesses affected. The Launceston Chamber of Commerce sent me a copy of a letter they sent last night to the Deputy Prime Minister and the Premier in which they expressed their deep concern about the federal Labor government's recent decision to close the ATC in Northern Tasmania. Their letter says:

The strong ground swell of support for the Australian Technical College in Launceston from local business, the community, students, parents and industry in fact reflects that it is a model that can work into the future.

They go on to say:

On behalf of the Launceston Chamber of Commerce, I urge the federal government to reverse this decision ...

On top of that you have the Launceston City Council and the Mayor, Albert Van Zetten, in strong support of the retention of the ATC and its ongoing operation. The Launceston City Council has been represented by Deputy Mayor Frank Knott at two of the public meetings, and I thank him, and there has been support from the Launceston City Council—Alderman Rosemary Armitage and many others. Last Thursday we had 200 people at the ATC in Launceston with up to 40 people in Burnie hooked in as well—a fantastic show of support over the last two Thursdays organised by Mark Kenzie, the students and the Save Our ATC team. I have a letter here from Ryan Simons, who says:

My name is Ryan Simons.

I am a current year 11 student at the ATC in Launceston.

I am writing to say, if the technical college closes down I will no longer have an education for my trade in Boiler Maker Welding. I am not going to go to another school because I won't get the same level of education I am getting from the ATC.

If the college does shut down, I am going to leave the school system as all I have heard in regard to Polytechnics—

that is, the Premier's plan for education—

is all bad and I won't get the same amount of support as I currently receive at the ATC.

So I will be unemployed and most likely be sitting at home doing nothing. "IS THIS WHAT YOU REALLY WANT OUR FUTURE TO LOOK LIKE?"

Absolutely not. But thank you, Ryan Simons, for your letter expressing your concerns on behalf of so many other students.

I wrote a letter in response to the Premier's letter to the editor in the *Examiner* in which he said that the setting up of the ATC was a political stunt. He said it would inevitably fail. I say that he is quite wrong. I outlined the fact that it has 40 awards and it has the apprentice of the year—not just for Tasmania but for Australia—Warwick Johnstone, and I put the facts on the table about the retention rates. He can call it whatever he wants, but the fact is it is delivering the results. It is providing education and delivering jobs and apprenticeships galore in Northern and north-west Tasmania.

What a disgrace the Premier is. The Premier put out a statement today in the parliament and he has done a partial backflip. He said that he is listening to the community and fully understands the community. Well, the devil is in the detail. Yes, this is a move forward, but I would like to see the detail. We want to know exactly what plans the Premier has. A consortium has come together and I congratulate the consortium members and say, 'Thank you.' I also congratulate Sue Napier. She has been to these public meetings, standing up on behalf of the state Liberals. Peter Gutwein has been very supportive and so has Will Hodgman. We have had tremendous support. In conclusion, I would

love to speak longer on this very important topic and say how important this institution is. We will fight to retain our ATC in Northern Tasmania because it is good for the students, it is good business and it is good for the local community. We support it. (*Time expired*)

Church of Scientology

Senator XENOPHON (South Australia) (8.09 pm)—I rise to speak tonight on an issue of utmost seriousness that I believe deserves a great deal of scrutiny by law enforcement agencies and by this parliament. In the past few weeks, I have been contacted by former members of the Church of Scientology after I questioned the tax exemption status the organisation has under our tax laws during an interview on the Seven Network's *Today Tonight*. I want to take this opportunity to pay tribute to the work of reporter Bryan Seymour, who, under the leadership of Craig McPherson, Executive Producer of *Today Tonight*, has prepared more than two dozen stories on this organisation. I also commend the network for its willingness to dedicate considerable resources in the courts to ensure these stories have rightly been put to air.

I was also concerned by a recent story in the *Australian* about the coronial inquest into the death of Edward McBride. Coroner John Lock had requested personal records of Mr McBride held by the Church of Scientology as part of the inquest but these documents were not forthcoming. Instead, they were shifted by the organisation from Brisbane to Sydney and then on to the United States. Since I made those initial comments about taxation on *Today Tonight*, a number of former followers of Scientology have written to me. These people rightly see themselves as victims of Scientology and they have provided long and detailed letters to me about the workings of this organisation. I seek leave to have copies of these letters tabled, some of which have had the names of some Scientology followers deleted with the permission of the authors.

Leave granted.

Senator XENOPHON—Having read the statements and subsequently met with the people who provided them, as well as having read a significant amount of research conducted by my office, I am deeply concerned about this organisation and the devastating impact it can have on its followers. In my view, this is two-faced organisation. There is the public face of the organisation founded in 1953 by the late science fiction writer L Ron Hubbard, which claims to offer guidance and support to its followers, and there is the private face of the organisation, which abuses its followers, viciously targets its critics and seems largely driven by paranoia.

In France, the organisation was recently convicted of fraud and it is also facing charges in Belgium. Meanwhile, in the USA a number of former high-ranking Scientology executives have broken their si-

lence about the organisation, talking to the *St Petersburg Times* in Florida where its international headquarters are located. The executives say they witnessed the head of the organisation, David Miscavige, assault staff members dozens of times and they say he also urged others to commit assault. The executives also claim the organisation has used blackmail and threats against former members and perceived critics of the organisation, and that the organisation has knowingly repeatedly obstructed justice. Claims have also been made that information provided to the organisation by members during what are known as auditing sessions, which are a crude hybrid of confession and counselling and for which the organisation claims so-called priest penitential privilege, was then used to blackmail and manipulate members.

What we are seeing is a worldwide pattern of abuse and criminality. On the body of evidence this is not happening by accident; it is happening by design. Scientology is not a religious organisation. It is a criminal organisation that hides behind its so-called religious beliefs. What you believe does not mean you are not accountable for how you behave. The letters received by me which were written by former followers in Australia contain extensive allegations of crimes and abuses that are truly shocking—crimes against them and crimes they say they were coerced into committing. There are allegations of false imprisonment, coerced abortions, embezzlement of church funds, physical violence, intimidation, blackmail and the widespread and deliberate abuse of information obtained by the organisation. It is alleged that information about suspicious deaths and child abuse has been destroyed, and one follower has admitted he was coerced by the organisation into perjuring himself during investigations into the deaths of his two daughters.

These victims of Scientology claim it is an abusive, manipulative, violent and criminal organisation, and that criminality is condoned at the highest levels. Aaron Saxton is one of the victims of Scientology who wrote to me. He was born into the organisation and rose to a position of influence in Sydney and the United States. In his statement, he says that when he was a child his mother was coerced into signing over guardianship of him to a Scientology official so he could be moved to Australia. In or around January 1990, he was told by the organisation not to report the attempted rape of him by a man. He says this was due to the organisation's public relations policy.

Aaron was still a child when, he says, he was asked to cover up the defrauding of credit cards and cash by a Scientology employee. He says the organisation exercised frightening levels of control over followers. At least 10 times was forced to endure a diet of beans and rice for periods of up to two weeks as punishment. And because of Scientology's bans on medications and

seeking medical attention, he says, he was forced at times to extract his own teeth without the aid of painkillers.

At age 16, Aaron says, he was made a security guard for the church. In this role, he says, he issued so-called non-communication orders on no less than half a dozen families, including his own. These orders forced members of the organisation to cut off all contact with relatives and friends for fear of punishment. In his statement, Aaron says he was also forced to participate in the illegal confinement and torture of a follower who was kept under house arrest. Aaron says he accessed more than 150 files that contained personal information on followers, much of which was obtained during so-called auditing. This information is meant to be confidential. It is not. Aaron says this information was used to blackmail followers to keep them in the church as well as to discredit former followers if they left. This was a condoned violation of the so-called priest-penitential privilege. Aaron says he was also involved in deleting files of a member who had suicided.

Disturbingly, Aaron has also spoken out against the organisation's policy on abortions. He says while under the control of Scientology he was involved in coercing female followers to have abortions. He says this was in line with a policy designed to keep followers loyal to the organisation and to allow them to keep working for the organisation. Aaron says women who fell pregnant were taken to offices and bullied to have an abortion. If they refused, they faced demotion and hard labour. Aaron says the hope in the organisation was that if these pregnant women were given these punishments they would give in and have an abortion or miscarry. Aaron says one staff member used a coat hanger and self-aborted her child for fear of punishment. He says she was released from the organisation and the files were destroyed.

In 1991 Aaron says he was sent to Scientology headquarters in Florida, where he was involved in the removal of funds from Scientology bank accounts to pay for private services for executives in the organisation. He also says he was made to falsify bank records and ordered more than 30 people to be sent to Scientology's work camps, where they were forced to undertake hard labour. He also says he used personal and financial information of followers to track them down if they tried to leave. Aaron has said the organisation forced him to create fraudulent education certificates for children under the age of 15 in order to allow them to work for the organisation. He also says he was coerced into putting five individuals under house arrest on five separate occasions. These people were not permitted to leave until the organisation had obtained, through coercion, the statements it wanted.

Aaron also claims knowledge of two instances where followers in the United States confessed to mur-

der but this information was not passed on to police. He also says while in the United States he was ordered by superiors to remove documents that would link a Scientology staff member to murder. Aaron says he and other members opened the files of several celebrity Scientologists in order to glean information which could be used as leverage to force a greater commitment to the organisation. Some might call that blackmail. In his statement he also details attempts which were made to coerce one celebrity Scientologist into having an abortion. He says the young man who impregnated the celebrity was forced from the organisation and cut off from his parents, who remained Scientologists.

Aaron said he was so heavily under the control of the organisation's bizarre power structure he was complicit in ordering the beating of one follower and facilitated the beating of another. He says he was ordered to help a Scientologist who was hiding from authorities and admits to ordering the throwing overboard of a man from the Scientology ship the *Freewinds*. He is not sure if this order was ever carried out.

Aaron has now left the organisation and is willing to cooperate with police investigations into these matters. He was born into the cult, and he says he regrets the control it had over him and the things he did as a result. I ask my fellow senators: do these things sound like religious activities to you? Does this sound like an organisation that should be receiving support from the Australian taxpayer in the form of tax exemptions because they claim to be a religion?

I have also received correspondence from Carmel Underwood, another former member and another victim of Scientology. She says that while she was working for the organisation in Sydney she fell pregnant and was put under extreme pressure to have an abortion. When she refused, she was put on a disappearing program. Carmel also worked for the organisation's financial planning arm and says that when requests for payments for abortions were made by the organisation's executives they were never questioned, even though all other requests for funds were met with delays and haggled over. Carmel says she also witnessed a young girl who had been molested by her father being coached as to what she should say to investigating authorities in order to keep the crimes secret. Carmel says she was physically assaulted by a representative of the organisation during an argument.

And when she finally left the organisation, she says, information she divulged during so-called auditing was used by members to discredit her. Carmel says she chose to speak out because she knows there are many more victims of Scientology, many of whom are still caught up in the organisation and are being physically, financially and mentally abused. Carmel's husband, Tim, supports his wife's story and says the couple suf-

fered serious financial hardship because of their involvement in the organisation. He says they were forced to pay more than \$100,000 to publicise the organisation and for so-called religious texts and courses. It is incredible to think that the Christian Bible is free in every hotel room in the country, but Scientology texts and courses can cost followers their life savings and even fortunes they do not have and feel compelled to borrow.

One of the saddest correspondences I have received—and they are all sad—is from Paul Schofield. He also alleges the cover-up of child abuse by the organisation and admits being part of a campaign to cover up the facts surrounding the deaths of two of his daughters. Paul says his first daughter, Lauren, who was 14 months old, was being babysat at the organisation's building in Sydney when she was allowed to wander the stairs by herself and fall. She died in hospital two days later. Paul says he felt pressured by Scientology executives not to request a coronial inquiry—pressure he ultimately gave in to. He was also told if he sought compensation from Scientology he and his wife would be ineligible for any other services.

His second daughter, Kirsty, who was 2½, died after ingesting potassium chloride—a substance used as part of a so-called purification program run by the organisation. Under the direction of Scientology executives, Paul says he perjured himself to the police, and during the coronial inquest, in order to protect the organisation. Under incredible pressure he agreed to lie because he was scared he would be heavily punished by Scientology if he told the truth. It is a decision he regrets to this day.

I have received statements from Anna and Dean Detheridge who claim to have been subjected to physical and mental abuse during their time with the organisation. Anna says she was instructed by the organisation to disconnect from her sister because her sister was gay and therefore, according to Scientology, dangerous, perverted and evil. Anna and Dean also provided evidence where information they and others have revealed to the church have been used to blackmail and control. They also provided more information about coerced abortions.

Kevin Mackey wrote to me detailing his 26 years of abuse in the organisation. In his letter, which I have tabled, he says:

When one begins Scientology there is nothing weird or space alien about it ... in fact Scientology as seen by a newbie is a Godsend to a troubled soul.

But he goes on to say:

Once you have taken the bait and become hooked, the real Scientology is presented, very slowly, over years.

This psychological conditioning Kevin is talking about eventually saw him and his wife hand over almost a

million dollars to the organisation in exchange for services and products.

Other families have contacted me expressing grave concerns about their children who are still under the control of this organisation. But they have asked that I do not identify them for fear of never hearing from their children again. Another victim of Scientology, Peta O'Brien, wrote of being discouraged by the organisation from seeking treatment for cancer. She has also provided evidence of being assaulted and cut off from her son while they were both part of the organisation.

These allegations are serious, and many names have been removed from the letters I have tabled in the Senate tonight, but those names have not been removed from copies I am providing to the police. This organisation must be investigated. These victims of Scientology have spoken out at considerable personal risk, and I commend them for that. And I would encourage other victims of Scientology to come forward, contact the police or contact my office—but, most importantly, speak out.

I also believe the activities of this organisation should be scrutinised by parliament because Australian taxpayers are, in effect, supporting Scientology through its tax-exempt status. I say to all Australians: as you fill in your tax return next July or August, ask yourself how you feel knowing that you are paying tax and yet this criminal organisation is not. Do you want Australian tax exemptions to be supporting an organisation that coerces its followers into having abortions? Do you want to be supporting an organisation that defrauds, that blackmails, that falsely imprisons?—because, on the balance of evidence provided by victims of Scientology, you probably are.

Do we really want to be funding an organisation that turns supporters into victims in its pursuit of power and wealth? That is why I am calling for a Senate inquiry into this organisation and its tax-exempt status. In the past Scientology has claimed that those who question their organisation are attacking the group's religious freedom. It is twisted logic, to say the least. Religious freedom did not mean the Catholic or Anglican Churches were not held accountable for crimes and abuses committed by their priests, nuns and officials—albeit belatedly. Ultimately, this is not about religious freedom. In Australia there are no limits on what you can believe. But there are limits on how you can behave. It is called the law, and no-one is above it.

International Conference on Population and Development

Senator MOORE (Queensland) (8.27 pm)—Three weeks ago, in Addis Ababa in Ethiopia, more than 400 members of parliament and ministers representing over 119 nations gathered together at a conference that was focusing on the ICPD+15. I know that is UN jargon;

actually, what ICPD stands for is the International Conference on Population and Development.

Fifteen years ago in Cairo a very important conference was held, which was a real milestone in the history of population and development as well as in the history of women's rights. At that conference a very strong group of men and women, who represented many countries, for the first time agreed that population issues are not just about numbers but really about people. That conference shed a new light on the linkages between reproductive health and rights, and other aspects of development. A real rights based consensus emerged, which laid the foundations for subsequent international forums and an international development planning process, including the Fourth World Conference on Women in Beijing, which was held the year after, and then the whole process around the millennium summit and the development of the Millennium Development Goals.

The program of action determined that everyone everywhere should have access to sexual and reproductive health and family planning. This year, at the Cairo +15 conference we discussed just how we can improve on our implementation on the program of action and on the delivery of the extraordinarily important Millennium Development Goal No. 5, which is about improving maternal health. That is, indeed, the key to development.

We were very privileged at that conference to have great sponsorship from the Netherlands government, which is a real leader in this area, and also a focus by the UN community, which is again stating that the population development debate is key to our future and key to how we actually attain the Millennium Development Goals. We know, and we hear consistently through evidence and through reports to our nation, that there is one woman dying somewhere in the world every minute in childbirth or related complications or in the horrors of unsafe abortion. Clearly, Australia as a nation and the international community have to question our progress to date and what more we have to do.

I was there representing the Australian group on population and development as part of the ASEAN forum. I was not formally representing Australia because that was not the status of this conference, but I was very pleased to be able to give a report on what had been achieved in Australia. It was great to be able to report there, with politicians from more than 119 nations, the progress that Australia has made and the commitment that our government has made to maternal and child health through increases in our aid budget, and also in processes like the establishment of the population and development group, which was one of the first formed after the 1994 Cairo conference. We politicians—a group of brave politicians, and certainly I want to pay tribute to Senator Margaret Reynolds

who was part of that group, and who was so important in developing these issues in Australia—formed a cross-party parliamentary group of politicians who shared interests and concern about international development and the process of population.

When we gave our report at the conference we were able to talk about a range of issues that Australia had prepared. One of them was the fact that finally, earlier this year, we were able to, through the government, have AusAID family planning guidelines changed, which were, until then, limiting the form of reproductive health that was available through our aid program internationally. At the same time as those guidelines operated to limit the access to a range of reproductive health across the world where we were providing aid, there was a drop in a Australia's funding for family planning services over an 11-year period of over 84 per cent. The removal of the limitation in the guidelines does not mean that automatic change will have to happen. What it means is that there will be access to reproductive planning and reproductive health rights in countries that are part of our aid program.

Our Minister for Foreign Affairs, through his decision, has pledged that all women in countries where we provide funding should have the same rights as women in Australia, where those rights and services are permitted by their laws. Remember—and this is one of the horrific statistics—that more than 15 per cent of all maternal deaths in our region are due to unsafe abortions. Sadly, when women know that they cannot support, feed, educate or care for yet another child, they resort to any means they can. We know that no-one should promote abortion—it is not something we promote. We say that, where this process is legal, it should be ensured that services are safe and accessible.

We can proudly say that Australia is the largest provider of funds of development in the Pacific and an important provider of funds in all parts of Asia. In addition, our foreign minister has recently announced increased support in Africa, particularly in the area of maternal health. In Addis Ababa, listening to the comments and the statements made by parliamentarians representing other countries, we heard of the enormous struggle and the successes that have been achieved in fighting for sexual and reproductive rights in their own countries. In Saudi Arabia, for instance, there is still a refusal to face the fact that unmarried women can be sexually active and do deserve protection from unplanned pregnancy, from HIV and other sexually transmitted conditions. We also learned about the struggle in the Philippines, where there has been a struggle for over a decade to push a reproductive health bill through the parliament. Despite cultural, religious and economic differences, a thorough, passionate and a very strong statement was agreed upon and acclaimed by all the nation is in attendance. It stated:

Access to sexual and reproductive health and reproductive rights and family planning for all women is a top priority. Investing in the health and rights of women and girls is smart economics for families, communities and nations.

The declaration pledges to increase commitment, funding and access to reproductive rights and family planning services to necessarily engage with young people, to enhance health care systems, to empower women and to undertake legal reforms conducive to the protection and enhancement of reproductive rights and health. Our Prime Minister has committed our government to funding for development to reach at least 0.5 per cent GNI by 2015. We have continued to stick with this commitment, and restated it, despite the global financial crisis. In addition, we have specifically committed the government to maternal health and to MDG No. 5.

Our government has provided the initial financial support for a truly wonderful support program called SPRINT, which provides training to make sure that sexual and reproductive health is part of our humanitarian response for refugees and internally displaced people affected by natural disasters like tsunamis, earthquakes and floods. We know that women give birth regardless of the situations they face. We also know, too sadly, that women and girls are raped, and that rape is one of the most disastrous and dangerous weapons of war. Contraception is an urgent need and it is one of the first requests by women who are fleeing disasters. Members of our parliament have attended training, evaluation and information sessions on the SPRINT project and will be studying its implementation further during a tour in the Philippines in December in the wake of the recent disasters. I strongly commend my colleagues who are passionately keen to expand and promote this important project. The program will now be rolled out, with the assistance of our government, in east and west Africa. We know that the incidences of war and humanitarian crisis in these areas make great demands on all our services. After amazing consultation with people who work in these areas, we know that there must be a focus on the situation of women and girls, particularly those with the horrific stories that we know have been documented about the overt use of rape as a weapon of war.

While I was in Ethiopia, I was very pleased to be able to visit amazing clinics run by the Marie Stopes International organisation. At the time I visited, there were more than 30 women, some with their partners, lining up for examination, treatments and advice which included a simple but very safe clinic for childbirth. I could talk to mothers and fathers with their babies about how important it was that NGOs like Marie Stopes were able to operate there. To see the security and happiness of the families who were able to know that their births were safe and secure, and that they had strong support from the people who were profession-

ally trained to provide that support, made all the theory that we talk about—all the MDGs talk about the needs—come to life. We must ensure, and consistently hear, that there is access for women to give birth in safety and security, and to have effective professional services.

This does not seem to be too much to ask in our modern world, but, in way too many countries that are focusing on working their way through poverty and more, this simple service is not provided. When you are lucky enough to see the families who do have access, you see the difference it makes. They are able to effectively plan their families, offer security to their children and build the basis of a strong family life.

In separate clinics, which have been operating in the area for many years, young women had the opportunity to learn about family planning issues and, if necessary, safe access to abortion. This was not focused specifically on the need to terminate; rather, again, it was to provide information and appropriate devices and opportunities for women and their partners to make choices effectively. That is particularly in a country like Ethiopia, which has faced so many problems, with its history of warfare and, now, horrific famine problems through drought. These areas are where we most need to concentrate on in providing support to families and to women.

We also visited, in the afternoon, a child and victim friendly court, which has been developed in Ethiopia's legal system with the assistance of UNICEF and is based very clearly on the South African model. It is great to see Australian funding going towards these projects. We also have young Australian professionals working in the field. These courts are particularly focused on young offenders and victims. Tragically, the second most common charge against children in this area, after theft, is rape. This makes it most clear that we need to provide effective educational services and give real help and assistance to NGOs that are working in the field trying to make a difference in the area. So much is needed in education, information and health services.

In Ethiopia, more than half a million women are living with HIV. It is a standard situation. Again through the MDG process, we have focused on providing help for people who have HIV. More than half a million women have been diagnosed with HIV, but that does not take into account the number of women who have not been able to seek medical help and are suffering without support. It is estimated that 5.4 million children have been orphaned in that country. The numbers just roll out. More than 720 out of 100,000 women die in childbirth. That is a 60 per cent improvement on the year 2000, when 1,800 out of 100,000 women died in childbirth, in circumstances that women in this country could not even begin to understand. Certainly we can-

not allow those figures to remain into the future. It is a challenge to all of us to meet that need. Thirty-nine percent of the population of Ethiopia live in absolute poverty—poverty that we cannot even begin to imagine. More than half do not have access to improved water sources, and very few women have the small fortune of a trained medical practitioner helping them through childbirth. Thousands of women die as a result.

These are figures and circumstances to which we, as part of the world community, have a responsibility to respond, and we can. There are real opportunities for us, through our commitment to the Millennium Development Goals, to provide support to NGOs such as Marie Stopes International, UNICEF and various others that are working in the field to make a genuine difference in an area that is suffering real horror.

It is important to realise that most of the world's poor live in our region, in Asia, where the most populous countries are. The birth rate in our neighbour Timor-Leste is one of the highest in the world, second in our region to Afghanistan. Timor-Leste, that tiny, fragile new nation, has a steep path to climb to development, and we have a chance to provide assistance.

We learnt at the meeting in Addis Ababa that, in the wake of the global financial crisis, 115 million more people will be pushed into chronic hunger and that, even with economic stimulus initiatives and an apparent turnaround, it will be at least three years before more jobs are created and before an increase in living standards is felt by the poor. Right now, more than one-sixth of the world's population suffers chronic, extended, devastating hunger. Even the best economic and social practices will take several years to redress this situation, so there is no option: we must act now.

Our Parliamentary Group on Population and Development has been working with parliamentarians in Papua New Guinea and Timor-Leste to develop parliamentary groups on population and development in their own parliaments. We are not coming in from outside saying how it should be done; we are working with parliamentarians to develop their own options. In our region, in Papua New Guinea, the maternal mortality rate has doubled over the last decade. Timor-Leste, the newest nation in the world, has one of the highest birth rates in the world, and the second-highest in the region at just under seven live births per woman. An important task for our group will be to ensure that the Australian government and the community understand that MDG 5A and 5B are vital for effective development and achieving all of the MDGs. MDG 5 is to improve maternal health. This has two elements. Part A is to reduce by three-quarters the maternal mortality ratio. Part B—which has now been accepted by the UN—is to achieve universal access to reproductive health.

As well, importantly, the essential links between climate and population need to be understood, without detracting too much from the all-too-scarce resources available to sexual and reproductive health rights. When the parliamentarians gathered in Cairo 15 years ago, the issue of climate and the destruction of our environment was not linked automatically into the discussion. One of the key changes that has happened in the 15 years since then has been that we now acknowledge that the issues around population and development are intrinsically linked to issues around the environment. We acknowledge that we need to work effectively to look at issues of population moving forward, how our environment must be protected and the all-too-real threats of climate change. These issues are not separate; they should not be competing. They are part of an overall challenge that we as an international community must confront.

Specific commitment to sexual and reproductive health is a key priority for our work in our region, and also for the various networks across the globe, and for meeting the goals of the International Conference on Population and Development for universal access to reproduction and sexual health. In addition, pressing to ensure the commitment of 0.5 per cent GNI to development funding and increasing funding to UN agencies working in this area will be high priorities.

It is incredibly valuable to work with parliamentarians from across the world who share the focus on these issues. That is one of the real strengths of the ICPD network. As we gather to look at Cairo plus 15 we could share the successes and also the difficulties that parliamentarians across the world are facing. However, it is incredibly empowering to know that we are part of an international network of people working together to look at these issues and to ensure that the real focus of the people who met in Cairo 15 years ago will be maintained into the future.

We know that the issues of population and development are linked to the issues of the future of our globe. We know that, as we were debating 14½ years ago now, the issues of women and men working together to face the challenges to our world can be maintained by all of us. With the real support of parliamentary colleagues in Australia—at the state level and also federally—and parliamentarians across the world, we will work together to make the ICPD program of action a reality, because, as we have said many times before, there is no way that any woman should die giving life.

Commonwealth Sex Discrimination Act

Senator CROSSIN (Northern Territory) (8.46 pm)—I rise tonight to speak on the Commonwealth Sex Discrimination Act and in fact to celebrate, in 2009, its 25th anniversary. The Sex Discrimination Act today is regarded as an essential piece of law. It is hard to imagine that it could have ever caused controversy,

yet it did. The history of the SDA is colourful by today's standards, but this carefully crafted piece of legislation changed the social fabric of Australia for the better in a way that can never, hopefully, be undone.

The Hon. Susan Ryan, who was at the time the Minister Assisting the Prime Minister on the Status of Women and oversaw the passage of the SDA through parliament, said in an article in 2004 in the *University of New South Wales Law Journal* that, at the time, Australia had one of the most gender-segregated labour markets of any country in the OECD. Women were trapped by discrimination in what she called 'an employment and pay ghetto'. She stated:

Industrial jurisdictions had accepted the principle of equal pay, but the work ghetto, limited education and training, and the meagre provision of child care meant that women's earnings were considerably lower than—in fact, about two thirds of—men's wages.

... ..

Most girls did not complete high school and were overtly discouraged from studying advanced mathematics and sciences.

Women were in limited numbers as professional lawyers, architects, accountants or engineers. Executive levels of business and careers in the media were out of the reach of most women and there was still an expectation on them to stop working once they were married.

After a false start while in opposition in November 1981, Senator Ryan, then Minister Ryan, introduced the Sex Discrimination Bill into the Senate in June 1983 on behalf of the Hawke government. The bill sought to make discrimination on the grounds of sex, marital status and pregnancy, and also sexual harassment, illegal in the workplace. It also applied to areas of education, employment and services. Sounds simple really, doesn't it? It sounds like it is a piece of everyday life in 2009. But at the time it caused great controversy.

It is hard to imagine now what the fuss was about, but one only has to search back to the debates on the Sex Discrimination Bill held in parliament and in the wider Australian community at the time. Opponents of the bill declared inside and outside parliament that the bill would bring about the end of the family, it would ruin the economy and it would destroy Christianity and the Australian way of life.

In fact, looking back through the transcripts, then Senator Robert Hill echoed these misgivings about the bill in parliament. He said:

... the legislation will undermine the family unit; that it will destroy the traditional concept of the family; that it will lessen the traditional respect accorded to women as homemakers; that it will virtually consign marriage to irrelevance; and that it will drive women who are totally satisfied with their role as wife and mother, sustainer and supporter, and up-bringer of children to outside employment, against their wishes, and their children to creches.

He went on to argue that the aim of the bill to support equality was misguided, as most women were biologically 'homely and caring, that they are not wildly ambitious, that they are not naturally dominating and that they are mostly inclined to avoid authority'. I must say that in my experience that is not an awful lot like the women I have met in my life. Not a lot of women I have met would actually agree with that statement.

However, at the time a few prominent women were vocal in their opposition to the bill. Senator Flo Bjelke-Petersen declared:

In my opinion, after reading it, I think that the best amendment of all would be to forget about it.

Mr Bruce Goodluck, then Member for Franklin, said that after doing some research on the Women's Electoral Lobby, that:

Most of the members of it were given-up Catholics. They are all women who had had problems, et cetera. They were women who had something against men.

After proclaiming that the female members of the federal Labor government were always campaigning about something and were very good talkers, compared to the majority of Liberal women who were quiet, did not say much and supported their husbands—

Senator Adams interjecting—

Senator CROSSIN—Senator Adams, I think times have changed—Mr Goodluck then declared:

We have to fight back. These women have it all their own way; if we do not fight back they will take over.

Mr Michael Hodgman, then Member for Denison, whilst conceding that there were parts of the bill with which he had no quarrel whatsoever, stated:

I have to say that this legislation as a whole is tainted with the pseudo intellectualism of selfish and unrepresentative feminism and doctrinaire Marxist-socialist precepts of contrived equality-defying laws of nature.

How is that for a quote? It is hard to imagine that these arguments were being seriously touted only 26 years ago.

The SDA sets out its objectives in section 3, where it aims to eliminate discrimination against people on the grounds:

... of sex, marital status, pregnancy or potential pregnancy in—

a vast array of areas such as—

... work, accommodation, education, the provision of goods—

and even—

... the administration of Commonwealth laws.

It also aims to eliminate sexual harassment, discrimination involving termination of employees on the basis of family responsibilities and:

... to promote recognition and acceptance within the community of the principle of the equality of men and women.

Since its inception, thousands of complaints have been made to the Sex Discrimination Commissioner in the Australian Human Rights Commission. This shows that, while the SDA has been successful in raising awareness that discrimination as outlined in the act is absolutely unacceptable, it appears that it does not go far enough to be truly effective.

There is no doubt that this legislation has helped bring about equality for women. No longer is it an accepted norm that women are discriminated against because of their sex or their marital status or because of pregnancy, not only in the workplace but also in education and other services. However, society is ever-changing and this legislation must be too. The creators of the SDA recognised that the legislation was not perfect, and it has been amended since then as society has progressed. The time has come again to further mould the legislation to ensure that it fulfils its objectives of gender equality and to continue to educate the public on sex discrimination and harassment.

A recent report by the World Economic Forum demonstrates that equality between men and women has still not been achieved in Australia. 'No,' you say, 'I don't believe that.' Incredibly, though, women in Australia are facing bigger wage gaps than those faced by women in countries such as Sri Lanka. On 29 October, the ABC news reported that the forum's global gender gap index shows that Australia's rank has slipped five places, to 20th, in three years. Sex Discrimination Commissioner Elizabeth Broderick reported in her article in the *Australian Financial Review* on 29 October that Australia is ranked 50th in the world for women's labour force participation rates, down from 40th place in 2008.

Ms Broderick outlined in her speech entitled *Lifelines: sex discrimination over the lifecycle* at the Sex Discrimination Act Silver Anniversary conference this year that in order to reduce sex discrimination one must look at the lifecycle of a woman as a whole. She outlined three stages of a woman's life where sex discrimination and inequality begin to 'cluster' and intensify: in her experiences in education and entering the workforce; having children and other caring responsibilities; and, finally, around retirement. She states that not only are women more likely to be engaged in low-paid occupations and industries but they also make up a higher proportion of casual workers and are more likely to be working under minimum employment conditions.

Complaints statistics and research conducted by the Sex Discrimination Commissioner show that women are commonly vulnerable to discrimination when they are pregnant and when they return to work following maternity leave. They often receive demotions and redundancies, miss out on promotions and are denied

family-friendly conditions. Appallingly, in some situations they are even the subject of workplace bullying.

At retirement age, the discrimination deepens. Ms Broderick states that the number of divorced or separated women entering retirement is expected to rise in the next 20 years. When compared to men, they are more likely to experience financial insecurity following divorce. In 2003, men who separated experienced an average drop in their household disposable income of \$4,100 per year, but women who separated experienced a drop of \$21,400.

Timothy McDonald reported for *The World Today* on ABC radio on 22 September this year that the Workplace Ombudsman receives approximately 30 discrimination complaints a week, with a large number of those relating to maternity leave. In 2008, the Senate Standing Committee on Legal and Constitutional Affairs held an inquiry into the effectiveness of the Sex Discrimination Act in eliminating discrimination and promoting gender equality. This was an inquiry that I myself initiated after consultation with some wonderful leading female academics in this country. The committee found that, while there is overwhelming support for the act, there are certainly areas which need improvement. In the report, the committee stated that it shared the views of the Sex Discrimination Commissioner that:

The Sex Discrimination Act matters. It matters as a tool for driving systematic and cultural change which is needed if we are to live in a country where men and women enjoy true gender equality in their daily lives. The act has been in operation for nearly 25 years. Like most law, it is time to renew it to ensure that it continues to be an effective platform for progressing gender equality.

The report organised 43 recommendations into three stages. In the first stage, the recommendations are quite simple. They include removing the phrase 'so far as is possible' from the preamble and from subsections (3)(b), (ba) and (c) in order to demonstrate an unequivocal commitment to eliminating sex discrimination and sexual harassment and to amend subsection (3)(a) to refer to other international conventions Australia has ratified which create obligations relating to gender equality. There is also a reference to amending the wording of the act in order to provide protection for same-sex couples. References to and the definition of 'marital status' should be replaced with 'marital or relationship status'.

Recommendation 8 looks at including, 'a general prohibition against sex discrimination and sexual harassment in any area of public life', similar to the provisions in the Racial Discrimination Act 1975. Recommendation 12 suggests amending the act, 'to make breastfeeding a specific ground of discrimination.' Other recommendations that can be actioned immediately include: providing protection to students regardless of their age and removing the requirement that the

person responsible for the harassment must be at the same educational institution; increasing the time limit for lodging an application with the Federal Court or Federal Magistrates Court from 28 days to 60 days; expanding the Human Rights Commission's powers to conduct formal inquiries and that the Human Rights Commission be required to intervene in proceedings relating to discrimination based on family responsibilities or victimisation; and requiring the Sex Discrimination Commissioner to monitor progress toward the elimination of sex discrimination and achieving gender equality and to provide a report on that monitoring to parliament every four years. These recommendations are all relatively simple and could be implemented immediately to strengthen the act and provide further protection for individuals.

The second stage, which provides recommendations that would require further consultation over a 12-month period or longer, includes giving the Sex Discrimination Commissioner the power to investigate alleged breaches of the act without requiring an individual complaint; amending the act to give the Human Rights and Equal Opportunity Commission the power to commence legal action for a breach of the act; and amending the Equal Opportunity for Women in the Workplace Act—an act which I notice Minister Plibersek currently has under review—to provide for positive duties and to promote gender equality. The third stage, which will be much more difficult, recommends that HREOC conduct a public inquiry to examine the merits of replacing the existing federal anti-discrimination acts with a single equality act in this country, and that the inquiry should report by 2011.

Over the years there have been two attempts to reduce the coverage of the SDA. The first was when the Catholic Church attempted to have the legislation changed in relation to its proposal for male-only teacher scholarships, and the second saw the Howard government seek to exclude single women and lesbians from accessing IVF. However, both attempts failed.

Despite a rocky start, the Sex Discrimination Act was, at the time, a radical piece of legislative reform. While not perfect, it is undeniable that it changed the social fabric of Australia for the better. No longer were women able to be discriminated against on the basis of their gender or the possibility that they would fall pregnant. Social norms were challenged and the gender gap began its long journey to equality.

However, we are not there yet. The strong women who kick-started the Sex Discrimination Act have done the hard yards, and we need to continue their legacy. The Hon. Susan Ryan, the women and men who stood beside her and voted for the legislation, and the sex discrimination commissioners through the years all fought for equality between men and women. As Ms Broderick said in her speech this year:

The SDA is best viewed as a work in progress and we need to continually assess the legislation against women's changing social conditions.

So we do celebrate the 25 years of this legislation in this country. Not only was it a watershed moment for the Hawke government, Senator Susan Ryan and the people who stood with her in getting this legislation through the parliament; it was a watershed moment in the history of reform for women and equality in this country. In celebrating this act, we also need to remember that it is not the end. In fact, these are not the final stages of the Sex Discrimination Act in this country. We still have a long way to go. Society is constantly evolving and adapting, and so too must this act.

I would urge people who are listening—and I know I speak for the Human Rights and Equal Opportunity Commission and Elizabeth Broderick herself—to help ensure that this government takes up the challenge of accepting the recommendations of the Senate committee's report. As I said, the recommendations are in three stages. The first stage we could do immediately, the second stage needs a bit more work and the third stage will require national consultation. But as society changes, as women and their expectations of this country change, and as the expectations of this government change, so too must this act. It must be amended and it must keep evolving with the expectation that women and girls and men in this country have of achieving equality.

Senate adjourned at 9.03 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

Airports Act—Select Legislative Instrument 2009 No. 307—Airports Amendment Regulations 2009 (No. 3) [F2009L04110]*.

Commissioner of Taxation—Public Ruling—Class Ruling CR 2009/63.

Corporations Act—Auditing Standards—

ASA 500—Audit Evidence [F2009L04084]*.

ASA 570—Going Concern [F2009L04095]*.

ASA 580—Written Representations [F2009L04096]*.

ASA 610—Using the Work of Internal Auditors [F2009L04098]*.

ASA 700—Forming an Opinion and Reporting on a Financial Report [F2009L04100]*.

Customs Act—Select Legislative Instrument 2009 No. 298—Customs (Prohibited Imports) Amendment Regulations 2009 (No. 5) [F2009L04182]*.

Energy Efficiency Opportunities Act—Select Legislative Instrument 2009 No. 312—Energy Efficiency Opportunities Amendment Regulations 2009 (No. 2) [F2009L04166]*.

Environment Protection and Biodiversity Conservation Act—

Amendment of list of exempt native specimens—EPBC303DC/SFS/2009/40 [F2009L04232]*.

Conservation themes for prioritising nominations for listing threatened species, threatened ecological communities and key threatening processes for the assessment period commencing 1 October 2010, dated 1 November 2009 [F2009L04196]*.

Select Legislative Instrument 2009 No. 302—Environment Protection and Biodiversity Conservation Amendment Regulations 2009 (No. 3) [F2009L04193]*.

Fair Work Act—Select Legislative Instrument 2009 No. 300—Fair Work Amendment Regulations 2009 (No. 3) [F2009L04157]*.

Financial Management and Accountability Act—Financial Management and Accountability Determinations Nos—

2009/32—Services for Other Entities and Trust Moneys – Organ and Tissue Authority Special Account Establishment 2009 [F2009L04223]*.

2009/33—Australian Geological Survey Organisation Account Variation and Abolition 2009 [F2009L04222]*.

2009/34—Joint Australian U.S. Geological and Geophysical Research Station Special Account Establishment 2009 [F2009L04224]*.

Great Barrier Reef Marine Park Act—Select Legislative Instrument 2009 No. 303—Great Barrier Reef Region (Prohibition of Mining) Repeal Regulations 2009 [F2009L04192]*.

Health Insurance Act—Select Legislative Instrument 2009 No. 306—Health Insurance Amendment Regulations 2009 (No. 4) [F2009L03987]*.

National Transport Commission Act—Select Legislative Instruments 2009 Nos—

310—National Transport Commission (Model Amendments Regulations: Heavy Vehicles Registration – Package No. 1) Regulations 2009 [F2009L04188]*.

311—National Transport Commission (Model Amendments to the National Driver Licensing Scheme (Supporting Principles) – Package No. 1) Regulations 2009 [F2009L04187]*.

Radiocommunications Act—Radiocommunications Labelling (Electromagnetic Compatibility) Amendment Notice 2009 (No. 1) [F2009L04211]*.

Social Security (Administration) Act—Social Security (Administration) (Declared voluntary income management area – Cape York) Determination 2009 (No. 1) [F2009L04213]*.

* Explanatory statement tabled with legislative instrument.

Tabling

The following government documents were tabled:

Aboriginal Hostels Limited—Report for the period 29 June 2008 to 27 June 2009.

Aged Care Commissioner—Report for 2008-09.

Aged Care Standards and Accreditation Agency Ltd—Report for 2008-09.

Airservices Australia—Equity and diversity program 2007-10—Progress report for 2008-09.

Australian Building and Construction Commissioner—Report for 2008-09.

Australian Commission for Law Enforcement Integrity—Report of the Integrity Commissioner for 2008-09.

Australian Communications and Media Authority—Report for 2008-09—Addendum.

Australian Customs and Border Protection Service (formerly the Australian Customs Service)—Report for 2008-09.

Australian Fisheries Management Authority—Report for 2008-09.

Australian Human Rights Commission—Report for 2008-09.

Australian Institute of Health and Welfare—Australia's welfare 2009—Ninth biennial report.

Australian Maritime Safety Authority—Report for 2008-09.

Australian Organ and Tissue Donation and Transplantation Authority—Report for the period 1 January to 30 June 2009.

Australian Public Service Commissioner—Report for 2008-09, including report of the Merit Protection Commissioner.

Australian Safeguards and Non-Proliferation Office—Report for 2008-09.

Department of Defence—Report for 2008-09—

Volume 1—Department of Defence, including report on the administration and operation of the *Defence Force (Home Loans Assistance) Act 1990*.

Volume 2—Defence Materiel Organisation.

Department of Health and Ageing—Report for 2008-09, including financial statements for the Therapeutic Goods Administration.

Food Standards Australia New Zealand—Report for 2008-09.

Future Fund Board of Guardians and Future Fund Management Agency (Future Fund)—Report for 2008-09.

General Practice Education and Training Limited—Report for 2008-09.

Indigenous Business Australia—Report for 2008-09.

National Australia Day Council Limited—Report for 2008-09.

National Film and Sound Archive (formerly the Australian film Commission)—Report for 2008-09.

National Library of Australia—Report for 2008-09.

National Residue Survey—Report for 2008-09.

Office of the Commonwealth Director of Public Prosecutions—Report for 2008-09.

Old Parliament House—Report for 2008-09.

Privacy Act 1988—Report for 2008-09 on the operation of the Act, including financial statements for the Office of the Privacy Commissioner.

Productivity Commission—Report for 2008-09.

Social Security Appeals Tribunal—Report for 2008-09.

Supervising Scientist—Report for 2008-09 on the operation of the *Environment Protection (Alligator Rivers Region) Act 1978*.

Torres Strait Protected Zone Joint Authority—Report for 2007-08.

Workplace Authority—Report for 2008-09.

Workplace Ombudsman—Report for 2008-09 [Final report].

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Treasury: Statutory Reviews (Question Nos 1513, 1533, 1534 and 1541)

Senator Minchin asked the Minister representing the Treasurer, upon notice, on 18 May 2009:

- (1) (a) How many and which statutory reviews are due to commence and/or conclude in 2009; and (b) what are the specified timelines for the commencement and conclusion of each these reviews.
- (2) (a) How many and which statutory reviews are due to commence and/or conclude in 2010; and (b) what are the specified timelines for the commencement and conclusion of each these reviews.

Senator Sherry—The Treasurer has provided the following answer to the honourable senator's question:

- (1) Please find below a list of Treasury Statutory Reviews due to commence and/or conclude in 2009:

Section 31 of the Terrorism Insurance Act 2003 requires a review of the need for the Act to continue in operation at least once every three years after the start-up date. As the Act commenced on 1 July 2003, a review was required to be completed by 30 June 2009. The review was completed by that date, with a report released in October 2009.

Section 4(1) of the Tax Laws Amendment (Medicare Levy Surcharge Threshold) Act (No. 2) 2008 requires that there be a Productivity Commission study into the Performance of Public and Private Hospital Systems to be undertaken as soon as possible once every three years after the start up date. The first review was requested of The Productivity Commission on the 15th of May 2009. The Productivity Commission is due to give a final report to government in December 2009.

- (2) Please find below a list of Treasury Statutory Reviews due to commence and/or conclude in 2010:

The Wheat Export Marketing Act 2008 requires that the Productivity Commission undertake a review of the operation of the Act by 1 July 2010. This review is due to commence and is due to provide its draft report in mid March 2010.

Pharmaceutical Benefits Advisory Committee (Question No. 2043 amended)

Senator Cormann asked the Minister representing the Minister for Health and Ageing, upon notice, on 29 July 2009:

- (1) Is it correct that in the 2009-10 Budget the Government has allocated \$200 million per year for Lucentis, and that each injection for treating macular degeneration costs (per vial) approximately \$2000.
- (2) Is the Minister aware of research and international clinical practice that indicates Lucentis and Avastin provide an equivalent clinical outcome for patients with macular degeneration.
- (3) Has the department, the Therapeutic Goods Administration or the Pharmaceutical Benefits Advisory Committee (PBAC) considered this international experience and research, or done any other investigation as to whether Avastin would deliver an equivalent clinical outcome for patients with macular degeneration as Lucentis at a lower cost; if not, why not.
- (4) Is the Minister aware that Avastin was recommended by New Zealand's Pharmaceutical Management Agency (PHARMAC) for use in patients with macular degeneration.
- (5) Has the department examined the experience in the United States of America (US), and specifically, is it correct that in the US Avastin is now used twice as often as Lucentis to treat macular degeneration.
- (6) What would be the cost (per vial) for an injection of Avastin for the treatment of macular degeneration in Australia.
- (7) Has the department or the PBAC considered the savings that could be made through the use of Avastin to treat macular degeneration; if not, why not.
- (8) (a) Is the Minister, the department or the PBAC aware of claims that savings of approximately \$100 million per year could be made to the Pharmaceutical Benefits Scheme (PBS) expenditure by encouraging the use of Avastin, whilst delivering an equivalent clinical outcome to products already listed on the PBS which are more expensive than Avastin; and (b) what is the view of the Minister, the department and/or the PBAC of this claim.

Senator Ludwig—The Minister for Health and Ageing has provided the following amended answer to the honourable senator's question and replaced the answer provided on 27 October 2009:

- (1) The addition of Lucentis® to the PBS was announced in mid-2007. The Government did not allocate \$200 million per year for Lucentis® in the 2009/10 Budget. There are two products on the PBS for the treatment of macular degeneration by injection: Visudyne®, at \$2246.36 per injection and Lucentis® at \$1976.36 per injection.
- (2) (3), (6), and (7) The supplier of Avastin®, Roche Products, would need to apply to the Therapeutic Goods Administration (TGA) for registration of this product in Australia for macular degeneration.

Roche may submit, at any time, an application to the PBAC for PBS subsidy of Avastin® for macular degeneration, provided Avastin® has been registered for treatment of that condition with the TGA.

The Pharmaceutical Benefits Advisory Committee (PBAC) has not yet received a submission for the treatment of any other indication with Avastin®.

The Government is committed to using sound, evidence-based principles to decide which products should be subsidised through the PBS and under what circumstances. The same requirements for listing medicines on the PBS are applied in all cases to ensure consistency and fairness in the listing process.

Avastin® is currently listed on the PBS for bowel cancer at a cost of \$534.77 per 100mg vial, and \$1866.36 per 400mg vial. The price per vial for any other listings would be determined as part of the PBAC process to assess cost effectiveness.

- (4) Yes
- (5) The Department has not examined the US experience and is unable to comment on the use of Avastin compared to Lucentis.
- (8) (a) No. (b) As no submission has been made to the PBAC for the listing of Avastin® for macular degeneration, it is not possible to comment on the costs and benefits of Avastin® this condition.

Mr Richard Woolcott

(Question No. 2123)

Senator Abetz asked the Minister representing the Minister for Foreign Affairs, upon notice, on 8 September 2009:

With reference to Mr Richard Woolcott's role as Special Envoy:

- (1) Can details be provided on: (a) total salary paid to date; (b) number of days worked to date; (c) total mobile phone and BlackBerry bill to date; and (d) total allowances paid to date.
- (2) Is Mr Woolcott provided with: (a) a vehicle; if so, what is the make and model; and (b) staff; if so, how many and what is their Australian Public Service classification.
- (3) Can details be provided of all international travel since his appointment, including: (a) the location; (b) the date; (c) the number of accompanying departmental employees; (d) meetings held, including details of who attended the meetings; (e) whether Mr Woolcott made use of the posts' accommodation and if not, the hotels he used; and (f) the total cost of each trip, itemised by: (i) airfares, (ii) accommodation, and (iii) other costs.
- (4) Does Mr Woolcott have access to an entertainment/hospitality budget; if so, can details be provided of how much has been expended since his appointment.
- (5) How many hours have been expended by Australian posts in catering for Mr Woolcott's visits.
- (6) What costs (in dollar terms) have been incurred by Australian posts in catering for Mr Woolcott's visits.
- (7) Has Mr Woolcott provided any written briefings to the Minister; if so, how many and how many pages long is each briefing.
- (8) Has Mr Woolcott provided any written briefings to the Prime Minister; if so, how many and how many pages long is each briefing.

Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

- (1) (a) Mr Woolcott is paid on a contractual rather than salary basis. He has been paid \$125,681.82 (excluding GST) for his work on the Asia Pacific Community (APC) initiative to date.
- (b) Mr Woolcott has worked around 92 days to date.
- (c) The Government has not reimbursed Mr Woolcott's mobile phone or blackberry bills.
- (d) Mr Woolcott has been paid \$10,783.49 in per diem allowances to date.
- (2) (a) No.
- (b) Mr Woolcott is not currently provided with staff. He has previously been supported by two staff members – one EL1 employee to accompany and provide policy support during his regional travel and consultation process, and one APS5 employee for administrative support.
- (3) (a) (b) and (d) Countries Mr Woolcott visited during his consultations on the Asia Pacific community, the dates he visited, and his principal interlocutors are detailed in Annex A.
- (c) Mr Woolcott was accompanied by one Canberra based departmental employee throughout his consultations. On many occasions staff members at Australian missions overseas also attended his meetings.
- (e) Mr Woolcott made use of posts' accommodation in New Delhi, New York and Washington DC. Hotels he used are set out in Annex A.
- (f) The total cost of each of Mr Woolcott's international trips is set out in Annex B, itemised by airfares, accommodation and other costs. Figures provided include costs for Mr Woolcott and accompanying officers, but do not include costs incurred by posts (see point 6 below). 'Other costs' includes allowances paid to Mr Woolcott and accompanying officers, translation costs, ground transport costs such as taxi and train fares, and other costs.

- (4) Mr Woolcott does not have access to a specific entertainment or hospitality budget. On occasion, however, Mr Woolcott has been reimbursed for specific entertainment events. These reimbursements total \$880.47 to date.
- (5) It would require an inappropriate diversion of resources to state with precision the number of hours that have been expended by posts in conjunction with Mr Woolcott's visits.
- (6) \$14,101.45.
- (7) No.
- (8) Mr Woolcott provided the Prime Minister with a 4-page interim report and a 28-page final report on his regional consultations on the APc.

Annex A**List of Individuals Consulted on Asia Pacific Community Proposal****Wellington, New Zealand**

2 – 3 September 2008

Rt Hon Helen Clark, Prime Minister of New Zealand

The Hon Phil Goff, Minister of Trade

Mr Simon Murdoch, CEO, Ministry of Foreign Affairs and Trade

Mr Wade Armstrong, Acting Deputy Secretary, Trade Negotiations, Trade Policy and Economics, Ministry of Foreign Affairs and Trade

Ms Andrea Smith, Adviser, International to Miss Clark

Mr Billie Moore, Private Secretary to Mr Goff

Mr Nigel Moore, Director, Asia Division, Ministry of Foreign Affairs and Trade

Mr Jim McLay, Executive Chairman, Macquarie Group Holdings, NZ Limited

Dr Richard Grant, Executive Director, Asia New Zealand Foundation

Mr Brent Layton, Chief Executive, New Zealand Institute of Economic Research

Accommodation: Bolton Hotel

Jakarta, Indonesia

5 – 8 September 2008

HE Dr Hassan Wirajuda, Minister of Foreign Affairs

HE Theo L Sambuaga, Chairman of Commission I on Foreign Affairs

Mr Ali Alatas, Former Foreign Affairs Minister and Member of the President's Advisory Council

Dr Hadi Soesastro, Executive Director, Centre for Strategic and International Studies

Dr Surin Pitsuwan, ASEAN Secretary-General

Dr Dino Patti Djalal, Presidential Advisor and Spokesperson

Dr Jusuf Wanandi, Centre for Strategic and International Studies

Accommodation: Four Seasons Hotel

Kuala Lumpur, Malaysia

9 – 10 September 2008

YB Datuk Seri Utama Dr Rais Yatim, Minister of Foreign Affairs

YB Dato' Seri Syed Hamid Albar, Minister of Home Affairs

Tan Sri Rastam Mohd Isa, Secretary General, Ministry of Foreign Affairs

Tan Sri Datuk Zainal Abidin Sulong, Chairman of Malaysian Industrial Development Authority

Dato' Dr Michael Yeoh, Chief Executive Officer, Asian Strategy and Leadership Institute

Tan Sri Dato' Seri Mohamed Jawhar Hassan, Chairman & CEO, Institute of Strategic and International Studies

Dr Mahani Zainal Abidin, Director General, Institute of Strategic and International Studies

Mr Steven Wong, Assistant Director General, Institute of Strategic and International Studies

Ms Elina Noor, Analyst, Institute of Strategic and International Studies

Mr Shahrman Lockman, Researcher, Institute of Strategic and International Studies

Accommodation: Shangri La Hotel

Singapore

10 – 11 September 2008

HE Lee Hsien Loong, Prime Minister

Mr George Yeo, Minister for Foreign Affairs
Mr Peter Ho, Permanent Secretary, Ministry of Foreign Affairs
Ms Chua Siew San, Deputy Secretary, MFA
HE Albert Chua, Singapore High Commissioner to Australia
Ambassador Michael Tay, Deputy Executive Director, APEC Secretariat, and Ambassador to Russia
Mr Eddie Teo, Chairman, Singapore Public Service Commission
Mr Ng How Yue, Principal Private Secretary to Prime Minister Lee
Mr Chivy Li, Special Assistant to Mr Yeo, Ministry of Foreign Affairs
Ms Leow Siu Lin, Director, Australia, New Zealand and Pacific Directorate, Ministry of Foreign Affairs
Mr Dominic Goh, Deputy Director, ASEAN Directorate, Ministry of Foreign Affairs
Mr Raymond Chow, Assistant Director, Ministry of Foreign Affairs
Ms Lee Ruiwen, Desk Officer, Australia Desk, Ministry of Foreign Affairs
Professor Kishore Mahbubani, Dean, Lee Kuan Yew School of Public Policy, National University of Singapore
Accommodation: Ritz Carlton Hotel

Seoul, Republic of Korea

6 – 7 October 2008

HE Mr Yu Myung-hwan, Minister for Foreign Affairs and Trade
Mr Ahn Ho-young, Deputy Minister for Trade
Mr Lee Yong-joon, Deputy Minister for Foreign Affairs
Mr Wi Sung-lac, Special Adviser to the Minister
Mr Lee Kyung-soo, Director-General, South Asian and Oceanian Bureau
Mr Shin Jong-won, Deputy Director-General Multilateral Trade Bureau
Mr Ryu Jeong-hyun, Director, South Asian and Oceanian Regional Cooperation Division
Mr Anh, Sung-kook, Director, Regional Cooperation Division
Professor Moon Chung-in, Department of Political Science, Yonsei University
Dr Chae Wook, President of the Korea Institute for International Economic Policy
Dr Kim Han-sung, Research Fellow, Centre for Regional Economic Studies, Korean Institute for International Economic Policy
Accommodation: Westin Hotel

Tokyo, Japan

8 – 9 October 2008

Mr Toshiro Nikai, Minister of Economy, Trade and Industry
Ms Seiko Hashimoto, Senior Vice-Minister for Foreign Affairs
Mr Koro Bessho, Deputy Vice-Minister for Foreign Affairs
Mr Kohei Masuda, Administrative Vice-Minister, Ministry of Defence
Mr Yoshimasa Hayashi, Member of the House of Councillors, Liberal Democratic Party
Mr Keichiro Asao, Member of the House of Councillors, Democratic Party of Japan
Mr Akita Saiki, Director-General, Asian and Oceanian Affairs Bureau, Ministry of Foreign Affairs
Mr Rintaro Tamaki, Director-General, International Affairs Bureau, Ministry of Finance
Mr Masakazu Toyoda, former Vice-Minister (International), Ministry of Economy, Trade and Industry
Mr Masaru Tsuji, Director-General, International Affairs Bureau, Ministry of Defence
Mr Yukio Takeuchi, Advisor to the Ministry of Foreign Affairs, Special Advisor to Nippon Keidanren (Japanese Business Federation)
Dr Taskashi Shiraishi, Vice President, National Graduate Institute for Policy Studies, and President, Institute of Developing Economies – Japan External Trade Organisation
Dr Akiko Fukushima, Director of Policy Studies and Senior Research Fellow, National Institute for Research Advancement
Professor Tsutomu Kikuchi, Aoyama Gakuin University, Adjunct Research Fellow, Japan Institute of International Affairs
Professor Takashi Terada, Institute of Asian Studies, Waseda University
Akira Kojima, Senior Fellow of the Japan Centre for Economic Research
Accommodation: Prince Park Tower Hotel

Santiago, Chile

20 – 21 October 2008

Mr Alejandro Foxley, Minister for Foreign Affairs

Mr Eduardo Boeninger, Head of the President's Advisory Council

Ambassador Fernando Schmidt, Asia Pacific Division, Ministry of Foreign Affairs (MFA)

Mr Igor Garafulic, Multilateral Trade Division, Ministry of Foreign Affairs

Ms Claudia Bobadilla, General Manager, Pais Digital

Mr Octavio Errazuriz, President, Asia Pacific Chamber of Commerce

Mr Jorge Marshall Rivera, Director, Public Policies Institute, Universidad Diego Portales

Mr Manfred Willhemy, Chilean Foundation of the Pacific

Mr Andronico Luksic, Banco de Chile, APEC Business Advisory Council representative

*Accommodation: Ritz Carlton Hotel***Mexico City, Mexico**

22 October 2008

Ambassador Mrs Patricia Espinosa Cantellano, Minister for Foreign Affairs

Mr Gerardo Ruiz Mateos, Minister for Economy

Ms Graciela Avila Ledezma, Director-General for Analysis and Follow-up of Agreements with Latin America

Mr Roberto Zapata, Senior APEC Official and Director-General for Multilateral and Regional Negotiations

*Accommodation: Hotel Nikko***Lima, Peru**

23– 24 October 2008

President Alan Garcia, Republic of Peru

Mr Jose Antonio Garcia Belaunde, Minister of Foreign Affairs

Ms Mercedes Araoz, Minister for Trade

Mr Gonzalo Gutierrez, Vice Minister for Foreign Affairs

Ambassador Marta Chavarri, Asia Pacific Division, Ministry of Foreign Affairs

Ambassador Luis Quesada, Director, Asia and the Pacific Rim, Ministry of Foreign Affairs

Ms Cecilia Blume, former Chief of Staff to Peruvian Prime Minister

Mr Juan Francisco Raffo, APEC Business Advisory Council

Mr Jose Miguel Morales, APEC Business Advisory Council

Ms Patricia Teullet, Director COMEX, Director APEC Business Advisory Council of Peru

*Accommodation: Country Club Hotel***Beijing, China**

3– 5 November 2008

Mr Yang Jiechi, Foreign Minister

Mr Hu Zhengyue, Assistant Foreign Minister

Ms Qiu Hong, Assistant Minister of Commerce

Mr Zhang Zhijun, Vice Minister, Chinese Communist Party International Department

Mr Ma Hui, Deputy Director-General, Chinese Communist Party International Department

Mr Gao Yang, Chinese Communist Party International Department

Mr Zhai Kun, Director, Chinese Institute of Contemporary International Relations

Dr Pan Guoping, Institute of International Strategic Studies, Chinese Communist Party, Central Party School

Professor Yee Sienho, Institute of International Strategic Studies, Chinese Communist Party, Central Party School

Professor Pang Zhongying, Professor of International Studies, Peking University

Mr Chen Kuiyuan, Vice Chairman, National Committee of the Chinese People's Political Consultative Conference and President of the Chinese Academy of Social Sciences

Professor Han Feng, Deputy Director, Asia-Pacific Institute, Chinese Academy of Social Sciences

Professor Cui Liru, President, China Institutes of Contemporary International Relations

Major General (Retired) Xiong Guangkai, Chairman, China Institutes for International Strategic Studies

Major General Huang Xin, PLA Academy of Military Science

Senior Colonel Yao Yunzhu, PLA Academy of Military Science

Accommodation: Westin Hotel

Vientiane, Laos

11 November 2008

Dr Bouasone Bouphavanh, Prime Minister

Dr Nam Viyaketh, Minister of Industry and Commerce

Mr Bounkeut Sangsornak, Vice Minister of Foreign Affairs

Accommodation: Settha Palace Hotel

New Delhi, India

13– 14 November 2008

Mr Shri Mohammad Hamid Ansari, Honourable Vice President of India

Mr Shri Pranab Mukherjee, Minister of External Affairs

Mr Shri Jaswant Singh, MP, Leader of the Opposition (Rajya Sabha)

Mr N Ravi, Secretary (East), Ministry of External Affairs

Mr Salman Haidar, Former Foreign Secretary

Mr Rajendra S Rathore, Former High Commissioner to Australia

Ambassador K Shankar Bajpai, Chairman, Delhi Policy Group

Mr Sudhir T Devare, Institute of Southeast Asian Studies

Lt Gen (Ret) V R Raghavan, Director, Delhi Policy Group

Mr Suman Bery, Director-General, National Council of Applied Economic Research

Mr Saumitra Chaudhuri, Economic Advisor and Research Coordinator, ICRA

Dr Ram Upendra Das, Fellow, RIS for Developing Countries

Mr M K Venu, Chief of Bureau, The Economic Times

Ms Sushasini Haidar, CNN IBN

Mr Alok Mehta, Editor-in-Chief, Nai Duniya

Ms Aditi Phadnis-Mehta, Bureau Chief-Politics, Business Standard

Ms Bhagyashree Pande, Special Correspondent, The Tribune

Mr T C A S Raghavan, Associate Editor, The Hindu Business Line

Bangkok, Thailand

17 November 2008

Mr Sompong Amornvivat, Deputy Prime Minister and Foreign Minister

Mr Virasakdi Futrakul, Permanent-Secretary of Ministry of Foreign Affairs

Mr M R Sukhumbhand Paribatra, Opposition Foreign Affairs Spokesman

Mr Pisit Leeahtam, Chairman of the Macro Economy and Public Finance Committee (NEASAC)

Dr Thitinan Pongsudhirak, Chulalongkorn University

Dr Panitan Wattanayagorn, Chulalongkorn University

Accommodation: Sukhothai Hotel

Bandar Seri Begawan, Brunei Darussalam

5– 6 December 2008

His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam

His Royal Highness the Crown Prince and Senior Minister of the Prime Minister's Office

His Royal Highness Prince Haji Mohamed Bolkiah, Minister of Foreign Affairs and Trade

The Honourable Pehin Dato Lim Jock Seng, Second Minister of Foreign Affairs and Trade

Dato Paduka Lim Jock Hoi, Permanent Secretary, Ministry of Foreign Affairs and Trade

Hj Erywan bin Pehin Datu Pekerma Jaya Haji Mohn Yusof, Permanent Secretary, Ministry of Foreign Affairs and Trade

Dato Paduka Timothy Ong

Accommodation: Empire Hotel

Manila, The Philippines

8 December 2008

Hon Peter Favila, Secretary of Trade and Industry

Hon Alberto Romulo, Secretary of Foreign Affairs and Philippine Chair of the APEC

Mr Cesar Virata, former Prime Minister and Corporate Vice Chairman of Rizal Commercial Banking Corporation

Mr Ronald Allarey, Assistant Secretary Asian and Pacific Affairs, Department of Foreign Affairs

Assistant Secretary Zafrulla Masahud, Executive Director Foreign Trade Services Corporation, Department of Trade and Industry

Ambassador Roberto Romulo, Chairman, Asia-Pacific Economic Cooperation Business Advisory Council (ABAC) and Presidential Adviser on International Competitiveness

Secretary Alfonso Yuchengco, Chairman of Yuchengco Group of Companies, Presidential Adviser on Foreign Affairs

Mr Ed Badajos, Director Pacific Division, Department of Foreign Affairs

Mr Eduardo Ermita, Executive Secretary, Malacañang Palace

Mr Pedro Cabuay, Director General, National Intelligence Coordination Agency (NICA)

Mr Antonio Basilio, Managing Director and Resident Representative of Manila Economic Cultural Office, Taiwan

Mr Washington Sycip, Founder of The SGV Group

Mr Richard Barclay, President of Australia-New Zealand Chamber of Commerce

Ambassador Romela Bengzon, Corporate Secretary of Australia-New Zealand Chamber of Commerce

Mrs Marixi Prieto, Chair of the Board of Philippine Daily Inquirer

Accommodation: Shangri La Hotel

Phnom Penh, Cambodia

10 December 2008

Mr Hor Namhong, Deputy Prime Minister and Foreign Minister

Mr Cham Prasidh, Senior Minister and Minister for Commerce

Dr Hang Chuon Naron, Secretary General, Ministry of Economy and Finance

Accommodation: Raffles Hotel Le Royal

Hanoi, Vietnam

14– 16 January 2009

HE Mr Nguyen Tan Dung, Prime Minister

HE Mr Doan Xuan Hung, Vice Minister of Foreign Affairs

HE Mr Nguyen Cam Tu, Vice Minister of Industry and Trade

HE Mr Truong Tan Sang, Politburo Member and Standing Member of the Secretariat of the Central Committee of the Communist Party of Vietnam

HE Mr Ngo Duc Manh, Vice Chairman of the Committee for Foreign Affairs, National Assembly

Mr Nguyen Dinh Hoan, Director General, Department of International Relations, Office of the Government

Mr Nguyen Hong Cuong, Director General, ASEAN Department, Ministry of Foreign Affairs

Mr Tran Duc Binh, Deputy Director General, ASEAN Department, Ministry of Foreign Affairs

Mr Pham Sao Mai, Deputy Director General, Asia 1 Department, Ministry of Foreign Affairs

Mr Tran Hai Hau, Director General, Southeast Asia, South Asia and South Pacific Department, Ministry of Foreign Affairs

Mr Pham Hung Tam, Deputy Director General, Southeast Asia, South Asia and South -Pacific Department, Ministry of Foreign Affairs

Mr Chu Thang Trung, Deputy Director General, Asia-Pacific Department, Ministry of Industry and Trade

Ms Nguyen Minh Hang, Assistant Director General, Department of Multilateral Economic Cooperation, Ministry of Foreign Affairs

Ms Pham Thi Thuy Nga, Assistant Director General, Southeast Asia, South Asia and South Pacific Department, Ministry of Foreign Affairs

Mr Nguyen Minh Vu, Assistant Director General, External Policies Department, Ministry of Foreign Affairs

Ms Nguyen Minh Hang, Assistant Director General, Multilateral Economic Cooperation Department, Ministry of Foreign Affairs

Mr Dang Dinh Quy, Director, Institute for Strategic Studies, Ministry of Foreign Affairs

Mr Bui Huy Son, Personal Assistant to the Minister of Industry and Trade

Ambassador Duong Van Quang, President, Diplomatic Academy of Vietnam

Ms Luan Thi Duong, Deputy Director, Institute for Strategic Studies, Diplomatic Academy of Vietnam

Mr Tran Duc Loi, Secretary General, Vietnam Union of Friendship Organisations

Dr Nguyen Quang A, Director, Vietnam Institute of Development Studies
Dr Do Tien Sam, Director, Centre for Chinese Studies, Vietnam Academy of Social Sciences
Dr Nguyen Tran Bat, Chairman and CEO, Investconsult Group
Mr Nguyen Tien Lap, Deputy CEO, Investconsult Group
Mr Dam Thuy, General Manager, ANZ Bank Vietnam
Mr Bill Magennis, Partner, Allens Arthur Robinson
Mr Rick Smith, Chief Representative, BHP Billiton
Accommodation: Hilton Hanoi Opera

Moscow, Russia

19– 20 January 2009

Mr Sergey Lavrov, Foreign Minister
Mr Alexey Borodavkin, Deputy Foreign Minister,
Mr Mikhail Galuzin, Director, Asia Pacific Region Department, Ministry of Foreign Affairs
Mr Alexander Komissarov, First Secretary, Department of Asia Pacific Regional Affairs, ARF and ACD Division, Ministry of Foreign Affairs
Mr Bakhtier Khakimov, Director, Asian Issues, Department, Ministry of Foreign Affairs
Dr Kirill Barsky, Deputy Director, Department of Asia Pacific Regional Affairs, Ministry of Foreign Affairs
Mr Dmitry Lukiyantsev, Department of Asia Pacific Regional Affairs, Head of ARF and ACD Division, Ministry of Foreign Affairs
Mr Dmitry Trenin, Director, Carnegie Centre
Mr Glenn Waller, President, BHP Billiton Eurasia
Mr Leonid Moiseev, Russian Ambassador to Australia (2001-2005), President's Envoy to Shanghai Co-operation Organisation
Mr Eric S Rubin, Chargé d'Affaires, US Embassy
Ms Olga Bychkova, Echo Moscow
Ms Maya Peshkova, Echo Moscow
Accommodation: Ritz Carlton Hotel

Singapore

22 January 2009

Mr Peter Ho, Permanent Secretary, Ministry of Foreign Affairs
Mr Kwok Fook Seng, Director, ASEAN Directorate, Ministry of Foreign Affairs
Ms Leow Sieu Lin, Director, Australia, New Zealand and Pacific Directorate, Ministry of Foreign Affairs
Mr Dominic Goh, Deputy Director, ASEAN Directorate, Ministry of Foreign Affairs
Mr David Chong, Assistant Director, ASEAN Directorate, Ministry of Foreign Affairs
Mr Eddie Teo, Chairman, S Rajaratnam School of International Studies
Professor Wang Gung Wu, Chairman, East Asian Institute
Mr Barry Desker, Director, S Rajaratnam School of International Studies
Dr Chin Kin Wah, Deputy Director, Institute of Southeast Asian Studies
Ambassador Tan Keng Jin, Head, Public Affairs Institute of Southeast Asian Studies
Mr Patrick Daniel, Editor, Singapore Press Holdings
Ms Audrey Queck, Deputy Foreign Editor, Straits Times
Accommodation: St Regis Hotel

Wellington, New Zealand

28– 29 January 2009

The Hon John Key, Prime Minister
The Hon Murray McCully, Foreign Minister
Mr John McKinnon, Secretary of Defence
Mr Michael Green, Deputy Secretary, Ministry of Foreign Affairs and Trade
Mr Chris Seed, Deputy Secretary, Ministry of Foreign Affairs and Trade
Mr Wade Armstrong, Acting Deputy Secretary Ministry of Foreign Affairs and Trade
Mr Phillip Griffiths, Director, Simon Murdoch's Office, Ministry of Foreign Affairs and Trade

Mr Nigel Moore, Director, Asia Division, Ministry of Foreign Affairs and Trade
Mr Stephen Payton, Head, APEC Unit, Ministry of Foreign Affairs and Trade
Mr Bede Corry, Director, Australia Division, Ministry of Foreign Affairs and Trade
Mr Tony Lynch, International Advisor to the Prime Minister
Mr Jim McLay, Executive Chairman, Macquarie Group Holdings, NZ Limited
Dr Richard Grant, Executive Director, Asia New Zealand Foundation
Mr Phil O'Reilly, Chief Executive, Business New Zealand

Accommodation: Bolton Hotel

Port Moresby, PNG

4–5 February 2009

The Hon Puka Temu MP, Deputy Prime Minister and Minister for Lands and Physical Planning and Mining
The Hon Sam Abal MP, Minister for Foreign Affairs and Trade
The Hon Paul Tiensten, Minister for National Planning and District Development
The Hon Sasa Zibe, MP, Minister for Health and HIV AIDS
The Hon Philemon Embel, Minister of State Assisting the Prime Minister
The Hon Sir Mekere Morauta Kt, MP, Leader of the Opposition and Lady Roslyn Morauta
Mr Leonard Louma, International Relations Adviser to Prime Minister Sir Michael Somare
Mr Maimou Raka-Nou, Chief of Staff to the Hon Sam Abal
Mr Gabriel Pepson, Secretary, Department of Foreign Affairs and Trade
Mr Kapi Maro, Director, Pacific, Australia and New Zealand Branch, Department of Foreign Affairs and Trade
Ambassador Lucy Bogari, Deputy Secretary (Policy), Department of Foreign Affairs and Trade
Mr Kapi Maro, Director, Pacific, Australia and New Zealand Branch, Department of Foreign Affairs
Mr Frank Aisi, Director General, International Relations, Department of Prime Minister and National Executive Council
Mr Kosta Constantinou, CEO Lamana and Airways Hotels
Mr Rod Mitchell, CEO, NASFUND
Mr Ian Clyne, CEO, Bank of South Pacific Limited
Mr Paul Barker, Executive Director, Institute of National Affairs
Mr Wayne Golding, President, Manufacturer's Council of PNG

Accommodation: Crowne Plaza

Vancouver, Canada

18 February 2009

Mr Yuen Pau Woo, President and CEO, Asia Pacific Foundation of Canada
Ms Jill Price, Executive Director, Asia Pacific Foundation of Canada
Dr Earl Drake, Adjunct Professor, David Lam Centre for International Communications, Simon Fraser University
Dr Paul Evans, Senior Advisor to the Asia Pacific Foundation of Canada and Professor, College for Interdisciplinary Studies, University of British Columbia
Ms Eva Lee Kwok, Chair and CEO, Amara International Investment Corporation

Accommodation: Fairmont Hotel

Ottawa, Canada

20 February 2009

The Hon Lawrence Cannon, Minister for Foreign Affairs
The Hon Stockwell Day, Minister for International Trade
Mr Claude Carrière, Foreign and Defence Policy Advisor to the Prime Minister
Ms Melissa Lantsman, Policy Advisor to the Minister for Foreign Affairs
Mr Roy Remel, Policy Advisor to the Minister for International Trade
Mr Gordon Venner, Assistant Secretary to the Cabinet for Foreign and Defence Policy
Mr David Drake, Director of Operations, Foreign and Defence Policy Secretariat
Ms Deborah Paul, Director, Southeast Asia and Oceania Relations
Mr Thomas D'Aquino, President and Chief Executive Officer, Canadian Council of Chief Executives
Mr Derek Burney, Senior Strategic Advisor, Ogilby Renault LLP

Accommodation: Fairmont Chateau Laurier

Washington DC, United States

23–26 February 2009

The Hon James (Jim) Steinberg, Deputy Secretary of State

Ms Anne-Marie Slaughter, Director of Policy Planning, Department of State

Mr Glyn Davies, Principal Deputy Assistant Secretary of State, East Asian and Pacific Affairs Bureau, Department of State

Ms Barbara Weisel, Assistant US Trade Representative for Southeast Asia and the Pacific

Brigadier General Blake Crowe, Office of the Secretary for Defense

Ambassador Patricia Haslach, APEC Coordinator and Senior Official, Department of State

Mr James Green, Policy Planning Staff, Department of State

Mr Vic Raphael, Southeast Asia-Pacific Division Chief, Bureau of Intelligence and Research, Department of State

Mr Kamala Lakshmi, Director, Office of Maritime Southeast Asian Affairs, Department of State

Mr Stephen Blake, Director, Office of Mainland Southeast Asia, Department of State

Mr Blair Hall, Director, Office of Regional and Security Policy Affairs, Department of State

Ms Aleisha Woodward, Australia Desk Officer, Department of State

Mr Mort Abramowitz, Senior Fellow, Century Foundation

Dr Kurt Campbell, CEO and Co-founder, Center for a New American Security

Dr Satu Limaye, Director, East-West Center in Washington

Ambassador Jeff Bader, Senior Director, Asian Affairs, National Security Council

Dr Fred Bergsten, Director, Peterson Institute for International Economics

Dr Gary Hufbauer, Peterson Institute for International Economics

Congressman Eni Faleomavaega (D-American Samoa, Delegate), Chairman Asia, Pacific, and Global Environment Subcommittee, House Foreign Affairs Committee

Senator Jim Webb (D-Virginia), Chairman, East Asia and Pacific Affairs Subcommittee, Senate Foreign Relations Committee

Mr Evan Medeiros, RAND Corporation

Mr Derek Mitchell, Center for Strategic and International Studies

Mr Michael Schiffer, Stanley Foundation

Ms Ellen Frost, National Defense University

Mr Charles Freeman, Center for Strategic and International Studies

Mr Dennis Wilder, Brookings Institution

Mr Bob Zoellick, President, World Bank

New York, United States

2–3 March 2009

HE Rosemary DiCarlo, Ambassador and Alternate Representative for Special Political Affairs to the United Nations

Mr Jeff Reneau, Adviser, US Mission

Dr Henry Kissinger, former Secretary of State, Chairman of Kissinger Associates Inc

HE Mr Marty Natalegawa, Permanent Representative of Indonesia to the UN

HE Mr Vanu Menon, Permanent Representative of Singapore to the UN

HE Dr Kosal Sea, Permanent Representative of Cambodia to the UN

HE Mr Don Pramudwinai, Permanent Representative of Thailand to the UN

HE Mr Le Luong Minh, Permanent Representative of Viet Nam to the UN

HE Ms Kanika Phommachanh, Permanent Representative of Lao to the UN

Honolulu, United States

4–5 March 2009

Admiral Timothy Keating, Commander US Pacific Command

Ambassador Gene Christy, Foreign Policy Advisor, US Pacific Command

Major General Thomas Conant, Director for Strategic Planning and Policy, US Pacific Command

Dr Charles Morrison, President of the East-West Center

Mr Richard Baker, East-West Center

Ambassador Raymond Burghardt, East-West Center/Chairman American Institute in Taiwan

Mr Richard Halloran, Asia-Pacific Center for Security Studies

Mr Ralph Cossa, Pacific Forum Center for Strategic and International Studies

Accommodation: Westin Moana Surfrider

Annex B

Trip costs

Trip 1: Wellington – Jakarta – Kuala Lumpur – Singapore

Airfares: \$22,319.60

Accommodation: \$3,288.80

Other costs: \$1,962.03

Trip 2: Seoul – Tokyo

Airfares: \$15,190.68

Accommodation: \$4,184.55

Other costs: \$3,592.30

Trip 3: Santiago – Mexico City – Lima

Airfares: \$38,256.55

Accommodation: \$5,106.35

Other costs: \$2,585.17

Trip 4: Beijing

Airfares: \$14,349.51

Accommodation: \$1,586.04

Other costs: \$1,257.70

Trip 5: Vientiane – New Delhi – Bangkok

Airfares: \$27,875.24

Accommodation: \$1,940.54

Other costs: \$2,136.56

Trip 6: Brunei Darussalam – Manila – Phnom Penh

Airfares: \$42,399.87

Accommodation: \$2,877.44

Other costs: \$3,042.98

Trip 7: Hanoi – Moscow – Singapore

Airfares: \$24,721.84

Accommodation: \$6,985.28

Other costs: \$2,321.44

Trip 8: Wellington

Airfares: \$4,516.44

Accommodation: \$625.39

Other costs: \$590.38

Trip 9: Port Moresby

Airfares: \$7,108.24

Accommodation: \$1,947.21

Other costs: \$754.65

Trip 10: Vancouver – Ottawa – Washington DC – New York – Honolulu

Airfares: \$34,657.94

Accommodation: \$10,786.75

Other costs: \$6,576.08

Health and Ageing: Printing (Question Nos 2137, 2156, 2160 and 2162)

Senator Ronaldson asked the Minister representing the Minister for Health and Ageing, upon notice, on 10 September 2009:

For the 2008-09 financial year:

- (1) Did the Minister have any ministerial letterhead produced using the funds or resources of his or her home department; if so:
 - (a) how many sheets of letterhead were produced; and
 - (b) what was the cost of the production of the letterhead.
- (2) What was the total postage cost of mailings conducted by the Minister and/or Parliamentary Secretary using their departmental-funded franking machine.
- (3) (a) What was the total cost, including production and distribution, of all direct mail pieces produced by the department, including as part of a government communications campaign, where the Minister or Prime Minister was the nominal author of the piece; and
 - (b) can an itemised list be provided of: (i) production costs, and (ii) distribution costs.

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

- (1) No. The Minister did not have any ministerial letterhead produced using the funds or resources of her home department.
- (2) No departmental-funded franking machine was supplied or used by the Minister or Parliamentary Secretary.
- (3)

Direct Mail Piece	Number Distributed	Production Cost	Distribution Cost
On 3 July 2008, the Minister wrote to approximately 9,000 dentists advising them of the introduction of the Medicare Teen Dental Plan and providing them with a copy of the Medicare Teen Dental Plan booklet.	9,000	\$12,430.00	\$11,376.01
2009 Minister's Awards for Excellence in Aged Care Nomination Kit	7,200	\$31,182.80	\$11,522.50
Report on the Operation of the Aged Care Act 1997 - 1 July 2007 to 30 June 2008	120	\$17,727.00	\$250.00
A letter was sent by the Minister for Health and Ageing, to all parents/guardians of 3 – 5 year old children reminding them of the importance of immunisation; promoting the Healthy Kids Check and the accompanying Get Set 4 Life habits for healthy kids guide.	582,885	\$63,346.39	\$238,256.89

Note: all figures are GST Inclusive

Agriculture, Fisheries and Forestry: Printing (Question No. 2147)

Senator Ronaldson asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 10 September 2009:

For the 2008-09 financial year:

- (1) Did the Minister have any ministerial letterhead produced using the funds or resources of his or her home department; if so:
 - (a) how many sheets of letterhead were produced; and
 - (b) what was the cost of the production of the letterhead.
- (2) What was the total postage cost of mailings conducted by the Minister and/or Parliamentary Secretary using their departmental-funded franking machine.
- (3) (a) What was the total cost, including production and distribution, of all direct mail pieces produced by the department, including as part of a government communications campaign, where the Minister or Prime Minister was the nominal author of the piece; and
 - (b) can an itemised list be provided of: (i) production costs, and (ii) distribution costs.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) Yes.
 - (a) 13 000 sheets.
 - (b) \$1718.84 (GST exclusive).
- (2) \$1560.00 (GST inclusive).
- (3) (a) *Nil.
 - (b) (i) Nil.

(c) (ii) Nil.

* For the purpose of this response direct mail is defined as 'mail that involves the distribution by post or by electronic means of a standard letter that is sent to multiple recipients whose names are taken from a database or list that could be held by the sender or a third party (could be borrowed or 'hired'). These lists typically are large, and usually have some identifying characteristics such as a professional/industry grouping, educational or interest affiliation, and so on'.

Immigration and Citizenship: Printing

(Question No. 2170)

Senator Ronaldson asked the Minister for Immigration and Citizenship, upon notice, on 14 September 2009:

With reference to resources provided to the Minister and/or Parliamentary Secretary by their home department that are above and beyond their entitlements as senators and members:

- (1) For the 2008-09 financial year: (a) can a list be provided of each branch and model of colour printer that was provided for the office of the Minister and/or Parliamentary Secretary; and (b) what was the total cost of (i) printer cartridges and/or toner, and (ii) servicing these printers.
- (2) For the 2008-09 financial year, what was the total value of photocopy paper received in the office of the Minister and/or Parliamentary Secretary.
- (3) For the 2008-09 financial year, what was the value of other office consumables received in the office of the Minister and/or Parliamentary Secretary.
- (4) For the 2008-09 financial year, can a list be provided of all departmental publications, excluding ordinary or mail-merged letters, which contained the name and/or photograph of the Minister and/or Parliamentary Secretary, including: (a) the cost of producing each of these publications; and (b) how many copies were distributed and to what category of persons they were distributed to.
- (5) Does the Minister and/or Parliamentary Secretary have a departmentally-funded website/webpage; if so: (a) what was the cost of developing the website of the Minister and/or Parliamentary Secretary; (b) was the site refreshed during the 2008-09 financial year and if so, what was the cost for refreshing the site; and (c) what resources does the department provided to maintain, update and upload the content for the site.
- (6) Does the department distribute the media releases for the Minister and/or Parliamentary Secretary if so: (a) how and to whom; and (b) for the 2008-09 financial year, what was the cost for this distribution.

Senator Chris Evans—The answer to the honourable senator's question is as follows:

- (1) For the 2008-09 financial year:
 - (a) The Minister for Immigration and Citizenship was provided with one Fuji Xerox Apeosport II C4300 Multi-Function Device (MFD) for the Minister's Parliament House office and a Fuji Xerox Document Centre C450 MFD for the Minister's Perth office.
The Parliamentary Secretary for Multicultural Affairs and Settlement Services was provided with one Fuji Xerox Work Centre Pro 55 MFD.
These MFDs serve as a colour printer, photocopier and scanner.
 - (b) (i) The total cost of printer cartridges and toner for the MFDs provided to the Minister's offices was \$8,502.76.
The total cost of printer cartridges and toner for the MFD provided to the Parliamentary Secretary's office was \$1,647.00.
(ii) The total cost of servicing is included in the lease cost for the MFDs provided to both offices.
The total cost of leasing the MFDs for the Minister's offices was \$10,783.20.
The total cost leasing the MFD provided to the Parliamentary Secretary's office was \$5,391.60.
- (2) For the 2008-09 financial year, the total value of photocopy paper received in the Minister's offices was \$2,510. The total value of photocopy paper received in the Parliamentary Secretary's offices was \$470.45.
- (3) For the 2008-09 financial year, the value of other office consumables received in the Minister's offices was \$50,169.06. The value of other office consumables received in the Parliamentary Secretary's offices was \$5,519.45. These figures do not include the photocopy paper, printer cartridges or toner costs provided above in the answers to parts 1 and 2.
- (4) (a) and (b) The table below provides a list of departmental publications containing the name and/or photograph of the Minister and Parliamentary Secretary for the 2008-09 financial year

Title of Publication	Cost of producing publication	Distribution	Category of persons publications were distributed to
Access and Equity Government Services Report 2006-08	\$14,905.00	5000 copies printed	75 contributing agencies, Australian National Maritime Museum, Heads of Multicultural Affairs in each State and Territory, Community organisations, Minister's office and Parliamentary Secretary's office

Title of Publication	Cost of producing publication	Distribution	Category of persons publications were distributed to
Integrated Humanitarian Settlement Strategy – helping refugees settle in Australia June 2009	nil	web only delivery	Released on DIAC website
60 Years of Australian Citizenship	nil	web only delivery	Released on DIAC website
2007-08 Review of Statutory Self-Regulation of the Migration Advice Profession	\$4,719.00	150 copies printed	Department of Immigration and Citizenship (DIAC) staff, Migration Agents Registration Authority (MARA) Advisory Committee, organisations and individuals who made submissions to the Review and Review External Reference Group members
Evaluation of the Palmer and Comrie Reform Agenda – including Related Ombudsman Reports	\$2,046.00	200 copies printed	Selected stakeholders, Minister's office and Parliamentary Secretary's office
Moving forward...improving pathways to citizenship – A report by the Australian Citizenship Test Review Committee	\$14,410.00	2000 copies printed	Migration organisations and individuals including all of those who were involved in the community consultation process and/or lodged a submission to the citizenship test review committee during the review process
Population Flows: immigration aspects 2007-8 edition	\$20,680.00	2,500 copies printed	Selected stakeholders
Review of the Adult Migrant English Program discussion paper	nil	web only delivery	Released on DIAC website

(5) Yes, the Minister and the Parliamentary Secretary each have a departmentally-funded and maintained website.

- (a) The cost of developing the website for both the Minister and the Parliamentary Secretary was \$1,200.00.
- (b) Yes, the cost of refreshing the websites for the Minister and the Parliamentary Secretary was \$400.00.
- (c) When material (such as media releases and speeches) is sent to DIAC from the office of the Minister or Parliamentary Secretary for upload to their respective websites, DIAC public affairs officers have a limited role in checking documents for spelling, grammar and typographical errors before they are posted to the relevant site. Given the limited nature of the public affairs officers' role in this process, it is not possible to specify resources, as none are dedicated to it.

DIAC's web content support staff provide publishing services to these websites as part of their departmental function. Australian Public Service staff carry out the work and the effort required is approximately seven per cent of a full time staff member.

(6) The offices of the Minister and the Parliamentary Secretary distribute their own media releases through a service provider, the costs of which are met by departmental funding allocated to the offices of the Minister and the Parliamentary Secretary to discharge their portfolio responsibilities. For the 2008-09 financial year the cost for this service for the Minister was \$71,884.35 and the cost for this service for the Parliamentary Secretary was \$45,540.09.

Only on very rare occasions (such as emergency situations when ministerial staff are travelling) would DIAC distribute a ministerial or parliamentary secretary media release. Given this has occurred so infrequently, DIAC is not in a position to provide a costing for the handful of times that DIAC have issued a media release on behalf of the Minister or Parliamentary Secretary.

Primary Health Care Access Program

(Question No. 2207)

Senator Cash asked the Minister representing the Minister for Health and Ageing, upon notice, on 15 September 2009:

With reference to the Australian Government's Primary Health Care Access Program (the program):

- (1) How many Aboriginal communities in each state and territory currently receive funding under the program.
- (2) What specific health services are provided to Aboriginal communities under the program.
- (3) What initiatives has the program established to empower Aboriginal communities to assume greater responsibility for their personal health and wellbeing.
- (4) (a) How much funding was/has been allocated to the program in the following financial years: (i) 2007-08, (ii) 2008-09, and (iii) 2009-10; and
 - (b) was/is there a need to seek additional funding in each of these years for any additional costs incurred in implementing the program; if so, how much.

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

- (1) There are currently 172 organisations nationally receiving funding in 2009-10 under the Primary Health Care Access Program. This includes 38 in New South Wales, 17 in the Northern Territory, 53 in Queensland, 6 in South Australia, 7 in Tasmania, 22 in Victoria, 27 in Western Australia and 2 in the Australian Capital Territory.
- (2) The majority of organisations funded under Primary Health Care Access Program are Aboriginal Community Controlled Health Organisations. Some State and Territory Indigenous Health clinics also receive primary health care funds where they are the primary care provider to an Aboriginal and Torres Strait Islander population. Primary Health Care Access Program funding is generally not the sole source of funding for these organisations and can be used to supplement a wide range of primary health care services, depending on the needs of individual communities.
- (3) The focus of the Primary Health Care Access Program, which was introduced in 1999-2000, is to improve access to primary health care services for Aboriginal and Torres Strait Islander people. However, Aboriginal Community Controlled Health Organisations have been initiated by the community and are governed by a locally elected body. Each organisation delivers a holistic and culturally appropriate health service to the Community which controls it and plays a key role in engaging the community and encouraging and supporting community members to take responsibility for their own health.
- (4) (a) (i) 2007-08 \$60.608m (actual expenditure)
(ii) 2008-09 \$64.929m (actual expenditure)
(iii) 2009-10 \$80.090m (current allocation)
(b) No.

Laser Pointers (Question No. 2208)

Senator Cash asked the Minister representing the Minister for Home Affairs, upon notice, on 15 September 2009:

With reference to the ban on high-powered lasers which commenced on 1 July 2008:

- (1) How many prohibited lasers have been seized in each state and territory since the ban.
- (2) (a) How many prosecutions have occurred in each state and territory in relation to the ban; and (b) what were the outcomes of these prosecutions.
- (3) For the 2008-09 financial year, what was the cost of implementing the ban.
- (4) Was there a need to seek additional funding in subsequent budgets for any additional costs incurred in implementing the ban; if so, how much.

Senator Wong—The Minister for Home Affairs has provided the following answer to the honourable senator's question:

- (1) Since the implementation of an import control on laser pointers in July 2008, Australian Customs and Border Protection Service has seized 3,768 consignments comprising a total of 7,683 laser pointers. The number of consignments seized per State and Territory is shown in the table below.

NSW	VIC	QLD	WA	SA	NT	TAS	ACT	TOTAL
1,836	753	185	915	63	15	0	1	3768

The number of laser pointers per State and Territory is shown in the table below.

NSW	VIC	QLD	WA	SA	NT	TAS	ACT	TOTAL
2870	1255	340	2407	747	63	0	1	7683

- (2) (a) From 1 July 2008 to 15 September 2009, one prosecution has been completed in relation to laser pointers. This case was prosecuted in NSW.
(b) The defendant entered a guilty plea and was sentenced with a nine month bond. The court ordered that no conviction be recorded under 19B of the Crimes Act 1914.
- (3) For the 2007-08 and 2008-09 financial years, Australian Customs and Border Protection incurred an establishment cost of \$51,689 (e.g. advertising, testing equipment) in implementing the control on laser pointers. Ongoing costs have not been determined.
- (4) No

Medicare (Question No. 2210)

Senator Cash asked the Minister representing the Minister for Health and Ageing, upon notice, on 15 September 2009:

With reference to Medicare's bulk-billing facility:

- (1) How many medical centres in each state and territory provided bulk-billing services for each of the following financial years:
 - (a) 2007-08;
 - (b) 2008-09; and
 - (c) 2009-10.
- (2) What initiatives are in place to improve the shortage of bulk-billing medical centres in each state and territory.
- (3) (a) What incentives does the Government have in place to encourage and support general practitioners to bulk-bill; and
 - (b) how much funding has been allocated to these incentives for each of the following financial years: (i) 2007-08, (ii) 2008-09, and (iii) 2009-10.

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

- (1) It is not possible to uniquely identify all general practices using Medicare administrative data. However, data on bulk billing rates for general practices participating in the Practice Incentives Program (PIP) is available for 2008-09. Around 4,900 practices participated in the PIP in 2008-09.
80 per cent of non-referred Medicare Benefits Schedule (MBS) attendances are provided at PIP practices.
In 2008-09, 99 per cent of PIP practices provided at least one bulk-billed MBS service, more than 85 per cent of PIP practices bulk-billed at least half of their MBS services, 60 per cent of PIP practices bulk-billed at least 75 per cent of MBS services and 26 per cent of PIP practices bulk-billed 100 per cent of their MBS services.
In the June 2009 quarter, 79.8% of all non-referred GP attendances (excluding practice nurse activity) were bulk-billed, the highest rate since June 1999.
- (2) GP Super Clinics are a key element in the Australian Government's strategy to build a stronger primary health care system by improving access to integrated multidisciplinary team-based care that meets local needs and priorities.
GPs and other health practitioners recognised by the Medicare Benefits Schedule practising in the GP Super Clinics will be strongly encouraged to bulk bill MBS funded services. However, as the Australian Government will not own or operate the GP Super Clinics, the billing arrangements will be the responsibility of the operator of each clinic.
- (3) (a) GPs are eligible for additional payments when they bulk bill Commonwealth concession card holders and children under 16 years of age. These payments are currently \$5.55 in metropolitan areas and \$8.35 in rural areas, Tasmania, and eligible metropolitan areas.
- (b) Funding for items in the Medicare Benefits Schedule (MBS) is from the Medicare special appropriation, and expenditure is therefore subject to demand. Recent expenditure on the MBS bulk billing incentive items is as follows:

Year	Benefits (\$)
2007-08	\$406,840,277.80
2008-09	\$431,939,450.95

NBN Co Ltd
(Question No. 2213)

Senator Minchin asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 15 September 2009:

- (1) (a) what is the value of the Government's equity injection into NBN Co Limited (NBN Co);
 - (b) when did this transfer occur; and
 - (c) in which account were the funds held before the transfer.
- (2) Who approved the equity injection.
- (3) Did the Prime Minister, the Minister for Finance and Deregulation and/or the Treasurer, approve of the equity injection.
- (4) When was approval sought by the Prime Minister, the Minister for Finance and Deregulation and the Treasurer.
- (5) When was approval provided by the Prime Minister, the Minister for Finance and Deregulation and the Treasurer.
- (6) What approval processes are required of NBN Co and its Chief Executive Officer in hiring or engaging staff.
- (7) Has NBN Co engaged a recruitment firm to assist in recruitment; if so:
 - (a) what is the name of the recruitment firm;
 - (b) what is the value of the contract; and
 - (c) what is the length of the contract.
- (8) For the 2009-10 financial year, how many full-time equivalent employees have been budgeted for employment with NBN Co.
- (9) Are the employees of NBN Co employed under the terms of the *Public Service Act 1999*; if so, what are the Australian Public Service classifications of those engaged and budgeted for; if not, what award conditions are the employees engaged under.

- (10) (a) How many full-time, part-time and/or part-time equivalent employees have been engaged by NBN Co;
(b) what is the pay level for each of these employee positions; and
(c) what is the length of the contract/employment period for each employee engaged in these positions.

(11) What clauses are incorporated in the employment terms upon ceasing employment with NBN Co.

(12) Has NBN Co met with any members of the union movement to discuss employment terms and conditions.

- (13) (a) How many consultants have been engaged by NBN Co;
(b) what is the cost, duration and purpose of these consultancies;

Senator Conroy—The answer to the honourable senator's question is as follows:

- (1) (a) The Government has injected equity of \$60 million into NBN Co Limited (NBN Co). A further \$10 was provided as initial share capital on incorporation on 9 April 2009.
(b) The equity injections occurred on the following dates:
- 30 June 2009 – \$10 million; and
 - 21 August 2009 – \$50 million.
- (c) The funds were transferred from the Building Australia Fund Special Account to the Building Australia Fund Communications Portfolio Special Account prior to the transfer to NBN Co.
- (2) In accordance with the *Nation-building Funds Act 2008*, the equity injections were authorised by the Minister for Finance and Deregulation.
- (3) In accordance with the *Nation-building Funds Act 2008*, the equity injections were authorised by the Minister for Finance and Deregulation.
- (4) In accordance with the *Nation-building Funds Act 2008*, the Minister for Broadband, Communications and the Digital Economy:
- sought authorisation of the \$10 million equity injection from the Minister for Finance and Deregulation on 15 June 2009; and
 - sought authorisation of the \$50 million equity injection in correspondence received by the Minister for Finance and Deregulation on 3 August 2009.
- (5) In accordance with the *Nation-building Funds Act 2008*, the Minister for Finance and Deregulation authorised the equity injections on:
- 25 June 2009 – \$10 million; and
 - 10 August 2009 – \$50 million.
- (6) The hiring or engaging of staff is an operational decision for NBN Co for which the Government has not imposed any approval process. However, the NBN Co board has absolute responsibility for the performance of the company, and is fully accountable for this to the Shareholder Ministers (in NBN Co's case, the Finance Minister and the Broadband Minister).
- (7) (a) NBN Co has contracted a number of recruitment firms, including Egon Zehnder International, Korn Ferry International and Talent2.
(b) The values of the contracts are based on the number and level of positions filled and therefore cannot be accurately determined at this point as recruitment is ongoing.
(c) The length of each of the contracts will vary as they are based on the filling of a number of specified positions.
- (8) At the end of September, NBN Co had 13 full-time employees and 21 contractors.
- (9) NBN Co employees are not employed under the terms of the *Public Service Act 1999*. Current NBN Co employees are not engaged under any award conditions. However, the appropriate award(s) will apply when relevant staff are engaged.
- (10) (a) At the end of September, NBN Co had 13 full-time employees and 21 contractors.
(b) Pay rates are based on relevant skills and experience.
(c) All contracts for permanent employees are open-ended. Contractors have varying terms depending upon the nature of the work.
(c) All contracts for permanent employees are open-ended. Contractors have varying terms depending upon the nature of the work.
- (11) NBN Co employment contracts apply the provisions under the *Fair Work Act 2009*.
- (12) NBN Co has held initial meetings with the Australian Council of Trade Unions.
- (13) (a) and (b) NBN Co engages specialist consultants to provide specific advice in respect of a range of matters that NBN Co must address as part of designing a superfast national broadband network. The Board has approved a standardised fee schedule and contractual arrangement for engaging consultants.

Great Eastern Highway: Upgrade**(Question No. 2215)**

Senator Cash asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 16 September 2009:

With reference to the planned upgrade of Kooyong Road to Tonkin Highway section of the Great Eastern Highway in Western Australia:

- (1) How much funding was allocated to the project for the 2008-09 financial year.
- (2) How much funding is allocated to the project for the 2009-10 financial year.
- (3) Was there a need to seek additional funding for any additional costs incurred in the 2008-09 financial year; if so, how much.
- (4) (a) When is the project due to be completed; and (b) are there any barriers to completing the project; if so, what is each barrier and what is its impact on the project.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator's question:

- (1), (2) and (3) A total of \$58.9 million was allocated to the project in the 2008-09 and 2009-10 Budgets. The total Australian Government funding available for the project for the period 2008-09 to 2013-14 remains unchanged at \$180 million. The project is being managed within its budget.
- (4) This project is being delivered through the Nation Building Program. Concept planning is currently underway for this project. This planning is due to be completed in mid 2010.

Prime Minister and Cabinet: Websites**(Question No. 2216)**

Senator Abetz asked the Minister representing the Prime Minister, upon notice, on 16 September 2009:

- (1) Does the Minister and/or Parliamentary Secretary have a departmentally maintained website or websites; if so, can a list of these websites be provided.
- (2) Can a list be provided of all redevelopments (including re-skins) of these websites since 24 November 2007, including:
 - (a) the total cost for each redevelopment;
 - (b) who undertook each redevelopment; and
 - (c) whether the website, or draft versions thereof, were market-tested before going live; if so, by whom and what was the total cost of the market testing.
- (3) Does the department:
 - (a) post all of the Minister's and/or Parliamentary Secretary's press releases, speeches and transcripts on these websites; and
 - (b) have any guidelines for the posting of political material on these websites.
- (4) Has the department ever refused to post material on these websites due to their political nature; if so, on how many occasions.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator's question:

- (1) Yes. www.pm.gov.au
- (2) (a) and (b) Details for all redevelopments of the Prime Minister's website www.pm.gov.au since 24 November 2007 are as follows:
 - In December 2007, the site was placed into a 'holding design' following the election. All work on this design – which was minor – was undertaken by departmental staff.
 - In February 2008, a new site for the Prime Minister was launched, based on the standard departmental design template. This work was undertaken by departmental staff and contract resources at an approximate cost of \$11,500.
 - In July 2009, the website was redeveloped at a total cost of \$160,496. The work included a strategic review of the website (ParisFirst Partners Pty Ltd), website development (OPC IT Pty Ltd) and multimedia content handling (Vio-corp International Pty Ltd).
- (c) The website has not been market-tested before going live.
- (3) (a) No. Staff in the Prime Minister's Office post press releases, speeches and transcripts on this website.
- (b) The department relies on the Guidelines for Ministerial and Departmental Websites (which are part of the Web Publishing Guide) published by the Australian Government Information Management Office (AGIMO) to determine the suitability of material for publication.
- (4) No.

Broadband, Communications and the Digital Economy: Websites**(Question No. 2229)**

Senator Abetz asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 16 September 2008:

- (1) Does the Minister and/or Parliamentary Secretary have a departmentally maintained website or websites; if so, can a list of these websites be provided.
- (2) Can a list be provided of all redevelopments (including re-skins) of these websites since 24 November 2007, including:
 - (a) the total cost for each redevelopment;
 - (b) who undertook each redevelopment; and
 - (c) whether the website, or draft versions thereof, were market-tested before going live; if so, by whom and what was the total cost of the market testing.
- (3) Does the department
 - (a) post all of the Minister's and/or Parliamentary Secretary's press releases, speeches and transcripts on these websites; and
 - (b) have any guidelines for the posting of political material on these websites.
- (4) Has the department ever refused to post material on these websites due to their political nature; if so, on how many occasions?

Senator Conroy—The answer to the honourable senator's question is as follows:

- (1) Yes. The Minister for Broadband, Communications and the Digital Economy's website.
- (2) No redevelopment undertaken since November 2007.
- (3) (a) Media releases – Yes.
Speeches – No, only speeches specifically selected by the Minister's Media Adviser.
Transcripts – No.
- (b) No. The Department does not have specific formal guidelines governing the publishing of political material but is guided by the APS Values and Code of Conduct and relevant sections of the Public Service Act 1999 in addition to the 'Guidelines for Ministerial and Departmental Websites' published by the Department of Finance and Deregulation (Australian Government Information Management Office).
- (4) No.

Innovation, Industry, Science and Research: Websites**(Question No. 2230)**

Senator Abetz asked the Minister for Innovation, Industry, Science and Research, upon notice, on 16 September 2009:

- (1) Does the Minister and/or Parliamentary Secretary have a departmentally maintained website or websites; if so, can a list of these websites be provided.
- (2) Can a list be provided of all redevelopments (including re-skins) of these websites since 24 November 2007, including:
 - (a) the total cost for each redevelopment;
 - (b) who undertook each redevelopment; and
 - (c) whether the website, or draft versions thereof, were market-tested before going live; if so, by whom and what was the total cost of the market testing.
- (3) Does the department:
 - (a) post all of the Minister's and/or Parliamentary Secretary's press releases, speeches and transcripts on these websites; and
 - (b) have any guidelines for the posting of political material on these websites.
- (4) Has the department ever refused to post material on these websites due to their political nature; if so, on how many occasions.

Senator Carr—The answer to the honourable senator's question is as follows:

- (1) The addresses for the websites of the Minister for Innovation, Industry, Science and Research, and the Parliamentary Secretary for Innovation and Industry are:
Minister Carr - <http://minister.innovation.gov.au/carr>
Parliamentary Secretary Marles - <http://minister.innovation.gov.au/marles>
- (2) The timeline for developments to the Minister's site is as follows:

December 2007	The site was launched.
January 2008	Email update functionality added to site.
August 2008	The following enhancements added to site: - redesigned homepage; - improved search; - separate sub sites within the site; and - ability to browse by month for content items such as media releases.
September 2009	A sub site was added for Parliamentary Secretary Marles.

- (a) The site was developed and enhanced in-house using existing technology and resources so there was no direct cost to the department.
- (b) Departmental IT and communications staff developed the site.
- (c) No market testing was undertaken
- (3) (a) The department publishes all of the Minister's and Parliamentary Secretary's media releases. The publishing of speeches and transcripts is at the discretion of the Minister or Parliamentary Secretary. (b) Not specifically. The department has media release style guidelines for internal use.
- (4) No

Indigenous Business Australia (Question No. 2253)

Senator Scullion asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 16 September 2009:

With reference to the matter of Mrs Shirley A Collins' submission of an Act of Grace or Compensation for Detriment Caused by Defective Administration claim in January 2008, and the direction of the department in December 2008 to resubmit to the Department of Finance and Deregulation for assessment as Act of Grace (delivered in January 2009): (a) why is this claim not being determined; and (b) why has Indigenous Business Australia, the defendant party to the claim, not provided a response to the request by the Department of Finance and Deregulation, in May 2009, for comment on the claim contents.

Senator Chris Evans—The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator's question:

Section 191 of Indigenous Business Australia's enabling legislation, the Aboriginal and Torres Strait Islander Act 2005 (Cth) (Act), contains secrecy provisions which prohibit inter alia, the Indigenous Business Australia Board of Directors, General Manager and staff divulging or communicating any information or producing to any persons any document which concerns the affairs of another person unless the disclosure is for the purposes of the Act or is for a prosecution for an offence against the Act.

Accordingly, Indigenous Business Australia has been unable to respond to the Department of Finance and Deregulation's request for information. I note, however, that Indigenous Business Australia has arranged to respond to Ms Collins directly whereupon it will be up to Ms Collins to provide the information to the Department of Finance and Deregulation. This arrangement avoids any breach of Indigenous Business Australia's secrecy provisions. Indigenous Business Australia is currently finalising the information requested by the Department of Finance and Deregulation and will shortly be forwarding the information to Ms Collins.

Higher Education Contribution Scheme (Question No. 2254)

Senator Abetz asked the Minister representing the Minister for Education, upon notice, on 16 September 2009:

With reference to the Higher Education Contribution Scheme (HECS) and the Higher Education Loans Programme (HELP), to date:

- (1) In regard to mathematics and science graduates:
- (a) how many individuals have applied for:
- (i) HECS, and
- (ii) HELP;
- (b) can a breakdown of these numbers be provided by state and territory; and
- (c) how much money has been provided:
- (i) in total, and
- (ii) for each state and territory.
- (2) What is the number of applicants for each occupational category that is identified under the scheme and programme.

Senator Carr—The Minister for Education has provided the following answer to the honourable senator's question:

- (1) HECS commenced in 1989 and ceased in 2004. HECS loans and discounts for upfront payment of contributions were provided for eligible students on the basis of each semester of study. HELP (which includes HECS-HELP and FEE-HELP) commenced in 2005. HELP loans and discounts for upfront payments are provided for eligible students for each unit of study rather than on a course completion basis. It is not possible to provide details of the HECS or HELP assistance provided since 1989 on the basis of whether a student ever graduated from a mathematics or science course of study.
- (2) Students who applied for HECS or who apply for HELP do not provide details of their occupation.

Treasury: Program Funding

(Question No. 2256)

Senator Abetz asked the Minister representing the Treasurer, upon notice, on 17 September 2009:

Have the heads of treasuries of the states and territories reported to the Ministerial Council for Federal Financial Relations (the ministerial council) concerning the expenditure and output benchmarks for additional Commonwealth funding:

- (a) if so: (i) to what extent has each state and territory met the benchmarks reported at B3 of the Council of Australian Governments (COAG) agreement of 5 February 2009, and (ii) how has the ministerial council made the assessment that the benchmarks have been met.
- (b) if not, to what extent has the Commonwealth imposed sanctions under B8 of the COAG agreement of 5 February 2009.

Senator Sherry—The Treasurer has provided the following answer to the honourable senator's question:

The Ministerial Council for Federal Financial Relations, which met on Friday, 23 October 2009, has considered a report from Heads of Treasuries on the benchmarks for sectors to receive additional Commonwealth funding. The report is not publicly available. The National Partnership on the Nation Building and Jobs Plan provides for the circumstances when the report can be released. These circumstances have not been met.

Council of Australian Governments

(Question No. 2257)

Senator Abetz asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 17 September 2009:

As at 15 September 2009:

- (a) How many projects have been initiated since the Council of Australian Governments (COAG) agreement of 5 February 2009; (b) how much money has been spent on these projects; (c) what is the nature of these projects; and (d) what are the time frames for these projects.
- (a) How many projects have been completed since the COAG agreement of 5 February 2009; (b) how much money was spent on these projects; and (c) what was the nature of these projects.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator's question:

Refer to House of Representatives Question No. 1024.

Education: Infrastructure Projects

(Question No. 2258)

Senator Abetz asked the Minister representing the Minister for Education, upon notice, on 17 September 2009:

- (1) Did 20 percent of school infrastructure projects commence by 1 June 2009; if not:
 - (a) why not; and
 - (b) when did/will they commence.
- (2) Did 40 percent of school infrastructure projects commence by 1 August 2009; if not:
 - (a) why not; and
 - (b) when did/will they commence.
- (3) Did all science and language centre infrastructure projects commence by 15 September 2009; if not:
 - (a) why not; and
 - (b) when did/will they commence.
- (4) Did 60 percent of national school pride infrastructure projects commence by 1 May 2009; if not:
 - (a) why not; and
 - (b) when did/will they commence.
- (5) Did 40 percent of national school pride infrastructure projects commence by 1 July; if not:
 - (a) why not; and
 - (b) when did/will they commence.

Senator Carr—The Minister for Education has provided the following answer to the honourable senator's question:

The Minister for Infrastructure, Transport, Regional Development and Local Government has referred your question to the Minister for Education as the Minister responsible for the Building the Education Revolution.

Education Authorities are required to report monthly at the end of each month on project progress across all elements of the BER. Activity is reported retrospectively.

For the purposes of the BER, project commencement is defined as 'the undertaking of any action, post any design phases, that incurs an expense covered by BER funding'.

As at 31 August 2009, Education Authorities have reported commencements of:

6,306 (59%) for Primary Schools for the 21st Century projects and of these, 4 projects have been completed;

10,660 (80%) for National School Pride Program projects and of these, 722 have been completed; and

69 Science and Language Centres for 21st Century Secondary Schools (SLC).

SLC successful projects were announced on 30 June 2009 and the majority of projects are still in the design phase. Under the Guidelines SLC projects are required to commence in August and September.

Council of Australian Governments

(Question No. 2259)

Senator Abetz asked the Minister representing the Prime Minister, upon notice, on 17 September 2009:

With reference to the Council of Australian Governments (COAG) agreement of 5 February 2009 (the agreement): has the COAG oversight group (defined in A4 of the agreement), charged with supporting and monitoring the implementation of key infrastructure and stimulus measures, made recommendations to COAG concerning possible interventions to prevent and address concerns with project slippages, cost overruns and project delivery, as specified at A9 of the agreement; if so, what are the recommendations.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator's question:

The 'Oversight Group' (or Office of the Coordinator General) within the Department of the Prime Minister and Cabinet has prepared detailed reports for COAG on the progress of implementation of Nation Building programs. These reports were developed in consultation with Coordinators—General from all states and territories and were provided to COAG for its meetings on 30 April 2009 and 2 July 2009.

Australian Federal Police

(Question No. 2260)

Senator Ludlam asked the Minister representing the Minister for Home Affairs, upon notice, on 17 September 2009:

With reference to the Australian Federal Police (AFP) assumed identities 2008-09 annual report which states that 75 'new authorisations for the acquisition and use of assumed identities were issued by authorising persons from the AFP': what is the total number of authorised acquisitions and use of assumed identities that are currently operational.

Senator Wong—The Minister for Home Affairs has provided the following answer to the honourable senator's question:

The Australian Federal Police currently holds 442 authorised assumed identities for operational purposes.

National Security

(Question No. 2261)

Senator Johnston asked the Minister representing the Attorney-General, upon notice, on 17 September 2009:

In regard to the listing of the Liberation Tigers of Tamil Eelam (LTTE) as a terrorist organisation:

- (1) Which countries have listed the LTTE as a terrorist organisation.
- (2) Has the Government decided to proscribe the LTTE as a terrorist organisation in Australia; if so, what are the reasons; if not, why not.
- (3) Has there been any intelligence assessment for LTTE; if so: (a) on what date did it start; (b) on what date did it conclude; (c) on what date was it provided to: (i) the Attorney-General, and (ii) the Prime Minister; (d) what was its nature and what recommendation did it make; and (e) what was the level of threat.
- (4) Has any Australian intelligence or security agency recommended that LTTE be proscribed; if so, by which agency and on what date.

Senator Wong—The Attorney-General has provided the following answer to the honourable senator's question:

- (1) Australia has listed the Liberation Tigers of Tamil Eelam (LTTE) as a terrorist entity under the Charter of the United Nations Act 1945 for the purposes of Australian anti-terrorism financing measures pursuant to the United Nations Security Council Resolution 1373 (2001). The LTTE is listed as a proscribed terrorist organisation by the governments of Sri Lanka, India, the United States, the United Kingdom and Canada. The LTTE is also listed by the European Union for the purposes of its anti-terrorism financing measures.
- (2) The Australian Government has not proscribed the LTTE as a terrorist organisation under the Commonwealth Criminal Code. The issue of terrorist groups and whether or not they should be proscribed is under constant review by Australia's security and intelligence agencies. Consistent with longstanding practice, it would be inappropriate to comment on the status of any consideration being given to the listing of this or any other organisation under the Commonwealth Criminal Code.

Before listing an organisation the Attorney-General must be satisfied on reasonable grounds that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act or advocates the doing of a terrorist act. The legislation does not require that a terrorist organisation presents a direct threat to Australia's security interests before it can be listed. The Attorney-General takes advice from the Australian intelligence and security agencies prior to listing an organisation.

For an organisation to be listed, a majority of states and territories must not object to the listing. As part of the standard process, the Attorney-General writes to the Premier and Chief Ministers of each state and territory to seek their agreement to the listing and provides them with a copy of the Statement of Reasons. However, the decision to proceed or not proceed with the listing of an organisation remains the decision of the Attorney-General.

- (3) The issue of terrorist groups and whether or not they should be proscribed is under constant review by Australia's security and intelligence agencies. Consistent with longstanding practice, it would not be appropriate to comment on specific details of intelligence assessments.
- (4) As indicated in answer to (2), it would be inappropriate to comment on the status of any consideration being given to this listing and whether any advice or recommendation has been provided by security or intelligence agencies.

Parliamentary Delegation for Rwanda

(Question No. 2262)

Senator Johnston asked the Minister representing the Prime Minister, upon notice, on 17 September 2009:

What was the full cost to the Government of hosting the Rwandan delegation to Australia in June 2009.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator's question:

As at 22 October 2009, the cost of the visit by the Honourable Mrs Rosemary Museminali, Minister for Foreign Affairs and Regional Cooperation in the Government of Rwanda, was \$29,454.89.

United Nations Security Council

(Question No. 2263)

Senator Johnston asked the Minister representing the Minister for Foreign Affairs, upon notice, on 17 September 2009:

- (a) How many countries have formally pledged their support for Australia's bid for a temporary seat on the United Nations Security Council; (b) when were these pledges made; and (c) what have been the costs, including any commitments for future expenditure, associated with gaining these pledges of support from each country.

Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

- (a) and (b) Offers of support are generally made on a confidential basis. Disclosure of numbers and dates can put this confidentiality at risk and also provide valuable information that would assist Australia's competitors. Australia's bid was publicly endorsed by the Pacific Islands Forum in 2008 and 2009.
- (c) Funding associated with Australia's campaign is set out in the relevant budget papers. Allocations by financial year are: 2008-09 \$1.9m; 2009-10: \$5.4m; 2010-11: \$5.7m.

Foreign Affairs: Heads of Missions

(Question No. 2265)

Senator Johnston asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 17 September 2009:

Since the Minister was sworn in: (a) how many Heads of Missions in Australia have met with the Minister; and (b) how many times has each Head of Mission in Australia met with the Minister.

Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

I have met with most Heads of Mission. To provide more detailed information would entail a significant diversion of resources which I do not consider justified. No comprehensive records are kept of all the times I have met with each Head of Mission.

Asia-Europe Meeting

(Question No. 2266)

Senator Johnston asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 17 September 2009:

- (1) What is the Government's objective for joining the Asia-Europe Meeting (the meeting).
- (2) Was the bid for a temporary seat in the United Nations Security Council a consideration when deciding to join the meeting.
- (3) What were the costs, including travel, of joining the meeting.

Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

- (1) Membership of the Asia-Europe Meeting will advance Australia's national interests. It will strengthen Australia's ties with two regions of great importance to Australia's prosperity and security. It will allow Australia to make a contribution to efforts to promote dialogue and cooperation between Europe and Asia.

The Asia-Europe Meeting comprises 43 countries from Asia and Europe, along with the European Commission and ASEAN. It fosters cooperation on a range of issues of importance to Australia. For example, the dialogue encourages effective regional and global approaches to international problems such as the global economic crisis, climate change and realisation of the Millennium Development Goals.

Australia attempted to join ASEM in 1996 and 1998, without success. However, at the last meeting of ASEM Foreign Ministers in Hanoi (25-26 May, 2009), ASEM welcomed our membership and participation at the Brussels Summit (4-5 October, 2010). This was a collective recognition by the countries of ASEM of the strong contribution Australia can and will make to the ASEM process.

Australia's participation in the Asia Europe Meeting process demonstrates the Government's commitment to working regionally and multilaterally to address economic, political and security challenges. It demonstrates the Government's commitment to the strongest possible relations with our Asian neighbours and it complements our engagement in other regional groupings such as the East Asia Summit and APEC. It reflects also our now strong and modern partnership with Europe.

- (2) No.
- (3) During the course of pre-planned travel, I (Mr Smith) raised Australia's interest in joining ASEM with relevant counterparts. A Deputy Secretary from the Department of Foreign Affairs and Trade undertook two overseas trips to promote Australia's interest in joining ASEM. The first was to Cambodia and India from 4-8 January, 2009. The total cost for this travel was \$11, 909.76. The second was to Singapore, Vietnam and Jakarta from 11-16 May. The total cost for this travel was \$8,657.87. My department managed the daily running of the campaign from within existing resources.

Middle East

(Question No. 2267)

Senator Johnston asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 17 September 2009:

- (1) What is the Government's position in relation to Israeli settlement construction activity in the West Bank and East Jerusalem.
- (2) Has the Government expressed its view to: (a) the United States of America (US); (b) Israel; and (c) the Palestinian authority, in response to the US President Barack Obama's call for a halt to all construction; if so, what was expressed.

Senator Faulkner—The Minister for Foreign Affairs and the Minister for Trade, have provided the following answer to the honourable senator's question:

- (1) The Government's position is that Israel needs to freeze all settlement activity. This is one of Israel's obligations under the Roadmap for Middle East peace. The Government believes it is important that the parties, with the support of the international community, honour the agreements they have entered into as part of the Roadmap. This means the Palestinians must also honour their agreements, including continuing to dismantle terrorist infrastructure and to halt violence and incitement.

The Government's position on settlements is guided by Australia's strong support for Israel's ongoing security, the Middle East peace process and a two-state solution, and the striving for a just and enduring peace.

- (2) The Government position on settlements has been stated publicly and in discussions with the parties to the peace process.

Asia Pacific Community**(Question No. 2268)**

Senator Johnston asked the Minister representing the Minister for Foreign Affairs, upon notice, on 17 September 2009:

- (1) (a) Which countries have expressed strong support for the idea of a European Union-style community in the Asia Pacific; (b) how have they expressed this support; and (c) on what dates was this support expressed.
- (2) As at 14 September 2009, what was the total cost, including travel, of promoting the idea of an Asia Pacific Community.

Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

- (1) A number of countries have expressed strong support for the Prime Minister's Asia Pacific community initiative. Consistent with the practice of successive Governments, it would be inappropriate to provide details of confidential discussions with other governments.

The Asia Pacific community will not be modelled on the European Union.

- (a) Mr Rudd's keynote speech at the Shangri-La Dialogue on 29 May, attended by officials of many countries, outlined the Asia Pacific community initiative and was well received. Countries have expressed their support for the initiative in high level bilateral and multilateral meetings, including the EAS Foreign Ministers' Consultation and the ASEAN-Australia Post Ministerial Conference. Countries have also expressed their support in consultations with Australia's special envoy, Mr Richard Woolcott AO.
 - (b) Mr Richard Woolcott's regional consultations on the Asia Pacific community commenced on September 2008 and concluded in March 2009. The EAS Foreign Ministers' Consultation and ASEAN-Australia Post Ministerial Conference took place in Phuket on 22-23 July 2009.
- (2) The Government spent around \$409,000 on advancing the Asia Pacific community initiative to 14 September 2009. This figure includes travel costs and Mr Richard Woolcott's consultancy fees but does not include indirect costs, such as time spent on the initiative by departmental officers, as they are difficult to quantify.

Japan's Whaling Program**(Question No. 2269)**

Senator Johnston asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 17 September 2009:

- (a) What is the most recent advice the Government has received in regard to potential legal action against Japan's whaling program; and (b) at what point will the Government view that its diplomatic efforts have not succeeded and that legal action may be required to stop Japan's whaling program.

Senator Faulkner—The Minister for Foreign Affairs and the Minister for Trade have provided the following answer to the honourable senator's question:

- (a) It has been the practice of successive governments not to provide information on the content of legal advice given to the Government.
- (b) The Government is continually reviewing progress with respect to resolving Japan's special permit (so-called 'scientific') whaling and will make a decision in due course on the success or otherwise of diplomatic efforts.

Foreign Investment**(Question No. 2271)**

Senator Johnston asked the Minister representing the Minister for Foreign Affairs, upon notice, on 17 September 2009:

- (1) Has the Minister received any advice on the decision of the Foreign Investment Review Board (FIRB) in relation to China Nonferrous Metal Mining (Group) Co. Ltd (CNMC) becoming a majority shareholder of Lynas Corporation Ltd; if so, what was the advice and from whom was it received.
- (2) Has the minister provided an opinion or advice on the decision by FIRB in relation to CNMC becoming a majority shareholder of the Lynas Corporation; if so, what was the advice.
- (3) Has any consideration been given to the fact that CNMC is the largest foreign investor in Burma.
- (4) Are the track records of corporate responsibility by foreign companies seeking to invest in Australia taken into account; if so, how.
- (5) Is an application by a company like CNMC, a state-owned enterprise directly under the administration of the Chinese Government, treated differently in a foreign investment application; if so, how.

Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

- (1) I have been advised that the China Non-Ferrous Metal Mining Group has decided to terminate its proposal to become the majority shareholder of Lynas Corporation. Questions regarding foreign investment applications should be directed to the Treasurer.
- (2) Treasury consults with my Department as part of its consultations with relevant Commonwealth, State and Territory agencies on foreign investment proposals. These consultations are to identify any potential national interest issues arising from foreign investment proposals allowing Treasury to provide whole of government advice to the Treasurer.
- (3) The Government is aware that the China Non-Ferrous Metal Mining Group has investments in Burma.
- (4) The assessment of potential foreign investments, including from foreign government entities, involves consideration of any matters that are relevant to Australia's national interest, which can include corporate conduct and business standards.
- (5) The Government has clearly stated that it welcomes foreign investment across all sectors, so long as it is not contrary to Australia's national interest. Australia's foreign investment regime is non-discriminatory and Chinese investors are treated the same way as other investors.

Australia-China Free Trade Agreement

(Question No. 2272)

Senator Johnston asked the Minister representing the Minister for Trade, upon notice, on 17 September 2009:

With reference to the Australia-China Free Trade Agreement: (a) on what date or dates was the last round of negotiations held and what progress was made; and (b) on what date is the next round of negotiations scheduled.

Senator Carr—The Minister for Trade has provided the following answer to the honourable senator's question:

- (a) The last round of negotiations for an Australia-China free trade agreement (FTA) was held on 1 to 5 December 2008. The round continued discussion of respective sensitivities to tariff liberalisation and requests for services and investment liberalisation. Progress was made on the text of many of the FTA's chapters.
- (b) Ministerial and officials-level discussions have been continuing, but the next formal round of negotiations has not been scheduled, as yet. Most recently, informal discussions led by chief negotiators were held in Beijing on 7-8 September 2009.

Prime Minister and Cabinet: Hospitality

(Question No. 2273)

Senator Johnston asked the Minister representing the Minister for Foreign Affairs, upon notice, on 17 September 2009:

- (a) What was the purpose of the Prime Minister and Cabinet function held in the Gershwin dining room at the Hyatt Regency Perth on or around Friday, 11 September 2009; (b) who hosted and who attended the function; (c) was the function by invitation only; if so, who issued the invitations; (d) what was the cost of the function; (e) was the function a dinner or a lunch; (f) why was it deemed necessary to hold this function in the most exclusive dining room of this five star hotel; and (g) what was the public benefit of this function.

Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

- (a) The function was hosted by the Department of Foreign Affairs and Trade (DFAT), as part of the official program of the Minister of Foreign Affairs and Cooperation of Mozambique, HE Oldemiro Baloi, who was visiting Australia as a Guest of Government. The purpose of the function was to promote Australia's strengths in the education sector, particularly in relation to vocational and technical training, with a view to exporting Australian education services to Mozambique.
- (b) The function was hosted by Australia's High Commissioner to South Africa, Ms Ann Harrap, who has non-resident accreditation to Mozambique. Ms Harrap was in Australia on official business. The function was attended by:
 1. Ms Ann Harrap, Australian High Commissioner, South Africa.
 2. Ms Rebecca Barton, Executive Officer, Africa Section, DFAT.
 3. Mr Stuart Crockett, State Manager, Austrade, West Australia.
 4. Mr Robert Player, Deputy Director-General, Training, West Australia Department of Education and Training.
 5. Mr Rhys Lodwick, Director, Commercial Services, WA Department of Education and Training.
 6. Professor Paddy Forde, Deputy Vice-Chancellor (International), Curtin University.
 7. Professor Tony Watson, Deputy Vice-Chancellor (International), Edith Cowan University.
 8. Mr Neil Fernandes, Managing Director, Central TAFE.
 9. Mr Wayne Collyer, Managing Director, Swan TAFE.

10. Ms Sue Slavin, Managing Director, Westcoast TAFE.
 11. HE Mr Oldemiro Baloi, Minister of Foreign Affairs and Cooperation, Mozambique.
 12. Mr Faizal Cassam, Chief of Cabinet and Acting Director of Asia and Oceania, Ministry of Foreign Affairs and Cooperation, Mozambique.
 13. Mr Mahomed Rafique, Director of the Investment Promotion Center, Mozambique.
 14. Mr Fernando Songane, Adviser to the Minister of Agriculture, Mozambique.
 15. Mr Antonio Manhica, Adviser to the Minister of Mineral Resources, Mozambique.
 16. Mr Cremildo Binana, Deputy Director for Planning and Cooperation, Ministry of Education and Culture, Mozambique.
 17. Mr David Chabooka, Head of Southeast Asia and Oceania, Ministry of Foreign Affairs and Cooperation, Mozambique.
 18. Mr Aristides Adriano, Assistant to the Minister for Foreign Affairs, Mozambique.
- (c) The function was by invitation only. Invitations were issued by the Ceremonial and Hospitality (CERHOS) unit of the Department of Prime Minister and Cabinet on behalf of DFAT.
- (d) \$1,415.
- (e) Dinner.
- (f) The Mozambican delegation stayed at the Hyatt Regency. The Gershwin restaurant is an appropriate venue for an official dinner for a visiting Guest of Government.
- (g) The function promoted education sector export opportunities, particularly in relation to vocational and technical training.

Bell Bay Port Facility
(Question No. 2274)

Senator Barnett asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 17 September 2009:

- (1) Is the Bell Bay port facility (the facility) in Tasmania currently being considered for any Australian Government funding; if so, can details be provided.
- (2) Has the announcement by the shipping company ANL Limited that they will move operations from Bell Bay to Burnie affected any Government decisions to fund the facility.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator's question:

- (1) The Bell Bay Intermodal Terminal is receiving \$5.2 million under the Nation Building Program.
- (2) No.

Health and Ageing: Diabetes
(Question No. 2275)

Senator Barnett asked the Minister representing the Minister for Health and Ageing, upon notice, on 17 September 2009:

What is the current uptake of the Australian Government's insulin pump subsidy for children with type 1 diabetes.

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

As at 31 August 2009, 35 subsidies have been paid.

Launceston General Hospital
(Question No. 2276)

Senator Barnett asked the Minister representing the Minister for Health and Ageing, upon notice, on 17 September 2009:

- (a) On what date will the linear accelerator in the 2009-10 Federal Budget for the Launceston General Hospital, be operational; and
- (b) Can a status report on this initiative be provided.

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

- (a) Funding for the expansion of radiation oncology services in Launceston was appropriated in the 2008-09 Budget. A further \$1 million was set aside in the 2009-10 Budget to build accommodation facilities for cancer patients having radiation treatment in Launceston. A funding agreement between the Commonwealth and the Tasmanian Department of Human

Services covering both the 2008-09 and 2009-10 commitments was signed on 22 June 2009. The project plan in the funding agreement provides for the additional linear accelerator for Launceston to be in clinical operation by December 2010.

- (b) The first progress report under the funding agreement between the Commonwealth and the Tasmanian Department of Human Services is not due until 6 December 2009. Until that report is received, I am not in a position to provide a status report on the initiative.

Telstra

(Question No. 2277)

Senator Barnett asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 17 September 2009:

- (1) With reference to the removal of payphones throughout rural and regional Tasmania over the course of 2009: (a) is Telstra meeting its requirements as Australia's only universal service provider of these payphones; and (b) can an overview be provided of Telstra's obligations to provide these payphones.
- (2) How many payphones were in Tasmania on: (a) 30 June 2007; and (b) 30 June 2008.
- (3) How many payphones will be in Tasmania on: (a) 30 June 2010; and (b) 30 June 2011.
- (4) For the period 30 June 2009 to 30 June 2010, can a list be provided of the locations where payphones will: (a) be removed; and (b) remain.
- (5) Can details be provided on: (a) the current number of payphones in Tasmania; and (b) the number of payphones in Tasmania as at January 2009.

Senator Conroy—The answer to the honourable senator's question is as follows:

- (1) (a) Yes. (b) The Universal Service Obligation (USO) provides that all people in Australia, wherever they live or work, should have reasonable access, on an equitable basis, to payphone services. Telstra, as the primary universal service provider, is responsible for meeting the USO.

It is a requirement of the Telecommunications (Consumer Protection and Service Standards) Act 1999 that Telstra set out in a Standard Marketing Plan (SMP) how it will meet its obligations under the USO in terms of installation, removal and relocation of payphones, as well as service quality and fault rectification standards.

If Telstra decides to remove or relocate a single payphone in an area, it is required to ensure that the removal or relocation complies with its SMP obligations. The SMP specifically provides for public payphones to be more closely spaced in small centres on highways and major roads and remote areas where there is inadequate mobile service.

The government acknowledges that there is community concern about the ongoing removal of Telstra payphones around Australia. To address these concerns the Government has introduced the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2009 which, amongst other matters, will strengthen the provisions of the universal service obligation. Under the proposed changes there will be more stringent rules on the removal of payphones and provisions that will enable consumers to apply to the independent communications regulator, the Australian Communications and Media Authority to direct Telstra not to remove a payphone.

- (2) (a) 836. (b) 739.
- (3) (a) Information not available. (b) Information not available.
- (4) (a) Information not available. (b) Information not available.
- (5) (a) Information not available. (b) Information not available.

Infrastructure, Transport, Regional Development and Local Government: Program Funding

(Question No. 2278)

Senator Barnett asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 17 September 2009:

- (1) What were the determining factors in deciding which projects were allocated funding under the Australian Government's \$22 billion national infrastructure package.
- (2) Why did the Tasmanian Government not receive any funding from this package despite having several infrastructure projects in desperate need of funding, including the rail network and Bell Bay Port facility.
- (3) Has the Tasmanian Government made a submission to the Federal Government for Infrastructure Australia funding for infrastructure projects in Tasmania; if so: (a) for which projects were funds requested; (b) how much was requested; (c) what was the total cost of each project.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator's question:

- (1) The Government sought advice from a range of areas in selecting appropriate projects for funding under the package.
- (2) The Tasmanian Government received funding under the package in areas outside the transport portfolio.
- (3) Yes.

National Broadband Network**(Question No. 2281)**

Senator Barnett asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 17 September 2009:

- (1) (a) What plans, modeling and other information, including assumptions on customer take up and commercial viability did the Government use to guide its plans for the rollout of the National Broadband Network (NBN) in Tasmania; and (b) can a copy of these plans/reports be provided?
- (2) Has the Government obtained any information regarding the possible imposition of a subsidy to underwrite the NBN in Tasmania; if so, can details be provided?
- (3) (a) On what grounds was Aurora Energy Pty Ltd awarded the tender for the rollout of optic fibre cable in Tasmania; and (b) how much optic fibre cable will be rolled out in Tasmania?

Senator Conroy—The answer to the honourable senator's question is as follows:

- (a) (a) In 2008, the Tasmanian Government submitted a proposal under the Request for Proposals (RFP) process to rollout and operate a National Broadband Network for Australia. The Government entered into negotiations with the Tasmanian Government based on the advice of the Government's independent Expert Panel established for the RFP process. (b) No. The Tasmanian Government proposal is covered by confidentiality provisions under the RFP.
- (b) No.
- (c) On 8 April 2009, the Australian Government and the Tasmanian Government together with its partner, Aurora Energy entered into negotiations to commence the first stage rollout of the NBN in Tasmania. As a result of these negotiations on 21 August 2009, Aurora Energy signed an agreement with NBN Tasmania to act as its agent for the first stage of the NBN rollout in Tasmania. Over 200,000 Tasmanian premises will be connected by fibre optic cable with the remaining premises to be connected via mobile and satellite technologies.

Families, Housing, Community Services and Indigenous Affairs: Program Funding**(Question Nos 2282 and 2283)**

Senator Barnett asked the Minister representing the Prime Minister and the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 17 September 2009:

- (1) Can details be provided of all programs which were funded, all or in part, by the Federal Government that are designed to benefit Indigenous Australians.
- (2) (a) How much has been spent by the Federal Government on Indigenous Australians for the 2008-09 financial year; and (b) how much is budgeted for the 2009-10 financial year.

Senator Chris Evans—The Prime Minister and the Minister for Families, Housing, Community Services and Indigenous Affairs have provided the following answer to the honourable senator's question:

- (1) Indigenous specific programs are described in the Portfolio Budget Statement (PBS) of each Agency responsible for Indigenous expenditure. For information about each Agency's total expenditure on Indigenous-specific programs, you may refer to Table 3.1.4 in each Agency's 2008-09 PBS and Table 3.1.3 in each Agency's 2009-10 PBS titled: Australian Government Indigenous Expenditure.
- (2) (a) In the 2008-09 financial year, the Commonwealth Government spent a total of \$4.4 billion on Indigenous-specific programs and Indigenous-specific components of mainstream programs. (b) Over the 2009-10 financial year, the Commonwealth Government has allocated \$4.8 billion to Indigenous-specific programs and Indigenous-specific components of mainstream programs.

Education, Employment and Workplace Relations, Social Inclusion, Early Childhood Education, Childcare and Youth, and Employment Participation: Legal Advice**(Question Nos 2322 to 2324, 2354 and 2357)**

Senator Barnett asked the Minister representing the Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion, the Minister for Early Childhood Education, Childcare and Youth, and Minister for Employment Participation, upon notice, on 17 September 2009.

- (1) How much has the department and relevant agencies spent on legal advice for the 2008-09 financial year.
- (2) How much was spent on: (a) internal; and (b) external, legal advice.
- (3) What was the nature, duration, cost and method of procurement and the name of the lawyers or law firm that provided the legal advice.

Senator Arbib—The Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion, the Minister for Early Childhood Education, the Minister for Childcare and Youth, and Employment Participation have provided the following answer to the honourable senator's question:

For agencies in this portfolio other than those listed below, to answer the questions would be an unreasonable diversion of government resources. Under the Legal Services Directions, each agency is required to make a report on its legal services expenditure publicly available by 30 October 2009. However, there is no requirement to report on expenditure on legal advice as a distinct item within legal services expenditure more generally.

To require agencies to review all of their legal services expenditure for 2008-09 in order to isolate expenditure on legal advice in that year would be unreasonable, having regard to the extent of their legal services expenditure, as would ascertaining the nature, duration, cost, method of procurement and the names of the legal service providers in relation to each legal advice.

The following agencies have provided the following answers:

The following agencies under the Financial Management and Accountability Act 1997 (FMA Act) have provided the following answers. This response does not include agencies that come under the Commonwealth Authorities and Companies Act 1997 (CAC Act):

Answer question (1)

- Department of Education, Employment and Workplace Relations
\$31,937,264 (The internal expenditure component includes direct and indirect costs)
- Australian Industrial Relations Commission/ Australian Industrial Registry
\$77,363
- Workplace Authority
\$4,582,890 (The internal expenditure component includes direct and indirect costs)
- Workplace Ombudsman
\$8,936,348
- Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)
\$ nil
- Office of the Australian Building and Construction Commissioner
\$6,365,399

Answer question (2)

- Department of Education, Employment and Workplace Relations
 - (a) Internal - \$25,413,274 (Includes direct and indirect costs)
 - (b) External - \$6,523,599 (Includes counsel fees and disbursements)
- Australian Industrial Relations Commission/ Australian Industrial Registry
 - (a) Internal - \$ nil
 - (b) External - \$77,363
- Workplace Authority
 - (a) Internal - \$4,302,092
 - (b) External - \$280,798
- Workplace Ombudsman
 - (a) Internal - \$3,164,415
 - (b) External - \$5,771,933 (Includes counsel fees and disbursements)
- Office of the Australian Building and Construction Commissioner
 - (a) Internal - \$2,695,591
 - (b) External - \$3,669,807 (Includes counsel fees and disbursements)

Answer question (3)

- Department of Education, Employment and Workplace Relations (excludes counsel fees and disbursements)

An open tender process was carried out by the Department of Employment and Workplace Relations for a legal services panel. On the formation of the Department of Education, Employment and Workplace Relations a contractual option was exercised to extend the legal services panel arrangements for 2008/09.

Law firms providing legal services are split between our panel firms and non panel firms:

Legal Panel Firm

Australian Government Solicitor	\$2,507,686
Clayton Utz	\$1,422,948
Phillips Fox	\$495,863
Minter Ellison	\$176,030
Blake Dawson Waldron	\$107,123

Deacons	\$341,841
Freehills	\$269,700
Sparke Helmore	\$142,120
Corrs Chambers Westgarth	\$449,591
Non Legal Panel Firm	
Attorney-General's Department	\$31,793
Piper Alderman	\$21,052
Slater and Gordon	\$32,456
• Workplace Authority	
Australian Government Solicitor	\$280,798
• Workplace Ombudsman	(excludes counsel fees and disbursements)
Australian Government Solicitor	\$412,146
Blake Dawson	\$529,664
Clayton Utz	\$987,445
Phillips Fox	\$16,687
Minter Ellison	\$582,036
Baker & McKenzie	\$14,317
Deacons	\$152,065
Freehills	\$260,208
Sparke Helmore	\$144,436
Corrs Chambers Westgarth	\$545,114
DLA Phillips Fox	\$29,250
Ffrench Commercial Lawyers (QLD)	\$4,021
Finlaysons	\$220
Fisher Cartwright Beriman	\$184,342
Harmers Workplace Lawyers	\$27,503
Holman Webb Lawyers	\$32,395
Hunt and Hunt	\$270,289
Justitia	\$22,753
Macrossans	\$19,931
Maddocks	\$33,515
McCullough Robertson	\$70,583
Piper Alderman	\$195,785
Tresscox	\$46,961
Truman Hoyle	\$43,617
Zeeman & Zeeman	\$340,908
• Australian Industrial Relations Commission/Australian Industrial Registry	
Australian Government Solicitor	\$65,318
Ladbray Consortium	\$12,045
• Office of the Australian Building and Construction Commissioner (excludes counsel fees and disbursements)	

The ABCC established a legal panel for provision of legal services following an open tendering process in 2006. Those arrangements have been extended to 31 January 2010. The professional fees paid by the ABCC to law firms in the 2008/09 Financial Year were:

Australian Government Solicitor	\$501,806
Clayton Utz	\$151,502
Phillips Fox	\$110,750
Minter Ellison	\$484,159
Lander & Rogers	\$30,180
Deacons	\$170,269
Freehills	\$379,376

Sparke Helmore	\$5,215
McCullough Robertson	\$65,197
Blake Dawson Waldron	\$505,024
Bartier Perry	\$29,192
Trindade Farr & Pill	\$26,430
Piper Alderman	\$2,623
Lavan Legal	\$205
South and Geldard	\$164

Immigration and Citizenship: Legal Advice

(Question No. 2326)

Senator Barnett asked the Minister for Immigration and Citizenship, upon notice, on 17 September 2009:

- (1) How much has the department and relevant agencies spent on legal advice for the 2008-09 financial year.
- (2) How much was spent on: (a) internal; and (b) external, legal advice.
- (3) What was the nature, duration, cost and method of procurement and the name of the lawyers or law firm that provided the legal advice.

Senator Chris Evans—The answer to the honourable senator's question is as follows:

- (1) In the 2008-09 financial year, the Department of Immigration and Citizenship spent \$ 3,256,055 (exclusive of GST) on legal advice (not including legal services associated with litigation, legislation, contracts and procurement) and the Migration Review Tribunal and Refugee Review Tribunal (together, 'the Tribunals') spent \$ 2,743,485 (inclusive of GST) on legal services.
- (2) The Department of Immigration and Citizenship spent:
 - (a) \$1,549,042 on internal legal advice; and
 - (b) \$1,707,013 on external legal advice.
 The Tribunals spent:
 - (a) \$2,711,868 on internal legal services, which includes advice; and
 - (b) \$31,647 on external legal services.
- (3) The Department of Immigration and Citizenship engages a panel of legal firms to provide it with legal advice. The panel was chosen after an open, competitive tender process and the current panel arrangement is due to expire on 30 June 2010. The firms on the current panel are the Australian Government Solicitor, DLA Phillips Fox, Clayton Utz, Blake Dawson and Spark Helmore. Other advice has been sought from the Office of International Law in the Attorney General's Department as required by the Legal Services Directions.

The Tribunals engaged 3 firms of solicitors by direct sourcing.

In respect of the remainder of this question about the Department of Immigration and Citizenship and the Tribunals, to answer the question would be an unreasonable diversion of government resources. Under the Legal Services Directions, each agency is required to make a report on its legal services expenditure publicly available by 30 October 2009. However, there is no requirement to report on expenditure on legal advice as a distinct item within legal services expenditure more generally.

To require agencies to review all of their legal services expenditure for 2008-09 in order to isolate expenditure on legal advice in that year would be unreasonable, having regard to the extent of their legal services expenditure, as would ascertaining the nature, duration, cost, method of procurement and the names of the legal service providers in relation to each legal advice.

Defence: Legal Advice

(Question Nos 2327 and 2356)

Senator Barnett asked the Minister for Defence, upon notice, on 17 September 2009:

- (1) How much has the department and relevant agencies spent on legal advice for the 2008-09 financial year.
- (2) How much was spent on: (a) internal; and (b) external, legal advice.
- (3) What was the nature, duration, cost and method of procurement and the name of the lawyers or law firm that provided the legal advice.

Senator Faulkner—The answer to the honourable senator's question is as follows:

- (1) Defence, including the Defence Materiel Organisation (DMO) and Defence Housing Australia (DHA), spent a combined \$76.43 million on legal services in 2008-09. As DMO and DHA are separate agencies for Financial Management and Accountability Act 1977 purposes, the component figures are identified separately below.
- (2) (a) Internal advice: \$36.83 million:

Defence – \$34.6 million
DMO – \$2.2 million
DHA – \$0.03 million
(b) External advice: \$39.6m:
Defence – \$24.9 million
DMO – \$14.4 million
DHA – \$0.3 million

The DHA amounts do not include DHA's transactional conveyancing, which includes disbursements and per transaction legal fees for the following items: Sale and Leaseback of DHA constructed properties, disposal of surplus DHA and Defence properties, leasing third party properties and the acquisition of properties which meet Defence specifications. As there is a large disbursement component in the conveyancing costs which are not separately tracked, and given these amounts are deducted from the sale proceeds directly by the firms, the amounts have not been included.

(3) Defence and DMO:

Please note that it is the policy of the Government to not generally disclose the content or nature of legal advice, where it may constitute an unreasonable diversion of government resources to do so. A broad, strategic overview of the nature of legal services is provided below. Its collation did not constitute an unreasonable diversion of government resources.

Nature and Duration:

Advice – 47 per cent
Representation – 9 per cent
Drafting – 5 per cent
Knowledge Transfer – 2 per cent
Secondment – 1 per cent
Strategic Commercial – 36 per cent (managed by DMO)

The duration of legal services for Defence and DMO varied according to the subject matter.

Cost:

Refer to 2 (a) and 2 (b).

Method:

Defence has established a standing offer panel currently consisting of 12 law firms (panellists). Low value matters are generally sole sourced (ie only one quotation is sought) and high value or complex matters are competitively tendered among the panellists (ie all firms on the panel are given the opportunity to quote). In accordance with the Legal Services Directions, for tied work matters, Defence uses the Attorney General's Department, the Australian Government Solicitor (AGS) or the Department of Foreign Affairs and Trade.

For tied work matters during 2008-09, Defence engaged the Attorney General's Department and AGS.

There were two non-panel engagements in this period. One was to Mallesons Stephen Jaques who were engaged to provide advice on a legal aspect of the Defence Legal Panel arrangements. Given the issue, it would not have been appropriate for any firm on the existing panel to have provided this advice. DMO also engaged Tresscox Lawyers to provide specialist patent advice.

Details of law firms used by Defence and DMO:

- Allens Arthur Robinson
- Australian Government Solicitor
- Blake Dawson
- Clayton Utz
- Deacons
- Dibbs Barker
- DLA Phillips Fox
- HWL Ebsworth
- Maddocks
- McInnes Wilson
- Minter Ellison
- Sparke Helmore
- Corrs Chambers Westgarth

DHA:**Nature and Duration:**

Commercial Property Law

Intellectual Property

Procurement and Contracts

Human Resources

The duration of legal services for DHA varied according to the matter.

Cost:

Refer to 2 (a) and 2 (b).

Method:

DHA has legal panels established by tender processes. Under the terms of those panels, other firms can be used where there are specialist requirements; such as for constitutional matters, AGS is consulted.

Details of law firms used by DHA:

- Minter Ellison
- Deacons