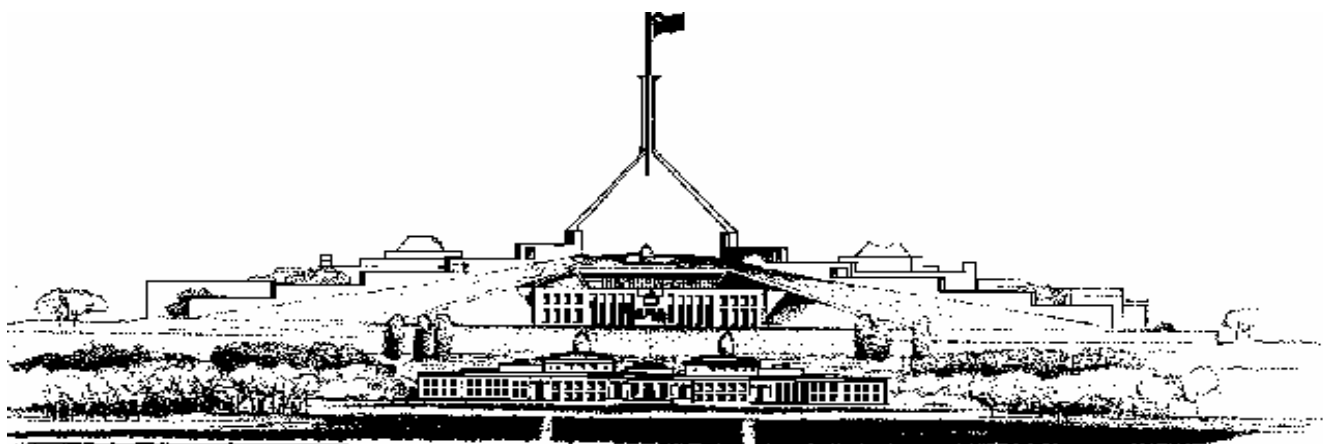




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



Senate

Official Hansard

No. 14, 2008

Wednesday, 3 December 2008

FORTY-SECOND PARLIAMENT
FIRST SESSION—THIRD PERIOD

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SITTING DAYS—2008

Month	Date
February	12, 13, 14
March	11, 12, 13, 17, 18, 19, 20
May	13, 14, 15
June	16, 17, 18, 19, 23, 24, 25, 26
August	26, 27, 28
September	1, 2, 3, 4, 15, 16, 17, 18, 22, 23, 24, 25
October	13, 14, 15, 16
November	10, 11, 12, 13, 24, 25, 26, 27
December	1, 2, 3, 4

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

Governor-General

Her Excellency Ms Quentin Bryce, Companion of the Order of Australia

Senate Officeholders

President—Senator Hon. John Joseph Hogg

Deputy President and Chair of Committees—Senator Hon. Alan Baird Ferguson

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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 Hon. Helen Lloyd Coonan

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

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Leader of the Nationals—Senator Barnaby Thomas Gerard Joyce

Deputy Leader of the Nationals—Senator Hon. Nigel Gregory Scullion

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

Government Whips—Senators Kerry Williams Kelso O'Brien, Donald Edward Farrell and Anne McEwen

Liberal Party of Australia Whips—Senators Stephen Shane Parry and Judith Anne Adams

The Nationals Whip—Senator John Reginald Williams

Australian Greens Whip—Senator Rachel Mary Siewert

Family First Party Whip—Senator Steve Fielding

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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, Mark Victor	NSW	30.6.2014	ALP
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 ⁽³⁾	NT		ALP
Eggleston, Alan	WA	30.6.2014	LP
Ellison, Hon. Christopher Martin	WA	30.6.2011	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 ⁽³⁾	ACT		LP
Hurley, Annette Kay	SA	30.6.2011	ALP
Hutchins, Stephen Patrick	NSW	30.6.2011	ALP

Senator	State or Territory	Term expires	Party
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 ⁽³⁾	ACT		ALP
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 ⁽³⁾	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) 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
Special Minister of State, Cabinet Secretary and Vice President of the Executive Council	Senator Hon. John Faulkner
Minister for Finance and Deregulation	Hon. Lindsay Tanner MP
Minister for Trade	Hon. Simon Crean MP
Minister for Foreign Affairs	Hon. Stephen Smith MP
Minister for Defence	Hon. Joel Fitzgibbon 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 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
Minister for Human Services 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

[The above ministers constitute the cabinet]

RUDD MINISTRY—*continued*

Minister for Home Affairs	Hon. Bob Debus MP
Assistant Treasurer and Minister for Competition Policy and Consumer Affairs	Hon. Chris Bowen MP
Minister for Veterans' Affairs	Hon. Alan Griffin MP
Minister for Housing and Minister for the Status of Women	Hon. Tanya Plibersek MP
Minister for Employment Participation	Hon. Brendan O'Connor MP
Minister for Defence Science and Personnel	Hon. Warren Snowdon MP
Minister for Small Business, Independent Contractors and the Service Economy and Minister Assisting the Finance Minister on Deregulation	Hon. Dr Craig Emerson MP
Minister for Superannuation and Corporate Law	Senator Hon. Nick Sherry
Minister for Ageing	Hon. Justine Elliot MP
Minister for Youth and Minister for Sport	Hon. Kate Ellis MP
Parliamentary Secretary for Early Childhood Education and Childcare	Hon. Maxine McKew MP
Parliamentary Secretary for Defence Procurement	Hon. Greg Combet AM, MP
Parliamentary Secretary for Defence Support	Hon. Dr Mike Kelly AM, MP
Parliamentary Secretary for Regional Development and Northern Australia	Hon. Gary Gray AO, MP
Parliamentary Secretary for Disabilities and Children's Services	Hon. Bill Shorten MP
Parliamentary Secretary for International Development Assistance	Hon. Bob McMullan MP
Parliamentary Secretary for Pacific Island Affairs	Hon. Duncan Kerr MP
Parliamentary Secretary to the Prime Minister	Hon. Anthony Byrne MP
Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion	Senator Hon. Ursula Stephens
Parliamentary Secretary to the Minister for Trade	Hon. John Murphy MP
Parliamentary Secretary to the Minister for Health and Ageing	Senator Hon. Jan McLucas
Parliamentary Secretary for Multicultural Affairs and Settlement Services	Hon. Laurie Ferguson MP

SHADOW MINISTRY

Leader of the Opposition	The Hon Malcolm Turnbull MP
Shadow Treasurer 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 Minister for Infrastructure and COAG and Shadow Minister Assisting the Leader on Emissions Trading Design	The Hon Andrew Robb AO, MP
Shadow Minister for Foreign Affairs and Manager of Opposition Business in the Senate	Senator the Hon Helen Coonan
Shadow Minister for Finance, Competition Policy and Deregulation and Manager of Opposition Business in the House	The Hon Joe Hockey MP
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 Human Services and Deputy Leader of The Nationals	Senator the Hon Nigel Scullion
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 Minister for Education, Apprenticeships and Training	The Hon Christopher Pyne MP
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

[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
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 Cory Bernardi
Shadow Parliamentary Secretary for Water Resources and Conservation	Senator Fiona Nash
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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Wednesday, 3 December 2008

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9.30 am and read prayers.

**AUDITOR-GENERAL AMENDMENT
BILL 2008**
**CORPORATIONS AMENDMENT (No. 1)
BILL 2008**
**MIGRATION LEGISLATION
AMENDMENT BILL (No. 2) 2008**
**THERAPEUTIC GOODS AMENDMENT
(MEDICAL DEVICES AND OTHER
MEASURES) BILL 2008**

First Reading

Senator LUDWIG (Queensland—Minister for Human Services) (9.31 am)—At the request of the Special Minister of State, Senator Faulkner, the Minister for Superannuation and Corporate Law, Senator Sherry, the Minister for Immigration and Citizenship, Senator Evans, and the Parliamentary Secretary to the Minister for Health and Ageing, Senator McLucas, I move:

That the following bills be introduced:

A Bill for an Act to amend the *Auditor-General Act 1997*, and for related purposes.

A Bill for an Act to amend the law relating to corporations, and for related purposes.

A Bill for an Act to amend the law relating to migration, and for related purposes, and

A Bill for an Act to amend the *Therapeutic Goods Act 1989*, and for related purposes.

Question agreed to.

Senator LUDWIG (Queensland—Minister for Human Services) (9.31 am)—I present the bills and 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 LUDWIG (Queensland—Minister for Human Services) (9.32 am)—I table the explanatory memoranda relating to the bills, and 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—

**AUDITOR-GENERAL AMENDMENT
BILL 2008**

The Auditor-General Amendment Bill 2008 proposes minor amendments to the Auditor-General Act 1997.

The Bill amends the Auditor-General Act to implement certain recommendations of the 2001 Inquiry into the Auditor-General Act by the Joint Committee of Public Accounts and Audit. The JCPAA inquiry was intended to assess the Act and determine if it was achieving its stated intentions. Overall, the Committee found that the Act provided an effective framework for the Australian National Audit Office to carry out its functions.

While these are the first substantive legislative amendments to the Auditor-General Act since the JCPAA issued its report in 2001, some of its recommendations have been implemented administratively by the Auditor-General. Amending the Act will provide legislative certainty for these administrative actions. A number of the amendments also build on, or are additional to, the JCPAA's recommendations as other areas of the Auditor-General Act which could be strengthened or require amendment have been identified in the time since the report.

The proposed amendments are minor. For example, they clarify and extend the distribution of performance audit reports; make provision for the inclusion of comments on proposed reports in final reports, and clarify the circumstances in which audit information made available to entities and other parties in the course of a performance audit may be disclosed. The Bill will also update the penalty provisions in the Auditor-General Act

to bring them in line with current criminal law policy.

When the Auditor-General conducts a performance audit of a Commonwealth agency, a copy of the final report is provided to interested persons prior to the tabling of the report in the Parliament. This gives the recipients an opportunity to consider the report in advance of tabling so that they are able to respond to any questions that may arise. Although it is the Auditor-General's practice to give the Chief Executive of an audited entity a copy of the final report prior to tabling, this is not an explicit requirement of the legislation. To address this deficiency in the Act, the Bill would provide that the Auditor-General must give a copy of the report to the Chief Executive of an Agency or, if the audited entity is a Commonwealth authority or company, to an officer of the authority or to a director or senior manager of the company, as soon as practicable after the report is completed. The Bill also provides that the Auditor-General may provide a copy of a report, or extracts from a report, to any person (including a Minister) or any body who, in the Auditor-General's opinion, has a special interest in the report.

With the increased outsourcing of government services in recent years, there are potentially many groups, such as contractors engaged to deliver government services, which may be involved in a performance audit. There is no provision in the Act at present to require the Auditor-General to give draft reports to these people for comment. To address this, the Bill would allow the Auditor-General to give a copy of a proposed report, or an extract from a proposed report, to any person who, in the Auditor-General's opinion, has a special interest in the report. The recipient of the draft report would then have 28 days to provide written comments, which the Auditor-General is obliged to take into account in finalising the report. This process will help ensure that information in the report is correct. It also provides for natural justice by giving persons who may be criticised in a report an opportunity to comment on the findings set out in the proposed report. To preserve the integrity of the audit process, the recipients of such information would, of course, be subject to the confidentiality provi-

sions in the Act that apply generally to persons who are in possession of audit information.

In the interest of fairness and completeness, the Bill also requires that the Auditor-General must include, in full, all written comments received on a proposed report under subsection 19(4) in the final audit report. This amendment provides a legislative basis for the Auditor-General's current practice.

The Bill also corrects a number of errors in the Act that were identified by the JCPAA in its 2001 report, particularly in those provisions relating to the omission of information from reports on public interest grounds. These are explained in detail in the Explanatory Memorandum that accompanies the Bill.

The amendments will have no financial impact.

The changes to the Auditor-General Act proposed by this Bill, while relatively minor, are an important step towards encouraging open communication and improving the fairness, effectiveness and integrity of the audit process.

CORPORATIONS AMENDMENT (No. 1) BILL 2008

Today I introduce a Bill that will amend the Corporations Act 2001 to fulfil a requirement under the Australian Government's Memorandum of Understanding with the New Zealand Government on Business Law Co-ordination. Fulfilling this requirement moves us another step closer to achieving the goal of a single, trans-Tasman economic market, based on common regulatory frameworks.

The Bill provides a mechanism for the recognition of a disqualification from managing companies that occurs in a foreign country by Australia. This will close a regulatory gap where currently disqualification can be avoided simply by moving jurisdictions.

The Corporations Act currently provides a range of circumstances in which a person will be automatically disqualified from managing corporations, and circumstances in which the Australian Securities and Investments Commission can apply to a court to have a person disqualified.

The Bill adds to the automatic disqualification provisions and also provides the Courts with an additional disqualification power.

First, a person will be automatically disqualified from managing corporations where they have been so disqualified by a court in a prescribed foreign country.

Second, an Australian court will have the power to disqualify a person from managing corporations, on application by ASIC, where the person has been disqualified under the law of a prescribed foreign country. This provision will cover situations where, for example, a person has been disqualified automatically by operation of law in a foreign country, or by a foreign regulator.

In this situation the Australian Court must be satisfied that the disqualification is justified before they can disqualify the person in Australia.

These arrangements will ensure that all people disqualified in Australia on the basis that they have been disqualified in a prescribed foreign country, have had their disqualification scrutinised by a court.

Prescribed foreign countries will be named in the Corporations Regulations. Initially it is envisaged that only New Zealand will be named. The mechanism will, however, allow for other countries to be added at a later date if it is considered that there is sufficient similarity with Australia's regulatory regime, as is the case with New Zealand.

New Zealand enacted its complementary provisions in 2007.

In the interests of cross-border consistency these amendments have been modelled on those of New Zealand.

This Bill addresses concerns that people who are disqualified from managing corporations in New Zealand could still manage corporations in Australia simply by crossing the Tasman. As such, it will enhance protection for investors and the integrity of Australia's markets.

Finally, I can inform the chamber that the Ministerial Council for Corporations (MINCO) was consulted in relation to these amendments to the laws in the national corporate regulation scheme,

and has approved them as required under the Corporations Agreement.

I have also commenced consultation with MINCO on the accompanying regulations. Provided that approval is received, the Regulations should be ready to commence contemporaneously with the provisions of the Bill.

I commend the Bill to the Senate.

MIGRATION LEGISLATION AMENDMENT BILL (No. 2) 2008

The Migration Legislation Amendment Bill (No. 2) 2008 amends the Migration Act 1958 to clarify and enhance provisions relating to merits and judicial review of migration decisions.

The Bill has three sets of amendments.

Firstly the Bill clarifies that when the Migration Review Tribunal or the Refugee Review Tribunal seek information from review applicants or third parties, this may be done either orally, or by written invitation.

Secondly the Bill reinstates effective and uniform time limits for applying for judicial review of migration decisions in the Federal Magistrates Court, Federal Court and High Court. The Courts will have a broad discretion to extend that time where they consider an extension necessary in the interests of the administration of justice.

Thirdly the Bill limits appeals against judgments by the Federal Magistrates Court and the Federal Court that make an order or refuse to make an order to extend time to apply for judicial review of migration decisions.

These amendments will ensure a more efficient migration review system, while maintaining the rights of applicants to procedural fairness.

The first set of amendments seek to address a series of recent decisions of the Full Federal Court where the court held that the Tribunals may only seek additional information from review applicants or third parties if they do so by written invitation, that is, they cannot seek information orally.

In particular, the case of *SZKTI v Minister for Immigration and Citizenship* [2008] FCAFC 83 found that the Parliament did not authorise the Tribunals to get additional information from a

person pursuant to its general power to obtain information, without complying with the specified procedures set out in sections 424, 424A, 424B and 424C of the Migration Act for obtaining such information. This effectively means that the Tribunals are not able to seek information orally from an applicant.

Requiring the Tribunals to seek information only by written invitation is problematic when the only available means to communicate with a person is orally, for example, where only a telephone number is provided (which was the case in SZKTI).

Conducting investigations only in writing can also cause considerable delay without necessarily improving procedural fairness to the applicant.

Enabling the Tribunals to seek information from applicants or third parties either orally or in writing will ensure that review of migration decisions can be conducted more efficiently. This is of particular importance to the Refugee Review Tribunal which is required under legislation to meet a 90 day time limit for conducting reviews.

In all circumstances, where information is collected that is adverse to the applicant and which the Tribunal considers would be the reason or part of the reason for affirming the decision under review, clear particulars of that information will be put to the applicant in writing. The applicant would then have an opportunity to comment on such adverse information within a prescribed period before a decision on review is made.

The second set of amendments will reinstate effective time limits for applying to the courts for judicial review of migration decisions.

Without effective time limits, there is an incentive for unsuccessful visa applicants to take advantage of the delays that litigation may cause, for example, by waiting until their removal from Australia is imminent before lodging an application for review.

The current time limits in the Migration Act are largely ineffective as a result of the April 2007 High Court decision of *Bodruddaza v Minister for Immigration and Multicultural Affairs* [2007] HCA 14 and the July 2007 Full Federal Court decision of the Minister for Immigration and Citizenship v SZKKC [2007] FCAFC 105.

In *Bodruddaza* the High Court held that the time limits imposed on the Court were constitutionally invalid because there was no discretion to extend time.

In SZKKC the Full Federal Court held that the time period for seeking judicial review of a Tribunal decision will begin to run only if the applicant is personally served with the written statement of reasons of the Tribunal by a person authorised by the Registrar of the Tribunal.

It would be expensive and impractical for the Tribunals to implement the practice of personally serving a written statement of the reasons for the decision. As such, the time limits for seeking judicial review of a migration decision to the Federal Court and Federal Magistrates Court are now largely ineffective.

This Bill reinstates effective time limits in three main ways.

Firstly, it extends the time for lodging an application for judicial review of a migration decision from the current 28 days to 35 days.

The Bill also seeks to address the problems identified in SZKKC and *Bodruddaza* through two further key amendments. Firstly, the time period for seeking judicial review of a migration decision will start to run from the time the migration decision is taken to have been made, rather than from the time of actual notification which the Act currently requires. This addresses the practical difficulties associated with personally serving a written statement of reasons. To provide certainty, the Bill defines 'date of decision'.

Secondly, the Bill provides the Courts with broad discretion to extend time where they consider it necessary in the interests of the administration of justice. This seeks to address the constitutional issues identified by the High Court in *Bodruddaza* and enables the Courts to protect applicants from possible injustice caused by the time limits.

Applicants will be required to state in their applications for an extension of time why they consider it necessary in the interests of the administration of justice for the order to extend time to be made. This will assist the Courts to deal with requests for extensions of time more quickly and assists in more efficient use of court resources.

The third set of amendments in the Bill will limit all appeals against judgments by the Federal Magistrates Court and the Federal Court that make an order or refuse to make an order to extend time to apply for judicial review of migration decisions.

This measure will strengthen and enhance the new time limits for applying for judicial review of a migration decision as inserted by the Bill.

It may also help to prevent applicants from making weak or vexatious appeals to deliberately delay their removal from Australia.

The limitation on appeals does not affect any rights the applicant may have to seek review in the High Court's original jurisdiction because such a limitation would be unconstitutional. The amendments do, however, limit appeals of decisions to make an order or refuse to make an order to extend time to apply for judicial review of migration decisions to the High Court in its appellate jurisdiction.

The amendments that limit appeals seek to encourage applicants to seek timely resolution of their cases.

In conclusion, these amendments bring about key reforms that will lead to a more streamlined migration review system but one that still delivers fair and reasonable outcomes to clients of my department.

The Bill deserves the support of all members of this Parliament.

I commend the Bill to the chamber.

**THERAPEUTIC GOODS AMENDMENT
(MEDICAL DEVICES AND OTHER
MEASURES) BILL 2008**

This Bill amends the Therapeutic Goods Act 1989 in a number of ways.

Firstly, it incorporates into the Act provisions allowing the stockpiling and supply of medical devices to deal with emergency situations without the requirement for such devices to comply with the Act.

Second, it gives effect to a range of amendments which have been in contemplation for a number of years, and which were to have been adopted as

part of the proposed Australia New Zealand Therapeutic Products Authority, or ANZTPA.

Following the decision by the New Zealand Government in July last year not to proceed with legislation enabling ANZTPA, the Rudd Government has decided to pursue these amendments in an Australia-only context.

Turning first to the medical devices amendments, these provisions are based on similar provisions allowing medicines to be stockpiled and supplied in emergency situations which were added to the Act in 2002.

It is unfortunate that other amendments made to the Act that same year to deal with medical devices did not include an emergency provision from the outset. But be that as it may, the Government is now acting to include these provisions so that medical devices can lawfully be stockpiled in case of a future emergency and made available in an actual emergency without having to comply with the Act.

In 2002 the then Parliamentary Secretary, in introducing the Bill, explained that the amendments were necessary to strengthen the ability of the Commonwealth to plan for, and respond to, national emergencies in which there is the potential for large numbers of people to require emergency treatment. She gave as examples of such emergencies acts of bioterrorism or the emergence of a new, highly contagious disease in Australia.

Exactly the same rationale applies today.

The Act presently operates very effectively to ensure that medical devices supplied in Australia to meet our daily health care needs meet very high standards of manufacture and quality control. In general, it is an offence to supply devices that have not been approved by the Therapeutic Goods Administration (the TGA).

But in an emergency the Government may need to be able to supply very large volumes of devices such as face masks or injection kits. It may need to source these volumes from manufacturers who do not regularly supply goods to the Australian market, and who have not sought to have their products approved by the TGA.

The amendments in Schedule 1 to this Bill allow the Minister to exempt devices from the require-

ments of the Act so that they can lawfully be stockpiled and made available in an emergency.

The Minister can only make such an exemption if she or he is satisfied that it is in the national interest to do so, and the Minister's powers may only be delegated to the Secretary of the Department of Health and Ageing.

The Minister may impose conditions on the exemption, including limiting the people allowed to import, manufacture or supply the devices, and must notify those people of any other conditions on the exemption. Breaching a condition of exemption is a criminal offence.

The Bill does not provide for parliamentary scrutiny of the exemption through disallowance. This is because a security consultant engaged by the Government last year recommended that the contents of the stockpile should be classified as "confidential" to ensure that would-be bio-terrorists were not able to find out what preparations Australia had made for dealing with possible bio-terrorist acts.

For this reason the Bill also amends the Act so that similar exemptions applying to medicines are not to be subject to disallowance.

Turning to the deferred ANZTPA amendments, the Bill deals with the "fit and proper person" test, default standards for medicines, information disclosure, and the use of restricted representations in advertising. It also makes technical amendments to all offence provisions to bring them into line with the latest policy on how these should be expressed.

The Act currently requires the Secretary, in deciding whether to grant or revoke a manufacturing licence or a conformity assessment certificate for a medical device, to have regard to whether the applicant, a person taking part in managing the applicant's affairs, or a person "likely to have effective control" over the applicant, is a fit and proper person.

The test in deciding who is a fit and proper person is at once subjective – in that there is no limit on the matters the Secretary may consider, and there is no guidance on who is a person "likely to have effective control" – and unduly harsh – in that the Secretary must have regard to any conviction against any law of the Commonwealth or a State

or Territory, no matter what the crime or when it took place.

Not only has the test been criticised by industry for these reasons, but it is also administratively problematic.

The amendments in Schedule 3 of the Bill replace this test with a much narrower test, requiring the Secretary to have regard to breaches of the Act or offences against it, together with offences involving fraud or dishonesty over the previous ten years.

The amendments also replace the undefined concept of "effective control" with an objective definition of a "major interest holder", defined as a one-fifth shareholder of a body corporate.

When the Act was introduced it provided that unless the Minister determined standards for therapeutic goods, they had to comply with the requirements of the British Pharmacopoeia. The British Pharmacopoeia thus effectively served as the default standard for therapeutic goods.

Since the Act came into effect many manufacturers based in the United States or Europe have entered the Australian market. As part of the ANZTPA consultation process industry pressed for the inclusion of the United States Pharmacopoeia and the European Pharmacopoeia as alternative default standards.

Schedule 4 of the Bill contains a series of amendments to include these pharmacopoeias as default standards with the same standing as the British Pharmacopoeia. The amendments also remove references to the veterinary version of the British Pharmacopoeia, as the Act no longer regulates veterinary medicines, and makes a number of consequential amendments to remove other references to the regulation of therapeutic goods for use in animals.

The Act sets out when the Secretary can release information obtained under the Act to other regulatory agencies or to the public. These provisions are unduly restrictive as they relate to the public release of information, and they have proved operationally difficult as they relate to providing information to other agencies.

The Government has decided to broaden the public access to information under the Act.

In particular, the TGA will publish a greater range of information about goods included on the Australian Register of Therapeutic Goods on its website to inform members of the public about the therapeutic goods and devices that are available in Australia, and assist them to make better informed choices and decisions about their use of therapeutic products.

It will publish the minutes and deliberations of expert advisory committees, as well as a greater range of information about information considered in, and the reasons for, making particular decisions, including summaries of the evaluation of applications for the entry of prescription medicines on the Register.

The amendments in Schedule 5 will support this by allowing the Minister to determine, by legislative instrument, classes of therapeutics goods information which may be published by the Secretary. The amendments also widen the definition of information that may be released to include information held by the TGA, as well as information acquired by the TGA under the Act.

Other amendments in the Schedule resolve the practical difficulties with the provisions relating to the release of information to other government authorities.

The Act currently regulates advertising of therapeutic goods. It includes a regime providing for the pre-approval of some categories of advertisements, together with limits and restrictions on the kinds of representations that may be made in advertisements. For example, advertisements to the public cannot refer to serious illnesses, or make claims that a cure is infallible.

While the limits and restrictions are intended to apply to all advertisements, the current structure of the Act implies that they only apply to advertisements that do not require pre-approval.

The amendments in Schedule 6 are intended to clarify that the limits and restrictions apply to all advertisements.

Finally, Schedule 7 contains a series of purely technical amendments to align all criminal offences provisions in the Act with current policy on the expression of such provisions.

The changes made by this Bill do not encompass all the reforms the Government intends to make to the therapeutic goods regulatory regime.

We intend to introduce further legislation next year to give effect to other changes that were foreshadowed as part of the ANZTPA process, including new frameworks for the regulation of human cellular and tissue-based therapies and homeopathic medicines.

We will also be pursuing changes to the current advertising arrangements. The Productivity Commission has recommended that the Government should streamline and clarify the advertising regime for therapeutic goods. At this stage, I intend to carry out informal consultations with industry over the next few months before releasing a formal consultation document for consideration next year.

The amendments in this Bill are thus the first instalment in an ongoing program of reform to the Act.

Australia has been served well by the TGA in the past, and it is important that the regulatory regime the TGA implements is kept up to date so that the TGA and the industry it regulates can operate as efficiently as possible, and so that Australian consumers can continue to have timely access to safe and effective therapeutic goods.

Ordered that further consideration of the second reading of these bills be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

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

BUSINESS

Consideration of Legislation

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.33 am)—I move:

I move government business notice of motion No. 5:

(1) That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings.

Nation-building Funds Bill 2008

Nation-building Funds (Consequential Amendments) Bill 2008

COAG Reform Fund Bill 2008

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.33 pm)—This is very important legislation for the nation, but I want to flag that there will be amendments to broaden the provisions, including amendments to take into account environmentally good policy, when this legislation comes before the Senate.

Question agreed to.

**BROADCASTING LEGISLATION
AMENDMENT (DIGITAL TELEVISION
SWITCH-OVER) BILL 2008**

Second Reading

Debate resumed from 24 September, on motion by **Senator Ludwig**:

That this bill be now read a second time.

Senator MINCHIN (South Australia) (9.33 am)—I am pleased to speak on behalf of the coalition in relation to the Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008. This bill sets in place the mechanisms to complete the transition to digital TV in Australia. The coalition has a very firm commitment to supporting the transition to digital television. In government, it was the coalition that commenced the process to transition Australia to digital. In the year 2000, the coalition provided the legislative framework for the introduction of digital television, with digital transmission commencing in metropolitan licence areas on 1 January 2001, nearly eight years ago, and in non-remote regional areas from 2003. The initial legislation permitted a simulcast period of at least eight years. The current legislated switch-over is designed to coincide with the end of the analog digital simulcast period.

In government, the coalition was always concerned about take-up rates before switch-over and conscious of the need to ensure consumer awareness of the benefits of digital television. In July 2006, we announced that there was insufficient digital take-up to meet the initial switch-over date in metropolitan areas. Subsequently, we established a Digital Action Plan to drive take-up and achieve switch-over with a revised target of 2010 to 2012. In November 2006, my colleague Senator Helen Coonan, as Minister for Communications, Information Technology and the Arts, announced the creation of Digital Australia to coordinate the transition to digital TV.

The Labor Party went to the 2007 federal election promising to abolish Digital Australia but, of course, has merely rebranded it as the Digital Switchover Taskforce, retaining similar functions to the previous body and retaining the executive director appointed by our government, Mr Andrew Townend. Given our leadership of the move to digital TV, the coalition naturally support the intent of the digital television switch-over bill. However, in stating our support, it is important to say that we do have some concerns about the end of the simulcast period and want the government to ensure that no current analog free-to-air TV viewer is left without a digital signal.

This bill allows the government to implement the minister's digital switch-over time line. I deliberately referred to it as the 'minister's time line' because in December last year, upon their election, the minister, Senator Conroy, determined a date for final switch-over in Australia of 31 December 2013. The minister then set about planning how this could be achieved, and it is only recently that we have seen any detail about how he plans to achieve this ambitious timetable.

The bill provides the mechanism for the minister's timetable to be achieved, commencing with Mildura in the six-month window from 1 January to 30 June 2010. So, while the bill itself does not contain this timetable, the preferred timetable has been released, indicating the government's preference to end simulcast region by region, and in regional and rural Australia before the metropolitan areas. From the coalition's point of view, we do understand the rationale for that particular approach of doing it in regional and rural Australia prior to metropolitan areas, but I say to the government that this process is going to have to be managed extremely carefully to ensure that people in rural and regional Australia—in particular—do not feel they are the government's guinea pigs for this transition to digital TV.

We note from the most recent study by ACMA into digital take-up in Australia that there have been significant improvements in take-up since we, as the former government, launched our Digital Action Plan, but there are still a number of concerns with take-up, and with viewer understanding of the end of the simulcast period, that do need to be addressed. ACMA's report *Digital television in Australian homes 2007* found a 12.2 per cent increase in the number of households—to around 41.8 per cent over the 18 months since the last survey—receiving digital free-to-air television. This is a significant increase. And the report does confirm that Mildura, the first area for switch-over under the government's timetable, does have the highest digital TV adoption rate, at 73.3 per cent, largely driven by the availability of an additional commercial broadcasting service in digital.

This bill has been considered by the Senate Standing Committee on Environment, Communications and the Arts and I, on behalf of the coalition, thank the committee

and its secretariat for their work throughout the inquiry. One of the key areas of concern raised in the committee's inquiry was what the government considers to be an adequate level of take-up before switch-over can occur. The bill, regrettably, does not include any readiness criteria as preconditions for switch-over. There is no requirement on the government or the minister that an area is publicly identified as 'ready' in advance of the specified switch-over period. The coalition is concerned about switch-over occurring before regions are deemed to be appropriately ready, particularly given that there has been no commitment by the government as yet to ensure that take-up is at an adequate level and that transmission problems such as black spots are addressed prior to switch-over in any particular region. The coalition is attracted to the suggestion submitted by Free TV, an organisation representing all the free-to-air broadcasters in this country, to the committee's inquiry. In her evidence to the committee inquiry, the Free TV CEO, Julie Flynn, argued for amendments to the bill to require benchmark readiness criteria for switch-over and a review of switch-over readiness against that benchmark for each region six months from commencement. The readiness criteria would be set by the minister and would be required to be made public, and the results of the review into readiness would also be required to be made public. We, on our side, support the arguments put forward by Free TV, and I therefore foreshadow that the coalition will be moving several amendments to this bill to ensure better protection for viewers as the analog signal is switched off.

The coalition do acknowledge the cost burden of the simulcast period, particularly on rural and regional broadcasters—one of the good reasons for switching over in the regions first—and do not want to unduly stand in the way of switch-over, but we do

want to make sure that adequate consideration is given to the people who really count, the viewers, and to their readiness to receive digital signals. Further, of particular concern to the coalition is the possibility of transmission black spots. The coalition wants transmission difficulties to be given more attention by the government before switch-over. Indeed, I have been contacted by one gentleman, Mr Inall, who wished to highlight the problems he is experiencing with receiving a digital signal. After spending \$1,000 on a set-top box and upgrades to his external aerial, he is still unable to receive the ABC free-to-air signal and continues to rely on the analog signal for viewing the ABC. And, amazingly, Mr Inall lives only five kilometres from the transmission site in Roseville in New South Wales. So that is one of the reasons why the coalition will be moving an amendment that requires the government to table information about the identification of black spots and how these will be rectified in advance of switch-over.

As for the government's switch-over timetable itself, we again stress that, as many regional centres will be the first to switch over, there does need to be publicly available information about their readiness, and a guarantee that transmission difficulties have been rectified. The government argue that a concrete analog switch-over date will drive the take-up of digital TV—or set-top boxes—and that argument has, of course, some considerable merit. But the government have not specified what they would do if take-up rates were not deemed by anybody to be adequate, nor have they defined a desired take-up rate. The government continue to cite the UK example in that country's progress towards switch-over, but we do need to be conscious of the difference—naturally—in the geographical size of the two countries and that it is regional centres that will, of

course, be moving to switch over in the first phase.

In relation to schedule 1 of this bill, the coalition do not oppose the change in the timing of the two reviews required under the Broadcasting Services Act, noting that the policy intent of these reviews is consistent with our previous policy in government. But I do place on record a couple of the coalition's concerns with these reviews. In relation to the review of new commercial broadcasting licences, this bill amends section 35A(1) of the Broadcasting Services Act to require the minister to cause the review to be conducted prior to 1 January 2012. Spectrum allocation, as part of the digital dividend, is becoming more and more important, and yet we know it is fraught with difficulty. Even ACMA's own *Five-year spectrum outlook 2009-2014* has acknowledged an inherent degree of uncertainty in predicting spectrum requirements over the next five years.

I believe there is some merit in tying consideration of this review into new commercial licences to the consideration of the so-called digital dividend spectrum allocation—a point raised in the Free TV submission. May I also say, however, that it is difficult to envisage, from my point of view, any circumstances which would warrant the creation of a fourth commercial TV licence, given the increasingly competitive TV broadcasting industry and, of course, the advent of multichannelling with digital TV. In relation to the content and captioning rules of commercial multichannels, the coalition does note the point made by the department in its submission that 'different regulatory requirements for content and captioning may operate in different parts of the country' due to the staggered dates of analog switch-off.

The coalition does not want broadcasters, particularly regional broadcasters, to face unnecessary regulatory or cost burdens due

to the staggered regional switch-over and, given the potential variance of requirements for broadcasters in different regions, asks that the government listens to the concerns raised about the multichannel content and captioning requirements. The coalition wants the government to ensure that everyone who currently has access to an analog signal will have access to digital signals at the time of the switch-over in that area. The government has stated that a number of assistance measures for consumers and for transmission infrastructure are under consideration, but to have any chance of meeting the minister's deadline for the switch-over the government will need to provide funding in next year's budget to ensure switch-over readiness.

We do believe that it is important for the government to provide assistance to ensure adequate preparation for the switch-over. This should include subsidies to assist the disadvantaged in making the switch and funding for digital towers and equipment upgrades, including, most importantly, the self-help retransmission sites as well as black spot elimination initiatives. The government should have in place a strategy to enable community broadcasters to successfully switch to digital. The government needs to provide funding certainty for consumers and broadcasters to facilitate the switch-over in advance of the Mildura switch-over period, which is the first to occur. The coalition, while strongly supporting the full transmission to digital, does want safeguards in place to ensure that Australians who currently have access to free-to-air television will continue to have that same access after the switch-off of the analog signal. Black spots must be identified and rectified, consumer measures need to ensure a high level of take-up before the switch-over, and the government should outline a clear pathway for community television broadcasters to a digital future.

The coalition continues to strongly support the transition to digital. There are of course a number of very evident advantages and efficiencies that will flow to consumers and broadcasters as a result of this transition. But we do not want anyone left behind by this transition. It is the viewers who ultimately count—they are what this is all about. We want to ensure that everyone who has access to an analog free-to-air signal will have access to digital transmissions without excessive personal cost. That is why I, on behalf of the coalition, will be moving amendments to this bill in the committee stage to ensure that there is more transparency in the process and that the government is active in identifying and addressing digital transmission black spots.

Senator LUDLAM (Western Australia) (9.47 am)—The Australian Greens understand that the switch-over from analog to digital television is quite a significant transition with quite a long history behind it. Both the population and the broadcasters will require education, preparation and, in some cases, support in order to make the transition successfully. The deadline will provide a useful incentive to prompt both the broadcasters and the population to get ready. But, as we know, a number of quite ambitious deadlines have already been set in the past for Australians to switch over, and yet we still find ourselves in this situation today. In its initial 1997 report, ACMA thought that Australia could be digital by the year 2000, and the Howard government projected 2001 for digital broadcasting in metropolitan areas and in all areas by 2004.

The Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008 provides another set of deadlines. The bill empowers the minister to decide if a region is ready for the switch-over and gives him six months flexibility—three months either side of a set date—before flicking off the

analog transmission. The Australian Greens concur with some of those who made submissions to the inquiry that having some clear criteria for assessing the readiness of an area would assist the minister in making this decision and ensure that the process is transparent. Having the switch-over occur in an election year does provide a strong incentive for the minister to ensure that a population is sufficiently ready.

However, we are concerned that some sectors are being overlooked. This bill specifically addresses commercial and national broadcaster-owned transmitters in the Australian television-watching community, but there is no indication in the bill at all of how the difficulties associated with community television broadcasters or current self-help transmission facilities, which retransmit commercial, national and national Indigenous television services, will be taken into account in setting or varying analog switch-off dates. At a Senate estimates hearing in October, the minister answered my question in this regard by saying:

... we have been working through a variety and considering a variety of options to assist in the transition, but at this stage we have not been able to resolve some of the difficulties. But we are confident that we will find an outcome that will deliver an enhanced community broadcasting outcome.

The minister assured us at the time that the government would be addressing that issue, but there were no details whatsoever—about the process, time lines or technology—as to how the community broadcasting sector was going to be able to make this transition. Again, in a briefing provided to my office by the department, similar statements were made that acknowledged the importance of the issue but provided no assurance that we were any closer to a solution.

Outside the remit of this bill, community and self-help broadcasters are certainly rele-

vant to the digital switch-over. Submissions made to the inquiry noted that self-help analog-to-digital TV transmission arrangements, not only in remote areas but all over Australia, are not covered by the current digital switch-over bill. These organisations are concerned about the possibility of indefinite delay creating two tiers of broadcasting capabilities and services. As the committee's report indicated, there is real concern that remote communities are going to miss out unless they are supported in bearing the cost of conversion.

In its submission to the Senate Standing Committee on Environment, Communications and the Arts inquiry into this bill, the department stated:

The Government is currently considering the options available for community television to make the transition from analog to digital.

But, again, there is no indication of how or when, so I very much look forward to getting an update in the minister's speech today, not just an assurance that the government are thinking about it or that they care about the community broadcasting sector. I am very interested to hear an update from the minister with details of some time lines, technology and information about where the consultation is at, rather than just further assurances that everything will be fine if we just trust that the process is moving along.

The government needs to address these important factors in the digital switch-over more quickly and in more detail to ensure that many people, particularly Indigenous people and people on low incomes, are not cut out of the digital age when the analog transmission systems are switched off. In addition to setting deadlines, as it does with this legislation, the government will have to establish and deliver assistance schemes to those who cannot afford the switch-over and will also need to generate clear and simple

public education materials to ensure that the population is ready. We are also interested, as Senator Minchin foreshadowed, in receiving much more detailed information about what take-up rate the government assumes is appropriate—for example, whether we are benchmarking against the take-up rate in the United Kingdom. The Senate should be provided with some more detail about exactly what criteria the minister will be using to benchmark the switch-over.

I note the minister's press release of 19 October, where we got some detail on the 30-odd local market areas and the sequence order and the approximate time in which they would be switched over. Presumably there are some criteria underpinning those, so we know that such a thing must exist. I am a little bit curious that the minister is still asking for another six months to do so. Presumably that list was not established without criteria. We are certainly interested in hearing some more detail from the government as to how that list was compiled and the criteria under which the government will be undertaking the switch-over.

Senator BIRMINGHAM (South Australia) (9.52 am)—It is my pleasure to also make a contribution on the Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008. I note that it is 58 years since then Prime Minister Robert Menzies first announced the program and process for the introduction of television into Australia. Back in those days few would have thought of the type of impact and reach that television could have, not just in Australian society but in society throughout the world, or how reliant on television we would become for our news, for our entertainment, for lifestyle, sport, leisure and so many key facets, from education right through all realms of society. I am advised that the word 'television' is derived from both Latin and Greek origins. I am far from a scholar in either of

those languages, but I am advised that it means far sight. Certainly far sight or far-sightedness is what is required in seeing an appropriate transition to digital television, particularly through the passage of this legislation.

This bill contains a number of key facets. Of utmost importance in the bill is facilitating a power for the minister to ensure switch-over dates for key local markets, to essentially end simulcasting of both analog and digital signals into those key markets and instead see a digital-only signal. As the house has already heard, the minister has announced a schedule of switch-over dates, commencing in Mildura and working right through until 2013 for those regions to be switched over. The coalition, as Senator Minchin has indicated, support the broad thrust of this legislation and we recognise that it is very important to so many Australians to get this right.

The bill also requires two statutory reviews, one related to the potential for a new commercial television licence to be issued and the other relating to content and captioning rules in Australia. We welcome this because it in a sense brings to an end what has been a period of some smoke and mirrors from the government in relation to digital television switch-over and transition. When the new minister was appointed after last year's election, he found himself the subject of the razor gang early on. One of the early victims of the government's razor gang was Digital Australia, the agency headed by Andy Townend which was tasked with ensuring the smooth transition for Australia to a digital television framework. Minister Tanner and others lauded the savings that were going to be reached through the abolition of Digital Australia, and we were all led to believe that this was the end of those areas of expenditure and the government would be finding a cheaper and a better way to do it. Lo and

behold, a few months pass by and we see the development of the Digital Switchover Taskforce. We see that it is headed by Mr Andy Townend, the same person who was heading Digital Australia, somebody who, I have confidence, from his experience in the UK and elsewhere, is doing no doubt an excellent job in ensuring the switch-over process is handled correctly. The taskforce has been given allocations to ensure a smooth switch-over occurs, as it should, but in doing so we have seen those budget savings evaporate and simply be transferred. It is a nice smoke-and-mirrors trick to be able to say, 'We have budget savings,' and to be able to theoretically axe an agency but then in fact simply rebuild it elsewhere within the department.

This bill gives us a clear pathway to transition. It lets us know what Mr Townend and the taskforce will be doing to help Australians ensure that they can continue to enjoy the type of services that they have in the past in relation to television, and indeed much better ones, because the potential provided by digital knows few bounds in many ways and provides great opportunities for Australians to see new services and new opportunities on their television platforms.

I say it is important to get this right because, as I said at the outset, so many Australians rely on their televisions. The late great Groucho Marx was quoted as saying that he found television very educating: 'Every time somebody turns on the set, I go into the other room and read a book.' But obviously for many Australians that is far from the case as they come to rely on television as a key part of their evening entertainment, their education and otherwise. However, as of 11 April this year, only some 41.8 per cent of Australian households actually had the facilities and the technology to receive digital television. If subscription or pay television take-up is included in that, some 54 per cent of households had such services. That is a sig-

nificant growth over the last few years that has seen Australians reach out and ensure that they do have access to digital television. I put on the record my praise particularly for the ABC, which I think has played a very key role in this through ABC2 and its promotion of that profile. Indeed that is so, if personal experience is anything to go by, because my partner's aunt had us out a few weeks ago buying her a new television set because she wanted to watch ABC2. So I recognise that indeed new product is a key driver of the take-up and has been a key driver of that take-up over the last months and years. Of course, with the launch of the new Free TV platform by the commercial stations recently, we expect to see even further take-up of digital television right across Australia in years to come.

Nonetheless, that does not get us away from the fact that, without pay TV included, in April this year only a little over 40 per cent of Australian households had the technology to receive digital television. Without that technology, when the switch-over date comes they will not be able to receive a signal. That is the cold, hard truth. That is why the parliament needs to get this right. I am sure the minister would not want to be the minister for communications when tens of thousands of Australians go to switch on their television sets and discover that there is no signal anymore. I am quite sure that is the last thing the minister wants, so I know he is as eager as the coalition and the Liberal Party, which started the process towards digital television, to ensure that we get this switch-over process right. That is why, as Senator Minchin outlined, it is our intent to support the principle that Free TV Australia enunciated during the Senate committee inquiry into this bill. I pay tribute to the witnesses, those who made submissions to the inquiry and, indeed, our staff on the Senate Standing Committee on Environment, Com-

munications and the Arts, who, as always, did an outstanding job in assisting us through this issue.

Free TV rightly argued that there needs to be some form of readiness criteria. It is one thing for the minister to say we will have a switch-off date, one thing for there to be a cut-off date out there—and I understand the logic of trying to work towards that cut-off date and to do so in a manner that gives people a clear deadline by which to make the switch-over themselves—but, equally, we believe there needs to be a greater level of transparency from the government as to what they believe would be acceptable when Mildura, as the first region, is cut off and other regions are subsequently cut off from receiving an analog signal.

Free TV argued that 95 per cent of households should have the technology, facilities and resources to receive a signal before the switch-off occurs in a particular region or, as the bill defines it, 'local market area'. The coalition are not being that prescriptive, and I am sure Senator Minchin, in the committee stage, will speak in more detail to the amendments that we seek to move. We are seeking, however, for the minister to have publicly available readiness criteria to ensure, as far as possible, that broadcast services achieve the same level of coverage and reception quality after the switch-over as was available previously, that households that previously received free-to-air coverage in analog mode continue to receive it in digital mode and that adequate measures have been taken to support those households, particularly those who can least afford to convert.

As I indicated, it is not our intent to prescribe, but it is our belief that the minister, with the work of the Digital Switchover Taskforce in the department, should set out some key readiness criteria against which each region and local market area can be

assessed so that we know and have confidence that the switch-off will not unduly harm large numbers of Australians as this region-by-region process unfolds. More important than what we know is that people in the regions know and have confidence that they will not be disadvantaged through the switch-off process. I would urge the government to consider and support the coalition amendments when they are debated, because they will strengthen this process. They will strengthen the faith that people can have in the process and ensure that there is confidence across all of Australia that large numbers of individual households will not be disadvantaged during the switch-over.

There are a couple of other, broader issues. The minister, I know, is well aware of the specific challenges facing high-density dwellings such as apartment blocks in areas like the Gold Coast and some of the technical challenges of ensuring that switch-over occurs there. I know that some funding has been made available to address those technical challenges. I welcome that and look forward to the government ensuring that building owners and the residents in those types of dwellings are confident that they will be able to receive the signal they expect.

Senator Ludlam has rightly highlighted, as did Senator Minchin, the importance of this for community broadcasters. I too have received representations from community television broadcasters in my home state of South Australia. I am aware of the pressures they face at present. As increasing numbers of households switch to buying digital televisions, community broadcasters face the risk that, as they currently only have funding to broadcast an analog signal, over time they will lose their market share. I urge the government to resolve the issue with community broadcasters as soon as possible to ensure that they receive the funding necessary to

allow them to make the transition to the digital television platform.

I also note the challenges for remote areas that Senator Ludlam spoke of and recognise that in regional and remote areas it will be equally important for the government to apply specific policy measures that allow broadcasters and communities to receive the types of signals that are required and not to be disadvantaged during this process.

In terms of disadvantage, can I finally reflect on one of the two statutory reviews that the government has highlighted, the review into content and captioning. Whilst I recognise that the intent of this is to ensure that broadcasters with the new multichannelling that will be and is available to them on the digital platform continue to provide the types of services that Australians rightly expect in terms of the languages available, the range of children's programs and standards across those multichannels, it is equally important to make sure that we do not disadvantage those regional broadcasters who have to make the switch first. The risk in bringing forward this review of content and captioning requirements is, of course, that those regional broadcasters could find themselves on the digital platform and having to adhere to certain standards before those standards apply elsewhere. That would be nonsensical. In undertaking this review, should there be—as I expect there would be—some changes made to the requirements, I urge the government to have those changes not take effect until closer to 2013, when all regions, all local market areas, will have made the switch-over.

In closing, I urge the government to consider the issues raised. I think this is an issue about which all members of the Senate are as one in hoping that Australia gets this right. We hope that the digital transition is a success—that Australians get to enjoy the enor-

mous potential benefits provided by digital television and that the continued evolution of television in Australian society is a positive one. But we also hope that it is not done in a manner that creates risk or harm, be it to regional broadcasters, to people in high-density dwellings, to those less fortunate who may not be able to afford the equipment required to make the transition or to regions where take-up is somewhat slower than elsewhere. We need to have confidence that they are ready before switch-off occurs. I urge the government to consider and accept the amendments that the coalition will be moving so that we can all support the bill with confidence.

Senator EGGLESTON (Western Australia) (10.09 am)—As has been said, the Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008 makes amendments to the Broadcasting Services Act 1992 to enable the government to set a staggered, region-by-region digital switch-over timetable for the transition to digital-only television around Australia, with the final switch-over date being in 2013. It is important to note that the process of digital conversion in Australia has been a longer saga, as I have said elsewhere, than *Blue Hills*. The idea of switching to digital television has been around for a very long time. The process of actually getting there has been very slow indeed.

In fact, the first time I saw digital television was at an exhibition here in Parliament House in 1998 when the various television companies set up a display of digital TV in the Main Committee room. I must say that, although it was only a standard definition picture, I was very impressed by the clarity and the quality of the picture. But the people I spoke to at Channel 10 told me that standard definition was only part of the story; the real glory of digital television was in high-definition broadcasting. They said to me that

it was a pity that I could not go to the International Broadcasting Convention being held in Amsterdam the weekend after that display, because that conference was devoted to digital television and would include high-definition digital television and multichannelling.

As it happened, I could go, because I was going to a conference in Trinidad and would be going through London that weekend. I diverted to Amsterdam and went to the International Broadcasting Convention, where I was stunned by what digital television had to offer. It was not just the quality of the picture—and the quality of the high-definition picture is, of course, quite amazing. More important, I felt, was the opportunity to multichannel. You could have several pictures of, say, a sporting event, looked at from different angles, and there were various other options which multichannelling offered. I thought that the great benefits that multichannelling offered were what we should be seeking to bring to Australia from digital television. It meant that you could, for example, have a channel devoted to children's education. You could have channels devoted to other speciality interests. For example, there could be three ABC channels: one devoted to education, one devoted to children's programs and then the ordinary ABC channel. This could also be done by the commercial channels. I returned to Australia highly enthusiastic about the possibilities that digital television offered. I spoke to then Minister for Communications, Information Technology and the Arts Richard Alston about what I saw as this exciting option. Later that year, he also went to Europe and also had a look at digital television.

But, as Senator Birmingham has said, the progress towards the switch-over date has been very slow indeed. There were various factors which came into play, as Senator Birmingham has said. Among them, of

course, was that different commercial channels in Australia had views about the desirability or otherwise of converting to digital television. While we procrastinate, the delay will go on. Until Australians have been able to see the brilliance of digital television, which they can now, they will be unwilling to convert. The quickest conversion in the world was in the United Kingdom, where the satellite television channel there, BSkyB, gave every household a set-top box. Every household in the UK had a set-top box free of charge, and they were able to watch digital television on their analog set. Given that there are about seven million houses in Australia and set-top boxes cost about \$50 these days, if the Australian commercial television broadcasters were of a mind to spend \$35 million and present each household in Australia with a set-top box, I think Australia would move very quickly into the digital era. Although it has been a long, slow road, we are getting there. I welcome this legislation.

Some of the television channels were reluctant to switch to digital and multichannelling, believing, I suppose, that this would protect their market position. Channel Seven need to be respected because they wished to switch to digital and multichannelling much earlier than some of the other commercial channels have. It is very interesting that, while the commercial channels have lagged in agreeing to the digital switch over, subscription TV has gone ahead by leaps and bounds. Subscription TV not only is solely digital now but also offers about 130 channels. I believe Foxtel is now in about 30 per cent of the households in metropolitan Sydney. Equally, around the rest of the country people are showing that they like the option of digital television and multichannels. I am sure that is a message the commercials are picking up, because now they are moving towards a digital conversion.

I would like to make a special mention of regional television services needing special assistance to make the conversion to digital television. In Western Australia, for example, we have two satellite based commercial networks which, rather than just having one transmitter in one capital city as the capital city commercials do, have to have a transmitter in every town in Western Australia—and there are quite a lot of them. The cost of putting in the equipment to receive and transmit a digital signal in all those different locations is quite high, and that same consideration would apply to regional television services in other states around the country.

Both Senator Ludlam and Senator Birmingham have mentioned community television. I think it is very important that community television not be forgotten in this question of the digital conversion. Community television, unlike commercial television, is not well funded, but it does provide an important service to the community. In Western Australia, regrettably, Channel 31 in Perth, which was an excellent community television station, has folded. It found that being unable to transmit in digital meant that it continually lost viewers to the other, digital, channels in Western Australia, so it was not able to continue its broadcasts and the company has closed down. That really is a matter of regret, because Channel 31 Perth was probably the best community television service in Australia. For example, it trained young people in television technology so that they could go out and get employment in the commercial world of television. It did this under the Green Corps program, which seems to be a rather strange use of Green Corps, but nevertheless many young people in Perth received training in television technology at Channel 31, and I for one was very sorry that it had to wind up its operations.

In conclusion, I welcome this bill because, while it does not provide for a switch-over

date in the near future—with a final switch-over date towards the end of 2013—at least there is now a definite switch-over date. When that occurs, the conversion-to-digital saga will still not be the longest saga in Australian commercial broadcasting history—that honour will still belong to *Blue Hills!*

Senator IAN MACDONALD (Queensland) (10.20 am)—Time is short as we approach the end of the legislative year. Because of the mismanagement of the program by the government, we are being asked to keep our remarks to a minimum. My colleagues Senator Birmingham and Senator Eggleston have both given the background to the Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008. I congratulate Senator Coonan, the former Minister for Communications, Information Technology and the Arts, for getting the digital television program on its way. It is good to see the current government continuing that enthusiasm. I speak as one who has for several years had a set-top box on my television set. In Townsville, in regional Northern Australia, where I come from, all three commercials have been ready for high-definition digital television for some time. We have the benefit of the second ABC channel even in the north of Australia, where I live.

I did raise with the minister at estimates the situation where the first area to be required to go fully digital is one region in Victoria, which, I understand, has the greatest number of set-top boxes already installed. I also understand from estimates that the second region is my home region of Townsville in North Queensland. I expressed the concern that there was a cost being put onto Townsville residents—the cost of acquiring a set-top box or a new television—at an early stage and which would not be imposed upon city viewers until two or three years later. I understand that the commercial television stations in the north and elsewhere are very

keen to have the analog switch-off as soon as possible. They are very keen to avoid the cost of simulcasting in both analog and digital, and I appreciate that that is an issue for the station owners.

I suspect that, when push comes to shove, most people will spend the money on the set-top box. I was in Crazy Clark's the other day—and I will speak softly so that I do not interrupt Minister Conroy's slumber, Mr Acting Deputy President Marshall; I will keep my voice down—which is one of those stores that sell cheaper goods, and I think I saw a set-top box there for \$28. I am not quite sure what the quality would be like, but certainly the price of a decent set-top box now is much less than it was when I bought one a couple of years ago. So, hopefully, people will be able to be involved.

One of the things that concern me, though, is that there will be black spots. Unfortunately, while ACMA did have an office in Townsville for many years, I understand, through estimates, that that is about to be shut down, and five people who used to work at the ACMA office in Townsville will now be relocated to Brisbane. So there will not be anyone on the spot to deal with black-spot issues, which do occur in all parts of Australia, I am sure. In Townsville it is because of Castle Hill and Mount Stuart and other intervening physical features. A lot of work does need to be done to ensure that all residents are eligible to get a television signal. With the early move to a digital-only signal in Townsville, I think it is very important that the minister and the government ensure that there is a process in place whereby black spots can be, first of all, identified and confirmed and then addressed, and I would be interested to hear the minister's views on this. It is of course something that we will continue to pursue through estimates.

Apart from that, as my colleagues have mentioned, the coalition does support the bill—with the amendment to be moved by Senator Minchin, which is a very sensible and worthwhile amendment and one which I urge the Senate to support when it comes up in the committee stage.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (10.25 am)—The Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008 implements the government's policy to achieve the digital switch-over by the end of 2013. The bill does not change the objectives of the existing legislative framework for digital television under the Broadcasting Services Act. Rather, these amendments to the act will give the government greater flexibility within the existing framework to deal with the unique challenges of the digital television switch-over in Australia.

The bill will enable the government to set a phased, region-by-region switch-over timetable for the transition to digital-only television. This will allow the switch-over process to be carefully managed across the country and to ensure that everyone who currently receives analog free-to-air television will be able to receive digital free-to-air television by the time the switch-over is completed in December 2013.

The bill provides for the Minister for Broadband, Communications and the Digital Economy to determine, by legislative instrument, local market areas for switch-over. This will allow areas smaller than television licence areas to be the basis of a switch-over timetable. This will enable the government's switch-over program to better reflect local market conditions and circumstances. The bill gives the minister power to determine switch-over dates for those local market areas and for television licence areas. The bill

will also allow switch-over dates to be brought forward in some areas if this is considered appropriate. Currently, the simulcast period can only be extended.

The bill provides for switch-over dates for a particular area to be varied by up to three months before or after the date originally determined by the minister. This will allow the government to identify a six-month window for switch-over in a particular local market or licence area and for the switch-over date to be finalised in response to local issues as they arise. The government is required to consult ACMA before making or varying a determination. The government will also be advised by the Digital Switch-over Taskforce on decisions to vary switch-over dates within the six-month window. The bill also provides for significant and unforeseen events that could make it technically difficult for a broadcaster to commence digital-only broadcasting by the determined date. In such cases, the switch-over date can be extended by more than three months. However, there can be no extension to the switch-over date beyond 30 June 2014.

The bill sets firm dates for the timing of two existing statutory reviews, to provide certainty for industry and to reflect the government's switch-over program. A review concerning the content and captioning rules applicable to commercial television multichannels will be conducted before 1 January 2010. This review will include consideration of the effect of a staggered switch-over timetable on broadcaster obligations. A review concerning the allocation of new commercial television broadcasting licences will occur before 1 January 2012. This review is currently legislated to occur before switch-over begins.

Given the complex technical issues involved, responsibility for overseeing digital television switch-over in remote licence ar-

reas will be retained by ACMA in consultation with the Digital Switchover Taskforce. Consistent with metropolitan and non-remote regional areas, the bill requires switch-over in remote licence areas to occur by 31 December 2013.

I want to make a few comments about the proposed opposition amendments. The key difference between the approach of this government and that of the previous government with respect to digital television is that this government has actually set a date—not a target, not an ambition but a date. This firm timetable to implement switch-over has provided certainty for consumers and industry in the transition to digital. A firm switch-over timetable will give a strong focal point for information campaigns and will also help complementary industry campaigns such as the Freeview campaign which—as those who were lucky enough to be at the launch last week would know—is the most exciting development in free-to-air television in probably 50 years. It is probably even bigger than colour TV, I would say, Senator Minchin. I am sure you remember black-and-white television.

Senator Minchin—I do remember.

Senator CONROY—This is going to be bigger than the excitement when you moved from that black-and-white set to a colour set. A firm timetable will also provide certainty for industry in planning for a post-analog environment.

I cannot stress enough the importance of a timetable. Manufacturers will not respond to targets. Manufacturers will not respond to ambitions. They will only agree to produce the equipment that we need to drive digital uptake if they believe there is a firm target. A firm timetable will also allow broadcasters to plan for the retirement of analog equipment. This is particularly important in regional and rural Australia. The previous government set

a target of 2008. If the previous government had kept its word, we would have already switched off. It would be happening right now. But, as you can see from the statistics, without a firm commitment from the manufacturers, from the broadcasters and from all the other stakeholders in this sector, after seven years of digital television we have gone almost nowhere. It is only in the last 12 months, with the pressure from this government, and by setting the target, that we have seen industry agreement about the Freeview box and a manufacturing agreement to start producing low-cost equipment to put into the market. What will come from this legislation, ultimately, is an advertising campaign to inform Australians about how they can go about switching over. All of this stems from one decision that this government had the courage to make—unlike the previous government, which could not actually bite the bullet.

To be fair, Senator Eggleston and Senator Birmingham discussed some of the difficulties that the previous government faced. I am not being completely partisan, because this is a complex and difficult area. But what we see with the opposition amendments is that the government would be required to report on the switch-over readiness of an area six months before the scheduled switch-over date. Where the area is not deemed ready, they would develop a plan to rectify this or delay switch-over in this area. This is a recipe to go back to the future. This is a recipe to return to the situation of, 'If you don't want the possibility of new competitors in the market, you give people an economic incentive to go very slowly.' That was a fundamental flaw in the previous government's strategy. It gave an economic incentive for those who needed to help drive the change to actually drive the change incredibly slowly. That is the key difference. We have said, 'No, we are going to push on; we are going

to keep the pressure on and we are going to deliver this.' It is not just about a better picture. It is about the interactivity; it is about the set-top boxes; it is about the capacity to record, shift and watch television when you want to watch it. It is a fundamental paradigm shift that will come from moving to digital and closing down analog. What the opposition's amendments seek to do, in a very benign way, is to actually gut the incentive of key stakeholders to continue to drive the agenda. It may sound very benign, Senator Williams—

Senator Williams interjecting—

Senator CONROY—No, that sounds so reasonable. The problem is that it was that reasonable approach which handed control of the agenda to stakeholders who had an incentive to do nothing. This amendment would achieve that. It would hand back the incentive to go slow.

The opposition also proposes that reports be issued every three months, until 1 September 2014, on transmission black spots. The Digital Tracker program announced in March 2008 will provide this information to the public on a regular basis throughout the switch-over process. We already have in place a mechanism to deliver the very outcome that is being suggested. The Digital Tracker will provide national and switch-over-area-specific results for actual conversion, intentions to convert, understanding and awareness, amongst other performance indicators. The combination of these four factors will establish the percentage of the population that is ready for switch-over—that is, the number of viewers who have or will convert and are aware of the digital switch-over in their area. The proposed amendments would create unnecessary process, given that the Digital Tracker has already been established to provide this information. The process would also deprive both

industry and consumers of certainty in switch-over, highlighted by the former government's Digital Action Plan as being so important.

Let me be clear: the work done previously said, 'Look, you've got to do this,' and we have responded. The bill already provides for switch-over to be delayed in a particular area by up to three months to take into account specific local market issues that may arise. I note that the opposition's amendments do not propose to extend the time that the government could delay switch-over. The government will be required to consult ACMA before making or varying a switch-over date and will be advised by the Digital Switch-over Taskforce on decisions to vary switch-over dates within the six-month window.

The absence of publicly defined targets does not preclude the establishment of internal targets which will facilitate and promote effective management of the switch-over program. This will include using data obtained from the Digital Tracker program. The Digital Tracker will become part of the overall risk management approach to be adopted by the government. The tracker will provide a continuous source of publicly available data on which to base this assessment. Rather than delaying switch-over due to lower than expected levels of readiness in an area, the tracker will be a powerful management tool for both government and broadcasters to ensure that the original switch-over date is met.

The switch to digital television is important to Australia. Digital TV provides the potential for new digital channels to be delivered with vastly improved picture and sound quality. Digital switch-over will also free up valuable spectrum capacity for a range of next-generation communications technologies, including wireless telephony and broadcasting services.

This bill makes the necessary amendments to the existing legislative framework to ensure a smooth, well-managed transition to digital-only television for the benefit of all Australians. I know that Senator Ludlam has raised a number of issues around community television. While I am not able to reveal all of the information that I think he would like, I assure him that the government recognises the important place that community TV holds in the Australian media landscape. This bill aims to set in place the framework by which the government can achieve digital switch-over in keeping with the original legislative framework. It is not intended to provide a pathway for community television to switch to digital.

The previous government's Digital Action Plan provided no firm pathway for transitioning community TV from analog to digital. Unlike the previous government, the Rudd government is committed to ensuring that community TV has a future in digital broadcasting. We have actively engaged with the community TV sector on this issue. Community TV's representative body, ACTA, has a representative on the Digital Switchover Taskforce Industry Advisory Group. That is how seriously we take the role and importance of community television—we have included them in the process.

In the interim, I note that most digital televisions in Australia are capable of receiving analog services, including community television, and also that analog televisions that receive digital through a set-top box can continue to receive analog community television. But, again, to reassure the Senate, community TV is an integral part of Australian broadcasting and the government is committed to its future. We have had extensive conversations. I have met with community TV as a group two or three times over the last 12 months and with individual stations on a number of occasions. I have writ-

ten to the Western Australian Premier, the Queensland Premier and the South Australian Premier to assure them that we will be delivering a pathway to the community television sector and they should not consider whatever funding arrangements they have in their own states as something that should be withdrawn on the basis that there is no future. So I have taken concrete steps to reassure Western Australia, South Australia and Queensland, where there have been a number of difficulties over the last 12 months or so—not so much in South Australia, but they are a fledgling organisation. I have spoken with a number of premiers and ministers directly to reassure them that there will be a transition path for community television. We take it very seriously. In fact, in the last 48 hours, I met with one of the state based community TV organisations to discuss these very issues. So our door, unlike the previous government's, is wide open to the community TV sector, and we take very seriously our obligations.

Community TV provides valuable training, valuable educational information and valuable entertainment. We do not renege from our commitment to deliver a pathway. It is complex; it is not possible to set down one national pathway at this stage. It may be that the individual states are dealt with on an individual basis because the available amount of spectrum in some areas is limited. In Perth—as I am sure you are familiar with, Senator Ludlam—they actually have a surplus of spectrum. It is an easier solution, ultimately, for community television in Western Australia than in, say, Brisbane. There are complex issues and competing claims. A whole raft of issues were shoved under the carpet by the previous government, who were interested not in finding solutions but in bumping them off and moving them somewhere else so they could flog off spectrum to the highest bidder, and they did not really

care what happened to community TV after that. That was a very active consideration. Well, that is not the approach being taken by the Rudd government.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator MINCHIN (South Australia) (10.43 am)—by leave—I move opposition amendments (1) to (3) on sheet 5665-revised together:

- (1) Schedule 2, page 4 (after line 13), after item 3, insert:

3A Clause 2 of Schedule 4

Insert:

minimum analog switch-off readiness criteria has the meaning given by clause 5G.

- (2) Schedule 2, page 5 (after line 32), after item 4, insert:

4A At the end of Part 1 of Schedule 4

Add:

5G Minimum analog switch-off readiness criteria

- (1) The Minister must, by legislative instrument, determine *minimum analog switch-off readiness criteria*.
- (2) The Minister must make a determination under subclause (1) within 6 months of the day on which this Act receives the Royal Assent.
- (3) A determination made under subclause (1) must include criteria against which the television broadcasting services in each local market area can be objectively assessed, to determine whether the following objectives can be met:
 - (a) that the transmission of broadcasting services should achieve the same level of coverage and potential reception quality after digital television switch-over as was achieved by

the transmission of those service in that area prior to switch-over; and

- (b) that all households which received free to air television coverage in analog mode should be able to receive the same level of coverage after switch-over; and
- (c) that adequate measures have been taken to assist household readiness for analog switch-off, as indicated by household take-up of equipment capable of receiving digital terrestrial free to air television transmission and awareness of analog switch-off and of methods to convert to digital.

Assessment against readiness criteria

- (4) In relation to each local market area determined under paragraph 5F(1)(a), the Minister must cause a report to be prepared assessing the local market area against the minimum analog switch-off readiness criteria.
- (5) The Minister must cause any report prepared in accordance with subsection (4) to be published on the department's website not less than 6 months prior to the time determined for that area to become a digital-only local market area.
- (6) If a report prepared under subsection (4) discloses that the readiness criteria have not been met for a local market area, the Minister must cause to be published, within 30 days of the publication of the report, a plan to ensure that:
 - (a) the criteria are met by the time determined for that area to become a digital-only local market area; or
 - (b) the time determined for that area to become a digital-only local market area is extended until the criteria are met; or
 - (c) each of the national television broadcasters and commercial television broadcasting licensees for the local market area and the Digital

Switchover Taskforce notify the Minister in writing of their agreement that the time should not be varied.

- (3) Schedule 2, page 5 (after line 32), after item 4, insert:

4B At the end of Part 1 of Schedule 4

5H Reports on transmission blackspots

On the first sitting day of each House of the Parliament after each 1 January, 1 April, 1 July and 1 October after the making of the first determination under subclause 5G(1), until 1 September 2014, the Minister must cause a report to be laid before each House of the Parliament containing the following information:

- (a) action taken to identify and rectify digital transmission infrastructure that would otherwise prevent the transmission of free to air television broadcasting services in SDTV digital mode in any area achieving the same level of coverage and potential reception quality as was achieved by the transmission of those services in analog mode; and
- (b) the local market areas and regions where digital transmission issues have been identified and how many households will be affected.

We heard from the minister in his second reading speech an outline of the problem that we want to address. The trouble with the government's approach to this—and remember that the view about the need to switch over is essentially bipartisan—is that it is very much one of: 'We know best. Just take us on trust and she'll be right.' You have to remember that the government has now announced that it is going to be regional and rural Australia that are going to be switched off first, leaving metropolitan Australia for last. We understand that; we are not objecting to that. We are saying to the people of regional and rural Australia that, in 12

months time, they face the loss of their analog signal, but the government is saying to them: 'We're going to switch it off regardless. We're not going to pay any attention in fact and explicitly to whether or not everybody in an area has the capacity internally to receive a digital signal or indeed whether there are transmissions difficulties. Just trust us; take it. We're just going to switch it off.'

We are not prepared to support that sort of approach. This is all about the viewers. What is this about? It is about enabling viewers to get better TV. I have Fox iQ2—no doubt the minister has as well. It is fantastic; I agree with you—digital TV is brilliant.

Senator Conroy interjecting—

Senator MINCHIN—Well, I encourage you to do so, Minister. It is fantastic. But it is viewers that we are concerned about here. It is about their capacity to enjoy better television. What is the point of saying, 'We're just going to switch off regardless,' if 25 or 30 per cent of the viewers in a particular area do not have the equivalent and are not able to receive a signal?

In some ways we are trying to save the government from itself. This will be a calamity for the minister and for his government if there is an unsuccessful switch-over in a particular area. I can assure the minister that in regional South Australia, which is also targeted for switch-off before the next federal election, if those in some 25 per cent of a particular area are not ready to receive digital TV, this will be a calamity for the Labor Party which we will exploit to the hilt, so I give notice of that. So in some ways we are trying to save the government from itself.

We do think that it is perfectly reasonable, proper and appropriate, in the interests of public accountability, for the government to indicate that—and to be so required by virtue of our amendments—it will establish the preconditions for switch-over in a particular

area. We are not being as prescriptive as Free TV; we do accept that, while we support the sentiment of Free TV's approach, we are not seeking to be as prescriptive as they were. We are really saying to the government that it ought to have, as a matter of course, some criteria which it believes need to be observed before a switch-over actually takes place, that these criteria should be published and that measures should be put in place to ensure that any particular region meets those criteria. Where it is clear that they do not, the government should indicate how it is going to get to the level of readiness that we believe the government should set in place.

In many ways these amendments are about requiring the government to take the actions that are necessary to ensure that a region is ready. If the government has, by virtue of these amendments, a requirement to meet certain readiness criteria, then the government will have the incentive to make sure that a region is ready. Otherwise there is no incentive whatsoever for the government to do so and the government can just *carte blanche* turn off an area without anyone having recourse except perhaps by the political consequences. I wonder whether those opposite are even concerned about that. We have noted that most of the region has been put off into the next term, when, as I pray, we will be in government in any event. But we think there should be an incentive in this bill for the government to take the requisite action.

As I said in my speech in the second reading debate, it will be incumbent on the government to provide in the next budget funding to ensure that disadvantaged Australians have financial assistance to acquire the relevant equipment and that there is financial provision for self-help transmitters, particularly in regional and rural Australia, which the government is targeting as the first area to lose the analog signal. So we believe these amendments will help to provide the incen-

tives that the government should have itself to ensure that regions are ready. Otherwise, in the absence of our amendments, so in the absence of support for these amendments, there is no incentive whatsoever for the government. It can just simply do the switch-off.

As I have said, the bottom line here is that we are being expected to take the government on trust in relation to this switch-over. We are not prepared to do that. We do not think that is appropriate. We think that the consumers, the viewers, of TV signals are what matter here, not just a headlong rush to switch over regardless. We do accept the rationale that you do have to have a timetable, as it is human nature—and I accept this—that unless there is a deadline people will be reluctant. But these amendments put the onus on the government, on the regional and rural broadcasters, on the commercial broadcasters and on the national broadcasters to ensure that they maximise the take-up. I was with the minister at the launch, and I think the broadcasters are putting a huge effort in and I commend them for it. But it is also incumbent on the government to encourage the take-up. We believe that our amendments will ensure that the government has the requisite incentives to maximise the take-up and to make sure regions are ready, because certainly I for one—and I speak for the opposition—do not want to see a switch-over occur with thousands upon thousands of Australians completely losing their television reception. There is a very real risk of that happening if our amendments are not passed.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (10.49 am)—There are no specific criteria in the bill for which the minister must have regard when varying a switch-over date in a particular market. This is consistent with the existing legislative framework as currently the government has no specific criteria to address before making

regulations to extend the simulcast period. The success of the switch-over program is dependent on two factors. I actually agree with almost all that Senator Minchin had to say on the importance of government stepping up to the plate. The government has a very comprehensive program and that will be starting to be rolled out. You will get a demonstration of it in Mildura, and you will see exactly what the government is prepared to put on the table to ensure that nobody ends up without a TV signal.

I know that Senator Minchin is kindly offering the olive branch to ensure that we do not plunge ourselves into an electoral defeat. That is very kind of Senator Minchin. I am not sure I can take him too seriously though; I am really not. That means I do have to question the motive behind the amendments, because I am sure it really is not to save us from ourselves. This government is committed to ensuring that no-one's TV goes blank. That is why we will have a comprehensive information package and advertising campaign and a support package. All of these things will flow from the parliament passing this bill. But this is where I would disagree with Senator Minchin, although I should not say 'disagree' because he does concede the point—human nature is human nature. If we take away the incentive for other stakeholders to step up to the plate—and let us be clear that they have demonstrated over seven to eight years that they have been unwilling to step up to the plate—then no amount of government advertising by itself and no government program by itself will succeed in ensuring that the switch-over is a smooth transition. As I said, these amendments take us back to the future. They take us back to where we were under the previous government: all good intentions—and, as Senator Minchin has indicated, this is basically bipartisan—but no action, no commitment and no drive.

We have the Freeview box being launched because this government set a deadline. We have a commitment from the stakeholders to deliver on switch-over because this government set an unequivocal deadline. To now take the backward steps of removing that deadline—which is what this would do—would truly return us to providing an incentive for slothfulness.

Senator Minchin raised a very important point—as did Senator Macdonald—about black spots. ACMA is conducting an extensive analysis of black spots across the country. To put it simply: with analog TV, as the signal gets weaker, you get the ‘snowy effect’. Senator Williams, I am sure you are familiar with what I am talking about. On the other hand, with digital TV you get what they call the ‘cliff effect’—you either get it or you do not. It really is like that. So there are very legitimate issues that need to be pursued.

This bill is a key part of driving everybody to be honest about wanting to get those problems solved. If the amendments are passed, it will significantly reduce the incentive for key stakeholders to participate in identifying the black spots to ensure that people in rural and regional Australia do not actually get cut off. While I believe that Senator Minchin is well intentioned in seeking to move these amendments, they will not actually achieve what he is setting out to achieve because they essentially return the incentive to those who have not been willing to step up to the plate in the past. We will not be supporting the amendments.

Senator LUDLAM (Western Australia) (10.54 am)—The Greens will not be supporting the amendments moved by Senator Minchin. We agree with Senator Minchin’s comments about the incentives as they would align for a minister not wanting to cut off a significant fraction of an audience in an elec-

tion year, but I believe that the economic incentives would align similarly given that, with a hard deadline approaching, no broadcaster would want to be in the business of cutting off a significant fraction of its audience.

I will now go through some of the clauses proposed in the opposition’s amendments. On my reading, clause 5G(3)(a) and 5G(3)(b) essentially connote that 100 per cent of homes that have analog reception of all channels would now need to have digital reception of all channels. I think the experience overseas shows that a figure below 100 per cent is going to need to be struck. If the bar is set as high as 100 per cent then it is going to ensure that the switch-over will never happen. Clause 5G(6)(b) would essentially require a certain amount of redrafting of the bill. Clause 6A(10) would need to mirror that amendment; otherwise, a delay of greater than three months to a single local market area may not fit into the relevant simulcast period for the relevant licence area. So that is an area we would probably need to go back and have a bit of a look at. One of the major concerns for us is clause 5G(6)(c), which essentially says that the public interest matters that are set out in 5G(6)(a) and 5G(6)(b) could be set aside should commercial broadcasters and the Digital Switchover Taskforce so advise the minister. That would give us significant concern. The criteria are currently aimed at the general viewing public, and we would be pretty concerned if you could disregard that on the advice of 60 per cent of the relevant broadcasters on the DST. So we do have concerns about the amendments and we will not be supporting them. We believe that the incentives will line up to the degree that, as the deadline approaches, everyone will be on board, ensuring that no-one is left behind.

In closing, I would like to say to the minister that your support for the community

broadcasting sector is clearly on the record from the estimates hearings in October. We had this debate. The department, in its submission to the inquiry, stated a very similar line: 'We are currently considering all options.' Essentially you have given us nothing more than we had in October, which was: 'We are considering these matters. Trust us, everything will be fine.' What we are really looking for is the pathway. Will it be a single pathway nationally or will it be something that is tuned to the different demands on spectrum and so on in each of the regional areas? These broadcasters essentially get by on the smell of an oily rag and provide an extraordinarily valuable service to the public and also to the industry by way of training, so we think they should not be left behind. You are also dealing with the national broadcasters and the free-TV broadcasters at the same time, so I understand why the community broadcasting sector might wind up 15th or 16th on your list of priorities. But we need to see it prioritised and a clear pathway set so that we can go ahead with confidence.

Senator MINCHIN (South Australia) (10.58 am)—I am shocked and horrified at the way Senator Conroy has so blatantly misrepresented the coalition's position on this matter. Senator Conroy has the audacity to suggest that our amendments effectively remove the deadline in relation to digital TV. Well, of course, they do not. The deadline has been set and it is not a feature of this particular amending bill at all. We accept the deadline of the end of 2013. This bill does not have any effect on that. The bill itself does not set any deadlines. What the bill does is give the minister the remarkable and extraordinary power to decide for himself when the analog signal will be switched off. That is what we have to remember. This bill gives the minister a remarkable power over the daily lives of millions of Australians who, as we know, rely on free-to-air televi-

sion for their entertainment to the extent of hours every day. It is particularly important in rural and regional Australia, where there is less access to metropolitan entertainment. Their TV signal is vital to their daily lives. The minister, through this bill, is seeking to acquire the extraordinary power to decide for himself when he will switch off their analog TV signal. The bill gives him the power to do that regardless of the state of take-up of digital TV equipment and regardless of the state of the infrastructure required to send the TV signal to their homes.

The Senate is being asked by the government to take the government entirely on trust on this matter. We do not think that is at all appropriate. Remember, and I say this pointedly to the Greens, this bill does not set the particular time lines. The minister has circulated the indicative timetable for the switch-off between 2010 and 2013 that he might or might not follow. Who knows? That is entirely a matter for the minister because the bill does not require that in any way. The minister could switch us all off whenever he likes under the amendments that we are being asked to agree to today. That is why we believe the Senate should impose on the minister some criteria that he should publicly be held accountable to the switch-off.

Remember, these amendments came to us primarily from the people with the greatest vested interest in moving to digital, and that is the commercial and national broadcasters. They do want to move to digital; they do not want to keep paying for simulcast. They do want to end the analog signal, but they do not want their viewers watching a blank screen. They want to make sure that their viewers can, in fact, watch television when the minister decides of his own volition that he is going to switch off the analog signal. What we have done is not go quite as far as the broadcasters would want in relation to these amendments. We have compromised.

We have modified our amendments. But we do think the broadcasters are right in that the minister should have imposed on him some criteria that will guide him in this remarkable power to be granted to him by this bill to just decide, whenever he likes, to switch off a particular area.

I am a bit surprised by the Greens not wanting to support these amendments. I did not quite understand the logic or the consistency in relation to the Greens comments. I am surprised because the tone of the Greens comments is that they actually do not care if, in fact, the minister switches off the analog signal somewhere and thousands upon thousands of viewers are no longer able to watch television—and that could well be a consequence of this.

Senator Ludlam expressed surprise at 5G(3)(a) that we should have the objective that the transmission of broadcasting services should achieve the same level of coverage and potential reception quality after digital television switch-over as was achieved by the transmission of those services in the area prior to switch-over. I would have thought that was absolute common sense. I would have thought any government should have that as a fundamental precondition to switch-over, and that is certainly what the broadcasters are saying to us. They have the strongest interest in switching over but they are also saying—and we entirely agree—that this parliament should be setting as its fundamental floor plan that, if you currently get TV signal analog, you should be able to get a digital signal when the switch-over occurs.

I am amazed that the Greens do not support that proposition and that they are apparently happy if thousands upon thousands of people are watching a blank screen after the minister switches off their analog signal. But, quite inconsistently, the Greens then say, 'Oh, but we are concerned that in 5G(6)(c)

there is a mechanism by which, if the broadcasters, the government and the Digital Switchover Taskforce believe that there are significant reasons why, even if the criteria are not met, a switch-over can occur.' We have put that in, and we have done that again in consultation with the broadcasters. We think that is sensible. But it seems very odd to criticise that, while at the same time criticising there being any criteria whatsoever in the first place. How can you possibly criticise a safety valve in relation to the criteria if you do not agree with the criteria in the first place? I do not really understand the Greens comments on our amendments, and I do not understand why they are not supporting them. I express my great disappointment with that.

I again remind the Greens that this minister is seeking a remarkable and extraordinary power to decide for himself when switch-over will occur. As I said, the timetable that has been distributed is entirely the minister's plaything. He can decide whenever he likes. He does not have to stick to that timetable. This bill does not require him to stick to that timetable. The minister has entire freedom under this bill to switch over any area whenever he likes. It is a remarkable power, and he has no criteria to be held account to. We do not think that is good enough. We are not prepared to take the government on trust, and I would urge the Greens and others—the crossbench senators—to support our amendments.

Senator WILLIAMS (New South Wales) (11.04 am)—I have a question for the minister. Looking back over the years at mobile telephone signals, the analog system was very good. The previous Labor government shut it down and gave us all the kind words about how there would be a very strong signal from the GSM digital system for country, rural and regional Australia. Of course, the new system was absolutely hopeless. Thank

goodness the coalition was elected to government in 1996 and brought in the CDMA signal. That was far better.

Minister, going on the previous history of shutting down analog and bringing in a new system, can you give me a 100 per cent guarantee that, with this new system, no regional or rural area will be worse off as far as signal strength and television reception go? Can you give us a 100 per cent guarantee that you will see that those are in place before you shut down the analog system, which is a most effective system in rural communities?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (11.05 am)—I will respond briefly to Senator Williams' comments: that is the government's objective; that is what we are working towards. I think Senator Birmingham, who has followed these issues for quite a period of time, acknowledged that Mr Andy Townend, who designed the program in the UK, is now designing ours. If you look at the success of the program so far in the UK, you will see that, if we follow through on all the things that we are talking about, we will deliver that outcome. That is what we intend to deliver. I cannot be clearer than that. That is what we intend to deliver.

Senator Williams, if the opposition amendments remove one of the key struts, which is that we cannot deliver this by ourselves—more than their cooperation, we need the active support and desire of the free-to-air networks to come on board—you will actively undermine the very thing you say that you are concerned about. Senator Minchin correctly identified that human nature is human nature. If you give people an economic incentive to go slow, they will go slow. What these amendments do is give them the incentive to go slow. You will be

responsible for undermining the programs that we are going to continue to roll out, to deliver and to guarantee. You will be undermining that guarantee if you succeed with your amendments.

Senator WILLIAMS (New South Wales) (11.07 am)—Last time I looked, Minister, the UK was a considerably smaller country than Australia. This is my exact point. I am not playing politics; I am being deadly serious. I saw what happened with the analog phone system when rural and regional areas were done over big time. If there had not been a change of government, those areas would still have been on a GSM network—a network where, if you were not standing under a tower, you would not have a signal. On behalf of those people out at White Cliffs, Wilcannia and the back of Bourke that just happen to grow the nation's food to keep us fed and alive—if they are not putting it down for trees—I am seriously asking whether you can provide a guarantee. Surely you cannot blame the global financial crisis for what we are doing regarding broadband in this system here. Can you give these people a guarantee that before those analog systems are turned off, they will have an equivalent service on their televisions?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (11.08 am)—That is exactly what we are intending, Senator Williams. I know that you are genuinely concerned, but your amendments will actually undermine the achievement of that guarantee. That is what will happen because you will actually withdraw key incentives to go forward. And just as it has been for the last seven years, where regional and rural Australia has not been getting all the services that the city has been getting, you will lock people into that for longer.

Senator XENOPHON (South Australia) (11.08 am)—I have followed this debate and I would be grateful to get comments from the minister on this, but my understanding of the opposition's amendments is that they do require a level of consultation: it will be through a disallowable instrument. I know that there is a concern, in regional South Australia in particular, that people could be prejudiced with respect to this, and I note Senator Conroy's comments that the switch-over must occur and that it must occur as quickly as possible. My understanding of the opposition's amendments, however, is that their principal purpose is to require readiness criteria to be the subject of consultation with communities, and that it would still be a disallowable instrument. If the criteria are reasonable, I cannot see what harm it would do. So I am inclined to support the amendments, but I am more than happy to listen to the minister's argument.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (11.10 am)—I will work on the basis that you did say you were following this debate. For seven years, without a firm date and with nothing more than good intentions, nothing happened. For seven years, Australia fell behind the rest of the world, and we are now a bit of an international laughing stock because we have fallen so far behind other countries. There is a very simple reason for that: because of the games being played over seven or eight years by the commercial networks. The commercial networks originally did not want this to succeed at all. They sat on their hands. They did not even deliver an electronic program guide on their digital channels until just before the last election because they did not want this to succeed.

This government came in just over 12 months ago and said that enough was enough. We said to them, 'We are setting a

deadline and we are moving towards it. What are you going to do to help us achieve this?' Since that point they have taken the bit between their teeth and worked hard. They have committed resources—both in direct monetary sums and in the advertising campaign that you have seen launched just recently—and they are working hard. However, they have also gone back to their old games, despite saying that they are comfortable with the timetable, and despite being involved in every single consultation. If you would like, Senator Xenophon, I can get you the list—and it is lengthy—of all of the organisations involved in the consultation process. There were many meetings, and they agreed on a timetable. But despite Free TV sitting in the room and saying, 'Hey, we agree,' they have then gone back to their old games. You might even have seen some commentary in the newspapers last week where one TV executive said, in effect, that they were not going to cooperate with this unless they received a guarantee that the fourth TV network was off the table. That is what this is about.

So they have gone around with some very benign looking amendments that, if passed, would effectively sabotage all the good work of the last 12 months, and undermine the confidence in the market of people to buy TVs. As soon as you send the signal that it is flexible and that it is not really a deadline, people will slow down their purchase of TVs and set-top boxes, and the content provision, which is key to driving the uptake, will be able to be deferred again. You only have to read the comments of those executives in the newspapers last week where they said, 'If we do not get what we want on this, we are not going to cooperate.' This amendment, while not the exact position that has been advocated by Free TV, delivers the same substantive outcome as is being sought by Free TV. They want to drag their feet, increase the

pressure and ensure that there is no firm switch-off date—notwithstanding that they were in the room and agreed to the timetable. They have agreed to the regional rollout but, at the same time, they are asking for more concessions from the government. They want more commitments on future spectrum allocations and on contributions towards future costs. Unless they get them, they will keep trying to play with the process. I would only urge you to understand that this negotiating tactic is being used to slow down and undermine the process to ensure that we do not make the progress that is needed. But as soon as you pull away the strut which is, ‘Hey, you have to do this,’ you will slow down the uptake of purchases and the uptake of content being rolled out—because they will have won the first stage.

I urge you to consider this in the macro. This amendment seems very benign and very reasonable, but there has been extensive consultation. I can get you a full briefing on all of the consultation, the individuals involved and the agreement around the table to go down this path. Yet, notwithstanding reaching that agreement, one of the stakeholders has then gone out and sought to undermine it because they have a very significant economic incentive to do so.

Senator XENOPHON (South Australia) (11.15 am)—I thank the minister for his answer. I understand that Free TV’s position was, ‘Don’t do the switch until you get to a 95 per cent threshold’, or something like that. That is clearly absurd. I agree with the minister that that would clearly sabotage the process, and I understand that. But there are two parts to this amendment. The first part relates to the minimum analog readiness criteria. Does not the minister have a fair degree of room in the context of those criteria if the criteria include a process of consultation, particularly in remote or regional areas, so that you still have that fair degree of

flexibility? The second part, which I have strong views on, is the reports of transmission black spots. That does not impede what the minister is concerned about, because if there are points of transmission black spots, then that is a degree of accountability in terms of what is happening. Perhaps that is a question for the shadow minister, Senator Minchin. You say that it looks benign; if it looks benign I usually work on the premise that it is benign—

Senator Conroy—It’s a cunning plan!

Senator XENOPHON—‘It’s a cunning plan!’ I do not know if that is a compliment of Senator Minchin or not.

Senator Minchin—It’s a slur!

Senator Conroy—He is a very cunning person!

Senator XENOPHON—I have heard Senator Ludlam’s comments and I note the enormous amount of work he has done in this area. If it is not benign, how is it particularly sinister, and does the government concede that reports on transmission black spots would be a genuinely helpful mechanism to keep the industry on its toes?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (11.17 am)—You have identified two different aspects of it. The first aspect is the reporting plan. As I said, that is very cunning; it looks very benign. The issue, as I described it previously, is that it actually will undermine the rollout, which I do not think is the intent, to be fair. I think that it seems very benign. The second issue is the black spots, and that is a very legitimate point. As I have indicated in a couple of the comments that I have made already, we do have a program that ACMA is conducting. I am more than happy to provide a full briefing of where that is at to anybody who is interested in it, because this is an absolutely legitimate issue.

I again indicate to you the complexities of this challenge. The transmission black spots can only be identified with the cooperation of the free-to-air networks. As you can imagine, if you remove the incentive, as the first part of this seeks to do, you again undermine the capacity for everyone to be straight up. We are more than happy to provide full briefings and ongoing information about how the black spots are being identified and what we are doing to work with the free-to-air networks to solve them. I have no problem at all with doing that, and I am sure that we could find a mechanism without having to go down this particular path to achieve the objective that you are concerned about. I am happy to engage in a conversation with you, and I offer that to Senator Minchin as well. This is a genuine issue where there are genuine technical complexities. But, again, those complexities will be made worse if these amendments are passed because what they are about is giving leverage in a debate. Let me be clear about this: there is a great desire for the expenditure of money to solve some of these problems, and it would be fair to say that some stakeholders would prefer not to spend that money themselves. They would prefer you and I to authorise the Senate and the parliament to spend that money. So there is a significant undercurrent to try to press the black spots issue so as to make taxpayers cough more money up than they otherwise would—money that should rightfully be paid by the individual stakeholders. What they are seeking to do with a benign amendment like this is create controversy so as to put pressure on the government to hand out more money.

Again, you should understand the nature of the complexities here, and I am sure you do—you have been involved in politics for a long time. Any concession on the first part that I have talked about will undermine the effect of the rollout program into the future. I

am genuine when I say that. As for the second part, I am more than happy to provide more information on transmission information to you and to sit down and work out how we can provide more information to ensure that we are addressing these issues. As I am sure you would understand, any minister for communications who went to his colleagues and said, 'Look, I am about to switch off 20 per cent of your television screens in the area that you really care about' is not going to stay minister for communications for long. As much as Senator Minchin says that he is trying to look after my interests, I have to say that I am not convinced. If your issue is around transmission black spots information, I am more than happy to sit down and work through something that will deliver the information that you are interested in without having to go down this path. That is absolutely critical to the successful delivery of this entire program across the whole country.

Senator MINCHIN (South Australia) (11.21 am)—If I can respond also to Senator Xenophon's remarks, Senator Xenophon is absolutely right that our third amendment has no consequences whatsoever for the minister's desired timetable in relation to switch-off. All it is seeking to do is ensure the accountability of the government to the parliament for progress in relation to dealing with transmission infrastructure and black spots. This is a critical issue, particularly in rural and regional areas. Senator Xenophon and I represent the state of South Australia, which is the first area to be targeted by the minister in terms of switch-off. We think it is perfectly appropriate, given the enormous authority which these amendments give to the minister to decide for himself when an area is going to be switched off, that he should have to make quarterly reports to the parliament which, as I say, have no impact on the timetable, on the progress in ensuring the

upgrading of digital transmission infrastructure. There are a whole lot of these so-called self-help transmitters around the country that we do need to ensure can meet the requirements. I am surprised the Greens would not be seeking to support amendment (3) for that very reason, that it has no impact on the timetable, it is about accountability of the minister and of the government to the parliament and the people of Australia with respect to the state of infrastructure. As Senator Williams so appropriately said, the enormous difficulties that rural and regional Australians had with respect to mobile telephone reception should remind us that if we want to reassure Australians that the government is taking their interests into account and ensuring that everything possible is being done to ensure that they can continue to receive a television signal once analog is switched off, this sort of information being provided to the parliament is appropriate and proper. I am amazed that the government has any difficulty with this amendment whatsoever.

In relation to the remarks the minister made in responding to Senator Xenophon, he seems to be setting up this straw man of the big, bad, nasty broadcasters. It was a remarkable attack upon Australia's free TV broadcasters, who I think do a great job providing to Australians probably the best free-to-air television in the Western world. I am surprised by the slur he is casting upon them. To suggest that they do not want this to succeed I think is wrong. They do not want to pay for a simulcast for one day longer than is necessary. Of course they want to end the simulcast period. I think this is a straw man which the minister is setting up. Quite naturally the minister does not want any constraints whatsoever on the enormous power he is to be granted by this bill to decide for himself when a switch-over will occur. I understand. When you get into government you like to be able to act without any constraint

from the parliament; I have been there and done that. But I think it is appropriate that the parliament does place some accountability measures on the minister in respect of the very great power that he is asking the parliament to give him in relation to the switch-off of analog. As I say, the broadcasters issue is a straw man. What we are concerned about is what is going to happen to the viewers and we want to make sure that there is not a viewer in this country who, when the minister decides he is going to switch off their analog signal, is looking at a blank screen. That is possible under this bill. We do not think that is good enough. There should be accountability measures and measures set in place with which the minister must comply before he can switch off and potentially render thousands of Australians without any TV signal at all.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (11.25 am)—Senator Minchin let the cat out of the bag then. In government Senator Minchin and his government did not support what he is now advocating. So we should not misunderstand the game that is being played.

Senator Minchin—You said we had not even got to a set of deadlines. That is just wrong. It is a straw man argument.

Senator CONROY—That is not the case at all, Senator Minchin. The act providing for switch-over dates, written by the previous government, does not have readiness criteria. Let us be clear about this. What Senator Minchin is now advocating is not something he advocated in government. Again, we should see the arguments being put forward for what they are. It is cheap political point-scoring, playing both sides of the street—not something unusual for this opposition. But we should understand that Senator Minchin is not genuine, because, if he was genuine,

he would have done it when he was in government, and he did not.

Senator XENOPHON (South Australia) (11.26 am)—I am grateful to both the minister and the shadow minister for their contributions and putting their positions forward. I can summarise my position as this. I will support the opposition’s amendments but I want to make it clear that I do so because I do have some concerns in relation to the matters that the opposition is seeking to deal with with respect to the analog switch-off readiness criteria in terms of the level of consultation and the processes involved. I note the minister’s concerns as to the impact this will have on the rollout.

The second substantive amendment relates to the reports of transmission black spots. I note Senator Conroy says that could be used as an excuse for the government to be touched up by the industry to get some more money, but I still think it is important that the whole issue of transmission black spots is out there, is reportable and is subject to public commentary and debate. The flip side of that, if I can put this to the minister, is that if there are significant black spots it raises questions as to what the television networks and channels are doing, and they should be held to account. I see it as a glass half full rather than a glass half empty amendment. So I do support these amendments. I note the government’s position. I more strongly support the transmission black spots amendment but I would like to have an opportunity to have discussions with the minister and the shadow minister, and indeed my colleagues in the Greens and Senator Fielding, in relation to the first amendment. But for the purpose of moving on with the debate I support these amendments.

Senator LUDLAM (Western Australia) (11.28 am)—The Greens restate our opposition to the first two of the opposition sub-

stantive amendments but indicate that the Greens would be happy to support the third amendment relating to black spot coverage should they be moved separately. Essentially this is an improvement in the way we would be able to interpret information and get a government response to the way that the data on the digital tracker is being interpreted by the government. However, we are not really persuaded by the arguments that Senator Minchin is putting around incentivisation. So we will be maintaining our opposition to the first two of the opposition’s amendments but we would support the third if it is moved separately.

Senator MINCHIN (South Australia) (11.29 am)—I appreciate the Greens’ indication of their support for the third amendment, while expressing my disappointment that they do not support (1) and (2). While the committee gave me leave to consider all our amendments together, I seek leave to have the consideration of the amendments split, so that we deal with (1) and (2) together and (3) separately.

The TEMPORARY CHAIRMAN (Senator Crossin)—My understanding is that you do not need to seek leave. The question now is that opposition amendments (1) and (2) on sheet 5665-revised be agreed to.

The committee divided. [11.34 am]

(The Chairman—Senator the Hon. AB Ferguson)

Ayes.....	33
Noes.....	<u>31</u>
Majority.....	<u>2</u>

AYES

Barnett, G.	Bernardi, C.
Birmingham, S.	Boswell, R.L.D.
Boyce, S.	Brandis, G.H.
Bushby, D.C.	Cash, M.C.
Colbeck, R.	Coonan, H.L.
Cormann, M.H.P.	Eggleston, A.
Ellison, C.M.	Ferguson, A.B.

Fielding, S.
 Fifield, M.P.
 Kroger, H.
 Mason, B.J.
 Minchin, N.H.
 Parry, S. *
 Ronaldson, M.
 Scullion, N.G.
 Trood, R.B.
 Xenophon, N.

NOES

Arbib, M.V.
 Bishop, T.M.
 Brown, C.L.
 Collins, J.
 Crossin, P.M.
 Faulkner, J.P.
 Forshaw, M.G.
 Hanson-Young, S.C.
 Hurley, A.
 Ludwig, J.W.
 McEwen, A.
 Milne, C.
 Pratt, L.C.
 Siewert, R.
 Sterle, G.
 Wortley, D.

PAIRS

Abetz, E.
 Adams, J.
 Fisher, M.J.
 Heffernan, W.
 Johnston, D.
 Joyce, B.

Fierravanti-Wells, C.
 Humphries, G.
 Macdonald, I.
 McGauran, J.J.J.
 Nash, F.
 Payne, M.A.
 Ryan, S.M.
 Troeth, J.M.
 Williams, J.R.

Bilyk, C.L.
 Brown, B.J.
 Cameron, D.N.
 Conroy, S.M.
 Farrell, D.E. *
 Feeney, D.
 Furner, M.L.
 Hogg, J.J.
 Ludlam, S.
 Marshall, G.
 McLucas, J.E.
 Moore, C.
 Sherry, N.J.
 Stephens, U.
 Wong, P.

Lundy, K.A.
 O'Brien, K.W.K.
 Hutchins, S.P.
 Evans, C.V.
 Carr, K.J.
 Polley, H.

* denotes teller

Question agreed to.

The CHAIRMAN—I now move to amendment (3) on sheet 5665-revised, moved by the opposition. The question is that the amendment be agreed to.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (11.38 am)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**INTERSTATE ROAD TRANSPORT
 CHARGE AMENDMENT BILL
 (No. 2) 2008**

**ROAD CHARGES LEGISLATION
 REPEAL AND AMENDMENT BILL 2008**

Second Reading

Debate resumed from 10 November, on motion by **Senator Sherry**:

That these bills be now read a second time.

Senator IAN MACDONALD (Queensland) (11.39 am)—Our transport industry is a very, very important part of Australia's internal trade and of what makes us such a great nation. The fact that we can have trucks and carrying vehicles moving freely throughout the country helps our economic position and helps many of the small business men who are involved in the trucking industry. These bills before the parliament today are of fairly great significance to Australia's economy. The Interstate Road Transport Charge Amendment Bill (No. 2) 2008 and the associated bill, the Road Charges Legislation Repeal and Amendment Bill 2008, are the matters in discussion today.

The first bill, the Interstate Road Transport Charge Amendment Bill (No. 2) 2008, permits the making of regulations to apply new registration charges to the five per cent of heavy vehicles registered under the Australian government's Federal Interstate Registration Scheme, which I will refer to hereafter as FIRS. These new charges were agreed by the Commonwealth, state and territory ministers at the Australian Transport Council in February this year. The states and

territories have already implemented the charge schedule on heavy vehicles under their registration systems. That means that 95 per cent of Australia's heavy-vehicle fleet is already operating under the revised registration schedule. The first bill, the Interstate Road Transport Charge Amendment Bill (No. 2) 2008, updates some of the definitions contained in the original act, establishes a disallowable charge-setting mechanism based on regulation and stipulates a table of charges or an annual adjustment process.

The FIRS provides an alternative to state based registration for heavy vehicles weighing more than 4.5 tonnes and is designed to provide uniform charges and operating conditions for heavy vehicles that carry interstate goods exclusively. Currently, slightly more than 21,000 heavy vehicles in Australia are registered under the FIRS. In the case of the ACT, locally registered trucks are subject to the Road Transport Charges (ACT) Act. That act applies charges that are calculated on the same basis as the trucks registered under the FIRS. In the ACT, there are some 2,550-odd trucks that are locally registered, of which 91 per cent are rigid. This means that the majority of the ACT-registered truck owners would see their registration fees go down if the ACT were able to apply the new charges agreed by the Transport Council. Moreover, in spite of limited application to the FIRS for Australia's heavy-vehicle fleet, the coalition does recognise that the scheme not only promotes regulatory consistency solely involved in interstate operations but also provides some competition and discipline in the heavy-vehicle industry. In the other chamber, the shadow minister for trade, transport, regional development and local government, Mr Truss, spoke at some length about this bill and indicated as I now do that the coalition will not be opposing the first of these two bills.

The second bill, the Road Charges Legislation Repeal and Amendment Bill, does two things. It repeals the Road Transport Charges (ACT) Act so that the ACT may set its own heavy-vehicle charges. We believe that the ACT should be free to make such decisions, and we support that element of the legislation. The second part of the bill, though, relates to a different issue, and amends the Fuel Tax Act 2006 to implement a road user charge at the rate of 21c a litre from 1 January 2009. The road user charge is levied on the basis that the costs arising from the industry's use of the road system should be recovered. Both the trucking industry and the coalition accept this in principle, but what is important is that the amount being levied is seen to be fair and that it is spent on roads.

Motorists and the trucking industry currently pay 38.14c in tax for every litre of fuel they purchase; however, the trucking industry may claim a partial rebate under the Fuel Tax Act. This act sets for the heavy vehicle sector a road user charge which is intended to cover the costs attributable to the industry's use of the road system. Trucking operators receive through the tax system a rebate of the difference between the fuel tax they pay at the pump and the road user charge. The road user charge is currently 19.633c per litre; the rebate is, therefore, 18.510c per litre. Should the road user charge be set at 21c a litre, the rebate will only be 17.143c per litre. This increase is the result of a decision by the Australian transport ministers earlier this year to support the National Transport Commission's fourth heavy vehicle charges determination, a set of charges levied upon the heavy vehicle industry based on the principle of cost recovery for the roads.

The government has also attempted to implement this tax increase before. Senators may recall that in March this year, when in-

roducing the Interstate Road Transport Charge Amendment Bill 2008, the Minister for Infrastructure, Transport, Regional Development and Local Government flagged the intention of the government to implement a new heavy vehicle determination and increase the road use charge from 1 January 2009. He also stated the road user charge was to be indexed annually to the same road construction formula that was to apply to registration charges. The coalition is concerned that this was an attempt by the Rudd government to reintroduce indexation of the fuel excise. You will recall that, after years of Labor government indexation of fuel prices—it was introduced by Mr Keating—the indexation was abolished by the coalition in 2001. Our opposition on this matter has not changed; we remain opposed to fuel excise indexation on fuel. That is why, with regard to that road user charge, the opposition here disallowed the regulation made under the Fuel Tax Act in May of this year.

In this bill, the government has removed the link to indexation. The Road Charges Legislation Repeal and Amendment Bill 2008 would repeal the relevant section of the Fuel Tax Act and add a new subsection which would set the road user charge at 21c per litre and enable the government to make regulations at other times that may be prescribed. This would be a disallowable instrument. We acknowledge that the government has made this change and we think it is quite a constructive improvement. Industry, however, remains concerned about the manner in which the National Transport Commission develops the road user charge. Its consultation process appears flawed and it refused to disclose to the trucking industry much of the data and the model it used to develop the charge. The coalition is concerned that the government has also linked these bills to the implementation of its announcement of a \$70 million, four-year,

heavy vehicle safety and productivity package.

We call upon the government to stop this tactic of blackmail, which seems to be much in vogue by the government these days. In the education bill we just dealt with, the government used what were effectively bully-boy blackmail tactics. It seems to be the case for this heavy vehicle safety and productivity package as well. To threaten to block the \$70 million package, inadequate though we think that is, should these bills not be passed, is pretty grubby politics and harms the safety of those who work on our roads. It suggests that the government is more interested in collecting taxes than in industry productivity and safety. Governments collect huge revenues from taxes on motorists and the transport industry. More of that money should be allocated for roads. New tax increases are not in themselves required.

There are no performance benchmarks in the package. There is nothing, for example, that stipulates how many roadside facilities will be built. How can truck operators be sure that they will get the benefits being traded for these increases in the road user charges? Likewise, the government does not link the new charges to the obligations of the states to deliver their promises to harmonise transport regulation. It is unknown what the government is doing about the appalling failure of the states to implement cross-border changes to the rules which so impede the development of an efficient, cost-effective national road system. Labor said when it was elected to office that, because there would then be wall-to-wall Labor governments around Australia, they would fix these interstate inconsistencies and state differences. In transport reform, the Rudd government has failed dismally, and it is not allowing another opportunity to deliver these reforms at this time. These are key weaknesses of the bill before us in that they do not

address the fundamental problems of regulation reform.

Because of that, the coalition will be moving a number of amendments relating to confirming that under no circumstances can the government consider an indexation element to the increases in the road charge in the future. We are agreeing with the increase from, effectively, 19-odd cents to 21-odd cents, because we believe that that additional money can be put to very good effect. Unfortunately, the bill does not carry through and say that, so we are going to be moving amendments to address those issues. At this stage I do not want to take too much time of the Senate in this debate on the second reading speech. Suffice it to say that, as I mentioned earlier, we want to ensure that indexation is never a possibility. We then want to ensure that the additional money recovered goes to at least an average of 50 additional heavy vehicle rest areas per year for the next four years. We want to make sure that the rest areas are appropriately constructed.

We want to link these increases as well to substantial harmonisation in state and territory transport regulations. I know some of my colleagues will be mentioning some of the huge inconsistencies there are between the different states at the present time which cause a lot of difficulty for the transport industry. We also want to ensure that, when the government does consider increasing the excise in the years ahead—and it will not be able to do that by indexation; we are determined to put a stop to that—there is proper and appropriate public consultation. Our amendments will deal with how that consultation should proceed, and we want to make sure that the transport minister has regard to those submissions when considering the issue. I will, of course, speak in more detail about that during the committee stage of the bill.

Before I conclude I want to mention briefly another issue which will play havoc with the Australian road transport industry, as well as with all of those ordinary Australians who travel interstate in the course of either their business or, perhaps more importantly, their holidays. That is the stupid proposal being put forward by the Bligh Labor government in Queensland to ensure that a new system is put in place so that New South Welshmen and other Australians cannot temporarily receive the benefit of Queensland's lower fuel prices—because Queensland, you might recall, has never had a fuel tax. That is something for which we can give thanks to the Bjelke-Petersen and Chalk governments and other Liberal-National Party governments in past years in Queensland. It has been followed by the Labor government. There is no fuel tax in Queensland, so our fuel should be eight cents a litre cheaper than that of others. And that has been the case for some time.

As you can imagine, as you get closer to the border, New South Welshmen slip over the border to fill up in Queensland because they can get cheaper fuel there. To address that, the New South Wales government had sort of a series of incremental fuel taxes as you went to closer to the Queensland border, so that New South Welshmen and businesses up in the north of New South Wales would not be unfairly disadvantaged—so that they would not have a competitive disadvantage when competing with Queenslanders in that South-East Queensland, north-east New South Wales section of our country.

The current Labor government in New South Wales is just appalling. Everyone knows just how hopelessly incompetent that Labor government has been with its financial management—even more so than the Rudd Labor government is demonstrating that it is at the current time. That is accepted by all sides of this chamber at the present time. But

without thinking of what it would do to businesses and people in the north of the state, they have just cut out all of those incremental increases. That means that businesses and people in northern New South Wales will be competitively disadvantaged compared to those of us who live in Queensland and have a cheaper rate of petrol. That clearly was not thought through by the New South Wales Labor government and is just another example of their complete mismanagement of their economy—typical of all Labor governments.

What is the Queensland government going to do to stop those horrible New South Welshmen slipping across the border and getting our cheaper petrol? We are all going to get a bar code on our licences so that, when we Queenslanders go in to fill up with fuel, we will swipe our cards and, if we have the right bar code—providing we have remembered to bring our licence with us, and a lot of us do not travel with our licences—we get our petrol at the cheaper price. But, if we are New South Welshmen, if we are truck drivers coming through delivering goods to Queensland, if we happen to have forgotten our licence or if we work for someone who has company vehicles and we do not leave our licence there, then we will have to pay the dearer price of petrol. And I understand, from the Queensland position, you will not be able to get a refund at all.

But the real problem is this new system being introduced by yet another Labor government—this time the Queensland Labor government—which will mean an enormous impost on independent fuel sellers. We have heard all the fine speeches during that debacle of a Fuelwatch program put up by the federal Labor government about how we want to promote competition. This proposal by the Queensland Labor government will stifle competition. Sure, the majors, the big fellows, the chains will be able to afford the

\$40,000 that I understand it is going to cost every service station to put in this card-swipe thing, but the independents, the little people, will simply not be able to afford the \$40,000. They will therefore go out of business, and that will mean less competition in the fuel business in Queensland.

There is going to be more about that. There is an election coming up in Queensland. The Labor government cannot work out whether they want to bring it in before the budget—they have got to do something because their budget is also in diabolical trouble—or whether they will leave it until after the election and hope that they scrape back in. So there will be a lot more about that. But I warn the Senate now that this is going to have an enormous impact on interstate trade. There will be privacy conditions that will be of federal relevance. There will be many issues that will need to be addressed by parliament, and I just want to alert the Senate to that impending bungle and stupidity from the Queensland Labor government at this early stage.

Senator WILLIAMS (New South Wales) (11.59 am)—I would just like to have a brief talk on this whole road user charge. To support what my friend Senator Macdonald has just said, New South Wales really is becoming a farce. We have seen the extra cost of fuel in New South Wales; that is just one of the reasons why up to 500 people a week move from New South Wales to Queensland. Yet what did we see at the last federal election? Where New South Wales used to have 50 federal seats, we got reduced to 49 seats. We had the seat of Gwydir, the seat of the former Deputy Prime Minister John Anderson, taken from us, and another seat formed in Queensland—the new seat of Flynn—so that Queensland went up from 27 federal seats to 28. This is typical of what is happening in New South Wales with the state Labor government, which, as Senator Macdonald

said—and as everyone around here must agree—is in complete disarray, in complete meltdown mode and is driving people out of the state.

I take your attention back to Labor's history on fuel excise. Back in 1983, when the Hawke-Keating government was elected, the federal excise was around 6.3c a litre. Of course, they were quick to introduce indexation on fuel. Putting fuel tax up is one of the Labor Party's traditional policies and they are sticking with it. When they left in 1996, thanks be to that, it was 34c a litre. The Hawke-Keating government took fuel excise from 6.3c a litre to 34c a litre. Mr Keating would say there were no new taxes or increases in taxes but, after the election, he would say, 'Throw another 5c on fuel while we are at it.' Now we have Mr Rudd increasing the road user charge on our transport industry—from 19.5c to around 21c. I must say that I am a little disappointed in the representatives from the transport industry. Although I have not been in this chamber for long, the word I have had from my friends is that during the coalition's era any suggestion of increasing the road user charge would have been a terrible idea and would face huge objection. The industry now seems to say, 'All right, we are going to pay our way; we will accept the increase to 21c.' I am disappointed in that.

I go back to the election promise of Mr Rudd: 'We will put downward pressure on grocery prices.' Where I live in country New South Wales, there are no rail lines, no rail network. Everything comes in by road. Increasing the tax on our transport industry to lead to lower grocery prices? I have yet to work that one out. It is another cost so that country communities will have to pay more for their freight. The businesses will pass the cost on to the consumer, and the ordinary Joe Blow on the street will pay for it. That is what we are facing here. Of course, indexa-

tion is the thing that the Labor Party are good at. They are trying to do it now with our transport industry—not with the CPI but some sort of cost increase each year that spits out of a computer according to how much it cost to maintain our road system. This is more cost on the very people, the truckies, who shift our exports, who keep our nation alive and who actually drive the nation.

That is what this is about today. I can assure you that the coalition will be flatly refusing any suggestion of any indexation. That is why our amendments will be there: to see that that will not be introduced. I sincerely hope that Senator Xenophon, Senator Fielding and the Greens have a good close look at this and see what we are doing to our nation, especially those who live outside the cities, those who do not have public transport and those who require fuel to transport their wheat, wool, cattle, sheep and exports. These are vital products and export dollars this nation needs. To tax them more is simply disgraceful.

We make no bones about it. Having spent a lot of time in trucks over the years myself, I know that more rest areas are required. We have these stringent regulations now where if a truckie goes past their allocated hours in their work diaries—as there are now, instead of logbooks—they face severe fines, but what a situation it is when the time is expiring in their work diary but they cannot find a rest stop or anywhere to park the truck. This is a problem especially if it is raining and you cannot just pull up on the side of the road for fear of bogging the truck and being stranded there. We will certainly be pushing for that in our amendments. We will also be pushing for some consistent driver rules throughout the states. We saw back on 29 September, from memory, new driver regulations brought in in several states around Australia. It was a crazy situation. In

Queensland, if you were working within 200 kilometres of your home base, you did not have to fill in a work diary. But in Victoria if you were within 100 kilometres you did not have to fill in a work diary. If it was 101 kilometres you did, but in Queensland it was 201 kilometres. In New South Wales, the state of red tape—well known for it under the changing premiers of Carr, Iemma and now Rees—as soon as you left home, nought kilometres from home, you had to fill in a work diary. The little delivery trucks around Sydney, delivering the milk, had to spend half a day filling in paperwork. They have put it on ice for 12 months, but these are the crazy differential regulations that drivers have to face around the nation.

There are a lot of other laws. There is the 84-hour rule instead of the previous 144-hour rule. After driving for 84 hours in a week—and of course going by the logbook rules—the driver has to stop for 24 hours. I know of situations where friends of mine in the livestock-carrying industry might have to go off to Charters Towers or somewhere to cart cattle to the abattoirs, and they will get up there and then they have got to turn the truck off for 24 hours. The truck driver just sits around in the sleeper cab or wherever. Wouldn't it be better if there were more consistency in relation to a little bit of flexibility? Perhaps they could stop for 12 hours, have a good night's sleep in the truck, load up the next day and still get on with their work. Then after 144 hours they could take their 24 hours off. The situation is crazy. It is restricting our productivity and it is costing the nation a lot of money. We will be moving these amendments today so that the government cannot have this indexation be automatic.

As I said, I have been through the history of the Labor Party's indexation on fuel and fuel costs. We know full well the National Party's stand. I remember former Deputy

Prime Minister John Anderson demanding the fuel rebate to the transport industry several years ago to relieve the cost to that industry and to help this nation be competitive against many of our overseas competitors, such as America, who have a lot less fuel tax. That is our history; we know it. We will be here to keep them honest today, and I urge the crossbenchers to have a good close look at this. This is vital legislation. As I said, the industry has conceded the 21c. So be it; they are prepared to pay their way. We will remember that later on when we are in government, and hopefully that will not be far away. That is where we stand and that is about all I have to say.

Senator McGAURAN (Victoria) (12.07 pm)—I join my colleagues Senator Macdonald and Senator Williams. I am inspired to jump up by Senator Williams. A former truck driver himself, he knows only too well the costs and the pressures upon truck drivers—made up not just of the big transport companies but of owner-drivers, median operators who own up to six trucks. This is an industry that really reflects some of the best entrepreneurial elements of the economy of Australia, of Australians. This is a fine industry. There are so many people who can make their way and build and feed their family unit via this industry, particularly the single owner-drivers. These single owner-drivers are also vulnerable to the brunt of the changes in the economy—more so now than ever—to interest rates and to costs and charges put onto them by the government. Senator Williams finely represents them in this chamber.

The Interstate Road Transport Charge Amendment Bill (No. 2) 2008 and the Road Charges Legislation Repeal and Amendment Bill 2008 are in fact, in short, an increase of the costs and charges of these drivers and the industry. It ought to be made clear from the start: this is not just legislation that increases

costs and charges on big operators, the big end of town—and some of those do make up the industry; they always have—this is really legislation that increases costs and charges on the owner-operators, who make up, I dare say, the majority of the industry.

That is why I would like to reflect on the history of these bills. In another form, not much different, they came into the parliament in February. That date is very significant because the Rudd government was elected only some three months earlier, so you would assume the cabinet met in January to approve these bills. So, just two months into the Rudd government's term, they make a decision to increase costs and charges—classic Labor. One of their first decisions is to increase the costs and charges upon the owner-operators, the truckies. What a classic Labor decision that is. What is more, they sought to bring back the old Hawke-Keating indexation of fuel. This is in January of the brand-new government's term. They did not hesitate. They returned to their instinctive nature.

Senator Williams—Upped the taxes.

Senator McGAURAN—They upped the taxes, upped the charges and indexed it while they were at it. That is what they decided to do to those working families within months of coming into government, before they had even handed down their first budget.

We should have seen the signs, Senator Williams. When they handed down their first budget in May an array of new taxes were introduced: alcopop taxes, condensate taxes, luxury car taxes and passenger movement taxes—taxes that they certainly did not announce before the election. I did not hear them announce that they were going to introduce taxes to the tune of \$19 billion before the election, Senator Conroy—I never heard that announced. But they all came gushing in from left field, literally—

Senator Bernardi—Left wing.

Senator McGAURAN—‘left wing’ says my colleague—in the first budget. It caught everyone by surprise, journalists and the parliament, let alone the people that would be paying those taxes. But we should have seen the signs very early on, because early on in the term of this government they sought to increase the costs and charges upon truck drivers of this country. It was one of the first decisions they made. That is the history of this legislation, and they have not let go.

It is now 12 months into the government's term and they are still insistent on increasing those charges. What has changed from February to now? A lot has changed. We all know the economy has changed. The Reserve Bank rushing cannot reduce interest rates quickly enough, and there is good reason for it. Consumer confidence, business confidence and investment are at an all-time low and we are feeling the brunt of the international crisis. But the government still insists on increasing costs and charges upon owner-operators. They still insist that this is necessary—because the state governments have dictated it to them, hungry for the dollar to prop up their own budgets.

This is very much state-driven legislation, and the government, who promised to eliminate the blame game, have decided to acquiesce to the states. We misunderstood the meaning of ‘eliminating the blame game between the states and the federal government’. What they meant was, ‘We won't blame each other for increasing taxes.’ That is what they meant, and this is the perfect example, because this is state and federal cooperation in increasing costs and charges. Let that be known. This is a COAG decision, a state and federal decision by the transport ministers to increase costs and charges, and they are not letting go. It first came in February and now we are in December, in the last few days of

the session, and they are still insistent upon it, even though so much has changed.

When we were in government we had similar recommendations come before us to increase the costs and charges upon the transport industry. We never even contemplated indexation of fuel, I should add.

Senator Ian Macdonald—We got rid of it.

Senator McGAURAN—We abolished it. And Labor could not introduce it quickly enough in the first months of their government, Senator Macdonald. The last time that the recommendation came before the government was in 2006. And that is all it was, just a recommendation from the Transport Commission. They are just doing their job. They work off their formula to determine what ought to be the links between registrations, the road user charge and what the heavy transport vehicles are affecting. The point is: it is just a recommendation. In 2006 that recommendation came to the coalition government and we rejected it. The industry made pleas to the government not to introduce it at that time, and we did not.

So governments have to take responsibility. I can imagine the minister standing up defending this and saying it is not a tax, it is not an increase and it is directly linked to the effect that the vehicles will have on the roads. But the point is if you are in government, you have a responsibility. You have seen the economic circumstances change dramatically since the first time you introduced this and you ought to make the decision that you are assigned to do—one that arises in so many other portfolios: if it does not fit you do not accept it. You do not accept every recommendation that comes up to you from the Public Service. Senator Conroy, you know that! Every minister knows that, but they seem captive to recommendations. That is certainly so in this particular

case. So I think it is interesting to note that particular point.

This is a government that came in with huge expectations in regard to fixing fuel costs. What did we get? The now abandoned Fuelwatch scheme, which was defeated, mercifully, in the Senate. But we are still getting an increase in fuel, through this legislation, for owner-drivers. What did we get before? The grocery watch scheme. They promised so much that they would fix grocery prices. What are we getting here? With the increases in costs and charges, there will be—and there is no way around it—a cascading effect right up to grocery store shelves. That always happens; costs are passed on. It all has to be passed on. A lot of these drivers cannot absorb the costs. They will pass them on. So there is an inflationary effect; it may be small or it may be large, but there is an effect. As far as truck drivers are concerned, those two commitments, those two promises, before the election have not been met, and the blame game commitment has not been met as to this particular industry.

This is a disgraceful piece of legislation when one considers one particular aspect. One aspect of this legislation has the worst effect. It is to do with indexation. As my colleague said before, the former coalition government abolished indexation. The government are going to be dragged kicking and screaming to the table, to abolish the indexation that they embedded in this legislation, because they have not got the numbers in the chamber—and that is a good thing. I believe they may even move their own amendment to abolish it. The point is they would not do it before. They have put it in there and they have stuck by it, even after the Senate committee inquiry found out the effect that it would have. The effect is that effectively every year the rate would be around seven per cent. They were attempting to index fuel

costs on owner-drivers by seven per cent. That is an enormous amount. That is the formula they were working off. But I believe, in the face of support by the Independents for our amendment, the government have—and I will not say they ‘have seen reason’—been bludgeoned into taking the indexation factor out of this legislation.

But the problems with and flaws in the bill do not stop there, and we will be moving amendments to fix them. Hopefully, they will be accepted. Take for example the rest stop situation that Senator Macdonald, who has carriage of this bill for the opposition, mentioned. Back in February 2006, the states and the territories agreed that they would build rest areas across Australia to a national standard by the end of 2008. That was a very ambitious commitment by them, ambitious in that it was calculated that some 900 rest stops would have to be built to that national standard in that time. The fact is they have not even made a healthy start on them. It is a commitment that they have abandoned. What’s more, this government is not holding them to that commitment. That is the problem and that is the gripe of the industry and of, in particular, the Australian Trucking Association. It was concerned about the lack of progress by the state and federal governments in meeting the heavy-vehicle rest areas commitment. According to the Senate committee report, its officer, Mr Bill McKinley, the National Manager, Government Relations and Communications, for the Australian Trucking Association, said this:

... there are only a few weeks left—

I dare say that was said tongue in cheek—

... and unless there is an enormous flurry of rest area construction in the next six weeks, we estimate they will be 900 rest areas short. ... This is a critical issue for the trucking industry. When we held our safety summit earlier this year it was the principal issue raised by ordinary trucking operators at the summit.

The federal government ought to go back to the states and territories and hold them to some degree—in fact, to any degree—to that commitment. To that end we will be moving an amendment, and we will be sticking by this amendment, as to any future increases in the road user charges. The net figure must be linked to the building of rest stops. The amendment says ‘an average of at least 50 additional heavy-vehicle rest areas’ must ‘have been constructed each year on the National Land Transport Network, as defined by’ AusLink legislation. It says ‘the type of rest areas constructed, their spacing and amenities’ must be ‘consistent with the goal that rest areas in the National Land Transport Network will comply by 2019’. The point is we are linking any future increases in the road user charges to the establishment of a base number of rest stops. This is critical for the safety of the owner-drivers and for the safety of the public generally.

The other issue of concern to the opposition is the harmonisation of state and territory transport regulations. Again commitments made by the state governments have never been met, nor are the state governments being held to account by the new federal government. These are serious issues that go to the heart of safety on our roads for the drivers and for the public. But there seems to be no interest, no care, no commitment by the federal government to enforce a national regulation scheme. The state governments have committed to this but, as usual for the state governments, there is no progress at all. So the opposition will be making amendments to the legislation to enforce these commitments.

This bill—probably as much as any, if not exclusively—really highlights the Australian public’s disappointment in the Rudd government. They trusted them on the commitments that they made prior to the election. But the high expectations the Australian pub-

lic had of the Rudd government were pretty much dashed in the first month, when the government rushed into a decision to increase the cost of charges on owner-drivers. These are family people who would be severely affected by the increase and, now that the economy has changed for the worse, it will probably be worse for them than it was back in February. With inflation, they will be affected more by the increases in these costs and charges.

The federal government has failed to enforce the commitments of the states with regard to rest stops and the harmonisation of regulations. Of course, the telling part of this legislation is the federal government's attempt to reintroduce indexation on fuel. That has become a sacred cow for them. The Hawke-Keating government introduced indexation. The Liberal Party, in government, abolished it. The Rudd Labor government, in its first months, reintroduced it. If they can get away with it here, where else will they want to reintroduce it? I would say that they would not mind reintroducing it on the current fuel excise tax. If they could get away with it, they would. It is obvious. They believe they can get away with it here. They have stuck to their guns for close on 12 months with this indexation clause. They will lose it on the floor of the Senate, but the point is that this has become an icon for the Labor Party. This has probably become an icon within Treasury, for all we know. The indexation of fuel, whether it is wrapped up in road user charges, fuel excise or any other form, will be objected to vigorously and voted against by this side of the chamber—as we will do on this doomed attempt. The amendments are very critical for the opposition and we will be sticking by them and holding the government to account on them.

Senator FIELDING (Victoria—Leader of the Family First Party) (12.25 pm)—The debate on the Interstate Road Transport

Charge Amendment Bill (No. 2) 2008 and the Road Charges Legislation Repeal and Amendment Bill 2008 centres around road charges for trucks and how the cost of trucks using the road system can be recovered in the future. The Interstate Road Transport Charge Amendment Bill (No. 2) 2008 is now relatively uncontroversial. It is intended to establish a more uniform system of truck registration charges across Australia. But the road charges bill is more contentious. It sets a charge that is collected from truck drivers through the cost of every litre of petrol. Family First approaches the road charges bill with a number of concerns. Firstly, as a general principle trucks should pay their own way and the charges imposed on them should be fair in relation to the costs of the road network. Secondly, we need a fair and transparent system for truckies so that they can pay their own way. But the way the charges are determined should be clear and truckies should have a chance to provide feedback to the government. Thirdly, there is a need for money for truck rest stops to improve the safety of trucks on the road. That should include a review of the government's heavy-vehicle safety productivity package.

Family First has been in negotiations with the government over the last couple of weeks to find a way to achieve these aims. Most would agree it is fair that truckies should pay a road user charge that covers the general cost of the use of the roads. But the government tells me that the road user charge for trucks has fallen behind and trucks have not been covering that cost for a number of years. The bill is important because it increases the road user charge for trucks from 19.6c per litre of fuel to 21c a litre, moving the road user charge back towards full cost recovery.

The next question is: how best do we make sure that the road user charge continues to keep pace with the cost of trucks using

the roads? The government proposed a system of automatic indexation, by regulation, which would see the charge being automatically increased each year according to a formula and a system of consultation. Family First was concerned that a system set up through regulation takes the annual decision away from parliament and that parliament would not have an opportunity to stop increases in the charge if they were unreasonable. Family First has argued with the government for a system whereby parliament has the chance to prevent a change in the road user charge if it is an unreasonable change. The road user charge is, in effect, a charge on trucks for using the roads. It is a 'rear-mirror tax', with trucks now paying a charge for the previous year's use of the roads. Changes in taxes generally come before parliament for consideration, so it is reasonable for changes to the road user charge to come before parliament as a determination which can be considered and disallowed if deemed to be unfair.

Family First has also been in negotiation with the government to improve the transparency and fairness of road user charges. Family First wants a 60-day consultation period so that truckies and other members of the public can make their views known on any proposed increase in the road user charge before the minister makes a final decision. Family First has also urged the government to spend more money on truck rest stops to improve the safety of our roads. The National Transport Commission estimated that, in one year alone, truck driver fatigue was a possible cause of 33 fatal accidents and more than 3,000 other crashes.

The National Transport Commission has issued a set of national guidelines for the provision of rest areas stating that there should be six to 12 rest areas for every 100 kilometres of road, depending upon whether the road is a single or dual car-

riageway. An audit of major highways found that none of the highways met the guidelines and the majority had major deficiencies. In Victoria, for example, the Sturt Highway, which runs through north-west Victoria and is a major connection between Sydney and Adelaide, has a lack of major and minor rest areas. There is also a need for a number of projects, including construction of rest areas on the Western Highway between Nhill and the South Australian border, and upgrades to existing rest stops on the Hume Highway between Wodonga and Melbourne. Additional rest stops on the Princess Highway/Freeway and the Calder Highway/Freeway are also necessary. All this of course costs money. The government's heavy vehicle safety productivity package has allocated \$70 million for additional truck stops. Family First has urged the government to increase that funding to improve the safety of all drivers on our roads.

The Australian Trucking Association estimates that 900 more rest areas are needed across the Auslink national highway network to meet the National Transport Commission's minimum guidelines. Truck drivers have a hard slog working long hours and driving long distances. They need adequate rest stops to ensure they get the breaks they need and to ensure improved safety for all road users. This is about keeping families safe on the road. We have all had trucks thunder along near us on the roads and we have all been concerned about our safety in case of an accident.

Extra truck stops give drivers an opportunity to stop and rest and make our roads safer for everyone. Family First believes in the general principle that trucks should pay their fair share generally and that trucks should generally pay for the wear and tear they cause on the roads, but this should not be a blank cheque for the government. There needs to be a transparent and fair process for

determining the road user charge. Family First believes that this bill needs to be amended to achieve the right balance between allowing the government to increase road charges and allowing truck users to comment on and test the fairness of those charges.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (12.32 pm)—I thank members for participating in the debate on the Interstate Road Transport Charge Amendment Bill (No. 2) 2008 and the Road Charges Legislation Repeal and Amendment Bill 2008. The purpose of the Interstate Road Transport Charge Amendment Bill (No. 2) 2008 is to amend the Interstate Road Transport Charge Act 1985, which imposes registration charges for heavy vehicles registered under the Australian government's voluntary Federal Interstate Registration Scheme, FIRS. The bill also allows regulations to be made to specify heavy vehicle charges for application to FIRS vehicles.

FIRS is a registration scheme that covers only about three per cent of Australia's trucks. The rest are covered by state and territory schemes. All of the states have imposed the new charges since 1 July this year. It will enable the implementation of the registration charge elements of the 2007 Heavy Vehicles Charges Determination, which revises national charges for heavy vehicles and trailers for application to heavy vehicles registered under FIRS. The determination was agreed by the Australian Transport Council in February 2008 and was implemented by the states on 1 July 2008. It is self-evident that it is in Australia's economic interest that registration charges for heavy vehicles, which regularly trade across state borders, be consistent. I commend the bill to the chamber.

The other bill we are dealing with cognately is the Road Charges Legislation Repeal and Amendment Bill 2008. I thank senators for participating in the debate. The bill repeals the Road Transport Charges (Australian Capital Territory) Act 1993 as well as making consequential amendments to the Road Transport Reform (Heavy Vehicles Registration) Act 1997 to allow the ACT government to set its own registration charges consistent with the registration charges adopted in the other jurisdictions.

The main impact of the bill is to amend the Fuel Tax Act 2006 to set the road user charge rate at 21c per litre in line with the 2007 Heavy Vehicles Charges Determination. Like all motorists, truck operators pay 38.14c per litre at the bowser for fuel; however, unlike the rest of us they receive a fuel tax rebate of 18.51c per litre. The balance, 19.66c per litre, is known as the road user charge. That rate was specifically set by the previous government in 2000 to recover the trucking industry's share of road infrastructure costs incurred by governments. It was proposed by the National Transport Commission after an extensive consultation process undertaken during 2007. This is an issue that was inherited from the previous government—

Senator Williams interjecting—

Senator CONROY—I will not hold you responsible for it, Senator Williams; you were not part of it. In April 2007 COAG asked the Australian Transport Commission to devise a new charges determination for implementation in 2008 that fully recovers infrastructure costs from the heavy vehicle industry, ends cross-subsidisation between heavy vehicle classes and indexes charges to ensure costs continue to be recovered. Cost recovery of infrastructure costs from trucking is only fair. The rail industry has to pay for its infrastructure, safety and regulation

costs, as does shipping. No-one, not even the trucking industry, is arguing that 21c per litre is unfair.

The bill allows for the minister to issue regulations to index the charges. That regulation would be subject to review by this parliament in the normal manner. The government was always committed to ensuring a fair and transparent process for that regulation so that industry had sufficient confidence in the process. However, I note the concerns from some senators about the indexation provisions. I foreshadow government amendments to remove the capacity of the government to pass regulations that may index the charge beyond 21c per litre. The amendments will ensure that the government can only adjust the charges by disallowable instrument and cannot establish any mechanism that indexes. In short, every adjustment will be disallowable. The amendment will also propose that, prior to its making, the government must ensure that the proposed adjustment undergoes a 60-day consultation process and that the minister considers the comments received in that process.

This is a bill we inherited from the previous government. In a speech given in June 2007 entitled 'The coalition government's transport reform agenda', the then federal Minister for Transport and Regional Services and Leader of the Nationals said:

The National Transport Commission will develop a new heavy vehicle charges determination to be implemented from 1 July 2008. The new determination will aim to recover the heavy vehicles' allocated infrastructure costs in total and will also aim to remove cross-subsidisation across heavy vehicle classes.

The new charges will be fairer to both those in the industry and to the wider community. Importantly, the new charges deliver the requirements of the Council of Australian Governments for full and ongoing cost recovery. This in turn will make better use of

the nation's infrastructure—a key element of the Rudd Labor government's plan to raise productivity, fight inflation and maintain economic growth. I note a couple of comments from I think Senator Williams and Senator McGauran. This is not a bill about the indexation of fuel excise.

Senator Williams—It was originally.

Senator CONROY—It is not. Fuel excise will stay at 38.14c per litre. Truckies only pay 19.7c per litre—their charge for the use of roads. As roads funding increases, so too does the charge. I commend the bills to the chamber.

Question agreed to.

Bills read a second time.

In Committee

The TEMPORARY CHAIRMAN (Senator Carol Brown)—These bills impose taxation and, therefore, all amendments must be moved in the form of requests.

INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL (No. 2) 2008

Bill—by leave—taken as a whole.

The TEMPORARY CHAIRMAN (Senator Carol Brown)—The question is that the bill be passed without request.

Question agreed to.

ROAD CHARGES LEGISLATION REPEAL AND AMENDMENT BILL 2008

Bill—by leave—taken as a whole.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (12.39 pm)—I table a supplementary explanatory memorandum relating to the government requests for amendments to be moved to this bill. The memorandum was circulated in the chamber earlier today.

Senator IAN MACDONALD (Queensland) (12.39 pm)—We have five minutes to

go before embarking on what is a fairly complicated series of requests for amendments to what on the face of it seems to be a difficult bill, the Road Charges Legislation Repeal and Amendment Bill 2008. The opposition put out a series of requests for amendments, indicating first of all that we were prepared to concede the increase to 21-odd cents subject to those moneys being spent in an appropriate way, subject to it not being increased after that by indexation, subject to certain resolutions regarding rest areas, subject to consultation and subject to a number of other provisions in the opposition's requests for amendments. I am delighted to say that the government has picked up a lot of those themes, but we have only just recently received the actual requests for amendments. The committee stage of this bill could be quite complicated if we try to sort through them. Similarly, Senator Fielding has a number of requests for amendments, addressing some of the similar concerns that the opposition has and that we have included in different forms in our requests.

What I am suggesting, bearing in mind that the committee stage has only another three or four minutes to go, is that perhaps the departmental officials and advisers from Senator Fielding, the opposition and anyone else who is interested, might get together and work out amongst this complicated series of requests which ones are the same so that we can indicate as quickly as possible that we will not have a long debate on the removal of the possibility of indexation, that we will not have a long debate on the 21c and that we will not have a long debate on the consultation process. From what I see from a quick look at Senator Fielding's request, which I had not seen until about five minutes ago, I do not imagine that we will have a long debate—or not from the opposition—on the

proposal related to the Heavy Vehicle Safety and Productivity Program.

Because the other parts of the opposition's requests for amendments have effectively been picked up either by the government or by Senator Fielding, I assume that, after consultation with the government, some of those will not necessarily be pursued by the opposition. But there are a couple of things that the opposition will be insisting upon. They are that the road user charge should not go up unless the government can show that they are spending more on roads than they are collecting from the industry. Secondly, we will want something in there about those additional heavy-vehicle rest areas. I understand Senator Xenophon has also been doing some work on that, but I am not sure where he has got to with the government. Thirdly, we will be insisting on our request for an amendment regarding harmonisation. But I will argue when we get to that that it is probably an amendment that the government should have no fear of. I have been told by government sources that harmonisation is happening in any case. If that is the case, then I would not imagine the government would have any objection. We need to understand exactly what each other is doing and where our goals are being achieved with different words. I think it would be useful, while we have lunch, for the officials to sort out which amendments we oppose—which ones we are going to fight about—so that it takes up minimal time. That is my proposal.

Progress reported.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—Order! It being 12.45 pm, I call on matters of public interest. I understand that informal arrangements have been made to allocate specific times to each of the opposition speakers in today's discussion. With the concurrence of the Senate, I

shall ask the clerks to set the clock accordingly.

Workplace Health and Safety

Senator CAMERON (New South Wales) (12.45 pm)—I rise on a matter of public interest—the need for ongoing vigilance in relation to workplace health and safety within Australia. As we come to the end of the parliamentary year and we look forward to spending the festive season with our family and friends, it is appropriate that we spare a thought for those Australian families who will spend this Christmas without a loved one or a friend due to a workplace accident or a workplace related disease.

I am sure that many Australians are unaware that more than 2,000 fatalities take place each year as a result of workplace accidents and industrial diseases. This figure is an estimate because of the long latency period of some industrial diseases. The figure exceeds the national road toll, which for the year to date is just over 1,220. No-one in this place would equate human tragedy to economic outcomes. Nevertheless, it is estimated that the cost of workplace injuries and deaths to the community is approximately \$30 billion per year. The highest death rate is in agriculture, forestry and fishing with 19 deaths per 100,000 employees. The next highest is transport and storage with 12.3 deaths per 100,000 employees, followed by mining with 6.8 deaths per 100,000 employees, manufacturing with two deaths per 100,000 employees and construction with 3.5 deaths per 100,000 employees.

The most common causes of workplace fatalities are vehicle accidents, being hit by moving and falling objects, a fall from a height, electrocution or being trapped by moving machinery. Between 2003-04 and 2006-07 the number of notified workplace fatalities increased by 13.7 per cent. As the nation faces unprecedented challenges due to

the global financial crisis, workers in many industries will be faced with employer demands to improve productivity in a bid to maintain international competitiveness and profitability. I support a quest for international competitiveness and profitability provided this is not pursued through a process of reducing pay, destroying conditions, cutting costs or ignoring the health and safety of Australian workers. As industry faces these new and emerging challenges, it is absolutely essential that the challenges are met in a manner which maintains and improves the health and safety of all Australian employees.

In my time as a union official there was nothing worse than hearing about a worker who had been maimed or killed as a result of an industrial accident. Unfortunately, like many union officials, I have had to comfort the family of a worker who has lost their life in a workplace accident. It is a horrible experience, but this experience pales into insignificance against the tragedy and devastation that has been experienced by more than 2,000 families each year. It is almost inconceivable for most Australians to consider the possibility that their loved ones will leave for work and never come home again. It is almost inconceivable to think that your family could be so cruelly affected by a workplace accident. Unfortunately, many workplace accidents do not receive much publicity or public attention. There must be an increased focus and public awareness of workplace accidents and deaths. As in the case of laws regulating traffic safety, workplace health and safety should be supported by prescribed preventative measures, by punitive measures where breaches of preventative measures are ignored and, in the case of the most serious violations of preventative measures, by criminal offences with criminal penalties.

Introducing industrial manslaughter provisions into criminal law would merely follow

an established pattern of law within Australia and would allow prosecutors to respond to the most blatant workplace safety violations with the full vigour of a comprehensive legal system. If the existing regulation continues to result in approximately 2,000 Australians dying each year, then a systematic process of persuasion, warnings, civil penalties and criminal penalties must be considered in an effort to reduce workplace fatalities within Australia. Some workplace fatalities have received extremely high publicity. Notwithstanding this, many of the 2,000 cases of workplace fatalities receive only minimal publicity. This creates a problem in developing effective ongoing prevention measures.

I would like to turn to the specific issue of asbestos disease. Friday, 28 November was Asbestos Awareness Day. I have had a long association with the Asbestos Diseases Foundation of Australia. I am proud to be a patron of the foundation. My first significant experience with asbestos in the workplace was when I was employed as a maintenance fitter at Liddell Power Station in the early seventies. Chrysotile asbestos, commonly known as white asbestos, was used routinely in the power station to insulate steam pipes and pumps. It was also used as gaskets on the boiler and as packing glands in pumps. Asbestos sheets were used by boilermakers and fitters when welding or cutting. To remove asbestos, fitters would simply 'chop out' asbestos lagging with chisels and small axes. We would also use high-pressure air tools to remove nuts from bolts, and this created a windstorm of asbestos dust in the vicinity of the workplace. We did not use any protective clothing or respirators.

Despite the growing literature and understanding of the problems of asbestos, the then Electricity Commission of New South Wales continued to argue that it was only crocidolite asbestos—that is, blue asbestos—that endangered your health. The combined

unions in the power industry conducted a statewide campaign in power stations for the removal of asbestos and the provision of protective clothing and respirators. This campaign was successful and no doubt saved many, many lives. The use of protective safety equipment became a standard operating procedure and the culture within the Electricity Commission changed significantly.

The situation in the power industry was by no means unique; asbestos was widely used throughout industry and in the construction of what were described as 'fibro' houses throughout the country. One of the legacies of the use of asbestos in older houses is that new cases of asbestos related disease are increasing, arising from home renovations.

One of my first jobs as a union organiser was to assist members in Barraba, New South Wales, who were employed by the Woods Reef asbestos mine. They were facing the closure of the mine, not for health and safety or environmental reasons but for reasons of profitability. I was appalled at the conditions; asbestos dust was everywhere, like snow on the ground, with plant and equipment smothered in thick deposits of chrysotile asbestos. Workers were torn between concern for their safety and their ongoing employment opportunities, and the propaganda from the company that white asbestos did them no harm. I note that even now the legacy of that mine is controversial and locals are concerned about the amount of asbestos dust emanating from the site. I have heard estimates of over \$100 million to clean up this industrial disaster area. Once again, the legacy became the responsibility of government and not the industrial polluter.

Much has been said and written about that great Australian Bernie Banton, who contracted asbestosis from his employment at James Hardie in Sydney. The anniversary of

Bernie's death was 27 November. One of Prime Minister Rudd's first actions was to attend Bernie's funeral and pay tribute to Bernie, his wife, Karen, and his family. The loss of such a courageous Australian at the age of 61 was a tragedy for Bernie's family, the community and the nation. I consider myself fortunate to have known Bernie and to have assisted him in a small way in his successful fight for justice against James Hardie. The fight against James Hardie was a memorable period for the trade union movement in its campaign on health and safety. Forcing James Hardie to accept the responsibility of its actions and holding the board to account was a credit to the ACTU, the AMWU, the CFMEU, the MUA and all unions who have campaigned for justice for asbestos sufferers.

Bernie originally contracted asbestosis, which became mesothelioma. Mesothelioma is an insidious and desperately horrible disease. Diagnosis of mesothelioma is currently a death sentence. Another friend of mine, a former National President of the AMWU, Brian Fraser, was cut down in his prime after contracting mesothelioma as a result of his work with asbestos in a Queensland dockyard. Brian's death deprived three young girls of their father and left their mother, Eleanor, without her partner and soul mate. Watching Brian, a strapping six-foot-plus Irishman, fight the ravages of mesothelioma was both heartbreaking and inspiring. Brian spent the last days of his life fighting for financial compensation for his family, and it was only on his deathbed that a settlement was reached. This, in my view, was uncivilised, degrading and unnecessary.

Statistics on the New South Wales Dust Diseases Board website show that for New South Wales alone there will be 6,779 cases of asbestos related disease and mesothelioma between 2004 and 2060. The incidence will peak in 2014, with 196 residents of New

South Wales dying from asbestos related disease. Many of these unfortunate people will suffer a cruel, painful and undignified death.

I want to place on record my support and admiration for the support workers from asbestos disease groups around Australia. In particular, I want to recognise the work of the Asbestos Diseases Foundation of Australia, based in Granville, New South Wales, of which I am a patron. I want to particularly recognise the fantastic work of their president, Barrie Robson; their secretary, Eileen Day, who lost her husband to mesothelioma; and founding member Ella Sweeney, who is currently very ill from asbestos related disease. This group rely on raffles and other fundraising activity to help them provide support services to the victims of asbestos diseases and their families.

In conclusion, there are a number of issues I would like to pursue in my role as a senator. I would like to see a national monument in Canberra, our national capital, that recognises the contribution of workers who have lost their lives while assisting in the building of this nation. This would be a recognition of the families who are left behind to pick up the pieces after the untimely death of a loved one. I also believe that we must constantly monitor the effectiveness of our laws in providing a safe and healthy workplace for Australian workers. If our laws are not working and thousands of Australians continue to die as a result of workplace accident or disease, then changes should be made to the law to ensure that compliance, enforcement and criminal penalties bring about a cultural change.

Finally, I believe we have a responsibility in our region to assist developing countries to understand the problems associated with the use of asbestos. Australia should lead the fight for both a regional and an international

ban on the use of asbestos. Asbestos is being exported from countries such as Canada and Russia to developing countries, with the inevitability that more and more innocent workers will contract asbestos related disease and suffer an untimely, painful and undignified death. I thank the Senate for allowing me to raise this matter of public importance.

Disability Services

Senator BERNARDI (South Australia) (1.00 pm)—Today is the International Day of People with Disability, and I rise to talk about some of the challenges and opportunities faced by people with a disability. It is a particularly pertinent topic because, over the weekend, there was a COAG announcement about funding, and one of the challenges that people with a disability and those that care for them and love them are concerned about is the direction of disability funding in this country. The COAG announcement of additional funding was, quite frankly, very welcome. As always, however, the devil is in the detail, and the announcement raises a number of questions to which, as the opposition spokesperson on disabilities, I have been unable to ascertain the answers. One of these questions is about the level of indexation. I have read in the paper—and it has been put in statements—that the indexation for this funding is six per cent over five years. The general feeling in the disability community is that six per cent per annum over five years would be a very generous gesture. However, when we contacted the offices of the minister and the parliamentary secretary in order to seek clarification, they were unable to tell us whether that is indeed the case. It might actually be a six per cent increase over five years. That, to me, does not seem as generous as the previous arrangement, which was 1.8 per cent indexation per year.

The other question in regard to disability services and the COAG announcement is

about levels of accountability and transparency. Much was made about the key performance indicators for the health portfolios and other areas, and the replacement of specific-purpose payments. But we are unable to find out exactly what the performance indicators are. What are the accountability criteria? What scrutiny is going to be applied directly to disability funding? Those are two of the areas of concern. One of my colleagues, a shadow spokesperson on disabilities in another state, has also contacted me, concerned that they have been told that the funding for their particular state may actually decrease in real terms. We cannot ascertain whether this is true or not because we have not been given a list that details how the funding is going to be applied through the various states. So whilst I—and those who are interested in the disability area—support increased funding, there are a number of questions that need to be answered.

One of the most fundamental questions that need to be asked of the decision to allocate all the responsibility for disability services to the state governments is: is this a passing of the buck by the Rudd government? I fear we are setting up a blame-game exercise—the kind of exercise which has been talked about a lot over the last year or so—where the responsibility for disability services will fall entirely on state governments in order that the Commonwealth government can say, ‘Well, it actually has nothing to do with us.’ I do not want to see that happen, and I do not think people with a disability or their carers want to see that happen, because the state governments have failed in a terrible manner for too many years to provide adequate services for those with a disability and for those who care for them.

The list of failings is long and, I have to tell you, very undistinguished. I can give you some examples. In 2007, the New South Wales Labor government failed to provide

permanent accommodation for 1,706 people who had applied for it. They made only 64 places available. This is the same government that has allowed disability accommodation houses to remain vacant for up to 20 months. In September this year, it was revealed that the Queensland government had short-changed people with a disability out of \$100 million in failed funding promises. In Victoria, volunteers from the Community Visitors Scheme uncovered poor conditions of accommodation for people living with a disability, including soiled carpets, out-of-date food, and blood and faeces in the bathrooms. The Tasmanian Labor government recently announced that they were transferring provision of disability services to not-for-profit organisations, and a report commissioned by the Tasmanian government found that it was becoming much harder for the state to ensure quality services. The report actually recommended the transfer of service delivery to non-government organisations. If you want an admission of failure to deliver adequate services, there is no more damning one than that of the Tasmanian government already washing their hands of the issue in this way.

Someone does need to be accountable for the area of service delivery. I raised the question earlier in my contribution today as to what the key performance indicators are, and it is a very real question that needs to be asked. Someone needs to assure the public that the money that is put into disability funding actually goes to where it has to go. We need acceptable accountability; it needs to be an open and transparent process. Money needs to get to where it is most needed, and clearly that is not the case right now, because there are lots of people that contact my office—and I am sure they contact other members and senators—about problems with disability funding. We need to ensure that funding for services is effective

and delivered in the most effective manner possible

In my experience in examining this issue, when you give the states a pot of money, they love looking for new services. They love to try and develop brand new things so that they can appear innovative. Yet, at the same time, they will often neglect things that work very, very effectively, and they will take funding away from them to the disappointment and the disadvantage of the many people who rely on those things. Funding of disability services is a uniquely individual process. No individual that I have met has exactly the same set of circumstances as others that may have very similar conditions or disabilities. I believe that individuals are best placed to determine what services they want and to decide what services are actually most needed. This would allow individuals and those who care for them the choice of what services are needed. I believe that this would give increased flexibility and offer a wider array of choice. It would allow people to determine exactly what is important for them, and I think it would result in reduced red tape. This means that less funding would be spent on bureaucracy and the maintenance of bureaucratic infrastructure, and more would get to where it is actually needed.

Clearly, it is not getting to where it is necessary. The headline in the *Advertiser* today over an article written by David Holst, who is the acting chair of the Intellectual Disability Association of South Australia, refers to 'Soviet-style neglect for the disabled'. That should be a concern for all of us. Mr Holst reports:

SA provided the lowest level of financial support to the 22,205 seriously and multiply disabled listed being funded by the Commonwealth State Territory Disability Agreement.

While he welcomed the announcement of additional funding, he went on to say:

... there is no guarantee that things are going to get better any time soon—

when administered—

by a government that has been dragged bucking and squealing on every step of the disability journey of the last five years to even release key data, far less step up to the mark and address the real issues.

I am not trying to be inflammatory, but the fact is that it is not working very effectively. I think that we need to start to examine how best we can more efficiently provide the services that people are so desperately in need of. People often feel isolated when they are living with a disability, because they do not have the advantage of choice and options, particularly those living in rural areas, who may have limited service provisions available to them under the official guidelines and programs.

One of the ways we can actually seek to address this is to go down the path of individualised funding. Individualised funding gives people with a disability control of the funds so that they can choose the support and services most important to them. I think this is a common-sense approach. Quite frankly, those living with a disability and those closest to them should be best placed to decide what services they actually need in order to live the best possible life. In general terms, an individual will be assessed to determine the amount of funding that will be available to them, and they are then free to prioritise how these funds will actually be spent. They may take on the responsibility of purchasing these services themselves. They may ask others to assist them. They may even opt to remain in an existing structured system where they are provided the services without having access to the funding.

There are lots of different models that have been used all over the world. The UK has been a pioneer in this area. The USA has also been involved. Canada has a very strong

history. Even in Australia, we have state governments that are looking at this. In Western Australia, I believe it is operating very effectively. In South Australia, they have been examining it for some months. Clearly they cannot manage exactly what they are doing right now. I understand they are also examining it in New South Wales and Victoria. As I said, in Tasmania, they are looking at it as well.

But there are problems with that state-by-state approach. One of the problems, of course, is what happens when people with a disability actually move from one state to another. I have heard that, if someone moves from Western Australia, they are allowed to take their funding with them into another state, but the other state will not allow them to spend it there. To me, that is nonsense. It seems to be bureaucracy gone mad. At the end of the day, we need to make sure that we, as a wealthy nation, can provide the best possible services to those who are amongst the most vulnerable and disadvantaged in our society. This goes not only to day-to-day living needs but also to equipment needs. I have heard a story of someone who needs wheelchair access in Queensland. When they sought to move to New South Wales, they had to be put on a waiting list of more than 12 months in order to be able to access a wheelchair through the equipment and aids programs that operate there. It is not good enough.

I do not believe that the federal government should wash its hands of disability services. I support more money going into it, but we have the problem that this government is looking to say: 'It is the states' responsibility. We do not want to deal with it.' We need a national program, quite frankly. How it would work, I do not have the answer right now, but we need some consistency across the jurisdictions to ensure that there

are workable, viable opportunities for those with disabilities and those that care for them.

Radioactive Waste

Senator LUDLAM (Western Australia) (1.11 pm)—I rise this afternoon to speak about the issue of Australia's radioactive waste. The Senate Standing Committee on Environment, Communications and the Arts has spent the last few weeks taking evidence on the Commonwealth Radioactive Waste Management Act 2005—an act which I propose be repealed. I do not propose to reflect on the deliberations of the committee, because this is a matter that is still under active consideration. This inquiry is taking place against a backdrop of 50 years of radioactive waste which has been shipped overseas for reprocessing or stored at Lucas Heights or at a multitude of sites around the country.

One thing that has been very clear for some time is that a new approach is needed to answer practical and political questions about Australia's radioactive waste—both the low-level waste, which is scattered at a number of sites around the country and, particularly, what the government classifies as long-lived intermediate-level waste, which will be dangerous for literally tens of thousands of years.

So how should our radioactive waste be stored? Where should it be stored? Should it be transported? Should it be centralised? Perhaps most crucially: are we producing as little of this material as possible? The new approach that I talk about starts with the premise that these questions are not settled. The industry and the government departments that run Australia's nuclear facilities would like to believe that these are settled issues. They are not. The issue of what to do with these extraordinarily dangerous toxic and corrosive materials over time spans that stretch literally into different geological ages is not settled at all. Australia and the world

need to have a debate about these issues—not a discussion behind closed doors but a deliberative, public and inclusive process to answer these questions.

The fact is that, whether we like it or not, we have radioactive waste in this country, and we must responsibly deal with the consequences of decisions that have been made in the past. Whatever we think of those decisions made in the 1950s about nuclear reactors, today we need to make decisions. We have a responsibility based on the information that we have today, but we need to keep very firmly in mind that we are making those decisions on behalf of literally thousands of future generations—people we will never meet who will be saddled with the materials that we have created and with the solutions, as such, that we have designed.

Part of the public confidence problem and part of the reason that radioactive waste dumps and these questions are so hotly contested around the world is that, as is quite widely known, there is no solution yet developed to safely contain these categories of nuclear waste that are so long-lived. All efforts so far to isolate the material permanently have been shown to be flawed in some way, as the material gradually burns or corrodes its way out of whatever engineered storage barrier has been designed to contain it. So shifting waste around the country is simply a way of transferring a problem from one place to another—because it will not go away.

It has been discovered around the world—and certainly in Australia—that there are two ways of dealing with this problem. The Howard government chose the former. The first way of dealing with the problem is to target politically vulnerable communities or nations to become dump sites for radioactive waste. Whether it be in the name of economic development or doing people a favour

or 'doing your bit', it is immoral and it should not be tolerated. It certainly should not be justified on grounds of scientific necessity. The Howard government tried this first way, which reached its height with the passing of the Commonwealth Radioactive Waste Management Act 2005 and the subsequent amendments that were put through this place which were fiercely contested by the crossbenchers and by the then Labor opposition.

One submission that was made to the current inquiry into the bill to repeal this act called the practice 'radioactive racism'. When a community is so disadvantaged that they would consider becoming a radioactive waste dump site in order to secure health care, transportation, education infrastructure and the kinds of citizenship entitlements that the rest of us take for granted, that is radioactive racism. It is a highly appropriate phrase to use when considering the process used under the Howard government. To formally remove due process, procedural fairness and rights of appeal, to toss away the Aboriginal Land Rights Act and its protections, which were fought for over literally decades—setting all of those aside—and to seriously erode the democratic rights of Territorians is radioactive racism. Making a specific amendment to a piece of legislation to deliberately remove the protections that were offered to Indigenous people in order to impose a nuclear debt is radioactive racism. I cannot think what else to call it.

We have now seen in the Territory that one particular community has been given some hundreds of thousands of dollars by the government for nominating their land for a radioactive waste dump—just the first instalment of several millions of dollars to follow. That is why we need a scientific, transparent, accountable and deliberative strategy to deal with this waste—and that is the second way that I will be speaking of. One of

the submissions to the current inquiry called for 'process not postcode'—meaning that a location should not come first but rather a fair process for arriving at a decision. That is the process that really needs to be triggered when the Commonwealth Radioactive Waste Management Act is repealed.

Because these matters are highly controversial, we should perhaps look overseas to see what kinds of solutions are being proposed elsewhere—for example, the United Kingdom's Committee on Radioactive Waste Management or the process that is underway in Canada to deal specifically with categories of high-level radioactive waste. Perhaps Australia, rather than pursuing the approach taken by the former Howard government, should consider this second way of going about things. Essentially, that would be looking at some form of deliberative arrangement that says that, because these are not settled questions, we will not be satisfied with simply imposing this material on a politically vulnerable community and that we can take an approach that is much more mature than that.

The moment we take radioactive waste and dump it in an isolated hole in the ground, against the will of the people who live there, we lose all future options for dealing with this material. It may be the case down the track that, if it is safely contained where it is being produced, for example, for the time being, we can pursue alternative waste management strategies—perhaps transmutation, nanotechnology or some form of technology that has not yet occurred to us. But if we take the politically expedient option of simply putting it on a truck and dumping it on somebody else's land, we lose those options.

I would like to conclude by quoting Marlene Bennett, who appeared at the Alice Springs hearing into the inquiry into repealing the Commonwealth Radioactive Waste

Management Act and whose strong feelings echo my own. She said:

I would just like to question why Martin Ferguson is sitting on this issue like a hen trying to hatch an egg. The people of the Northern Territory elected the Labor Party. We were led to believe that the nuclear waste thing would be all overturned and overruled, and at this moment we are extremely disappointed. How many times do we have to say no? No means no. Come on, Martin, let's do something about this.

Essentially, all we are asking for is for the ALP to come good on their very clear commitment that they took to the election in 2007.

Gunns Ltd

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.19 pm)—I thank the Senate for allowing me to have these few minutes. This week Gunns Ltd pleaded guilty in a Tasmanian court to the offence of failing to maintain a plant in a safe condition—a failure which led to a quite serious injury to a worker. I am wanting to draw the Senate's attention to that fact that 14 December will be the fourth anniversary of Gunns' SLAPP writ—that is, a strategic law suit against public participation—taken out in the Supreme Court against the 20 defendants. Gunns issued that writ for \$6.4 million the day before it provided the federal environment department with its application for environmental approval for its proposed pulp mill in northern Tasmania. One can see a deliberate series of decisions by Gunns to take this action at the same time that it was wanting to win approval for the pulp mill. It has had no good outcome in either case.

The court costs for Gunns have now amounted to some \$590,000 and are climbing. Those costs go to the shareholders, because the directors, including the CEO, Mr Gay, who decided to take this SLAPP writ, are inured from the costs. The costs go to the company and therefore are taken from the

profits and therefore are taken out of the pockets of the shareholders. On the other hand, the citizens who are fighting to defend Tasmania's forests against the extraordinary, inexcusable destruction which comes from Gunns activities in those forests—the destruction of wildlife, of carbon, of habitat, of an ancient ecosystem—still live with this threat. It is time that Gunns abandoned not only the pulp mill but also this court case and started trying to retrieve its reputation, which has been so badly damaged by those decisions so mistakenly made by the Gunns board back in 2004.

International Day of People with Disability

Senator WORTLEY (South Australia) (1.22 pm)—I rise to commend to the parliament a very special observation today, that of the International Day of People with Disability. This year's theme is 'Convention on the Rights of Persons with Disabilities: dignity and justice for all of us'. Today brings together communities and disability organisations with businesses and governments, uniting to promote an understanding and an awareness of disability issues. I also would like to acknowledge this year's three ambassadors for the International Day of People with Disability: Melbourne businesswoman Millie Parker, farmer and pilot Sam Bailey and model Emmah Money.

When I wake up in the morning, like many others in this chamber I take for granted the fact that I can get out of bed, have a shower, make breakfast, read a newspaper, dress for work and have a conversation with loved ones. However, for many Australians living with a disability, completing some of these seemingly simple tasks without assistance is a challenge, a difficulty and, for some, an impossibility. These are challenges and difficulties faced daily. This reminder and reality is enough to evoke

some feelings of guilt, particularly as we who live without a disability may become frustrated or complain over the smallest inconvenience or interruption to our daily routines. In contrast, I hear and am witness to many stories of courage and inspiration involving people with disabilities and their families.

This year, athletes with wide-ranging talents and disabilities thrilled us with their performances, heroics and bravery at the Paralympics in Beijing. Each year in my home state of South Australia, Arts Access SA presents an exhibition of art by people with a disability, which invariably boasts high-quality, richly coveted pieces and a generous dose of inspiration. However, these are just a couple of public examples of the way we celebrate the abilities of people who live with disabilities. There are many personal accounts of families touched and shaped by such challenges and circumstances. The courage of these people will not be celebrated on a grand, national scale. They will not become household names, yet they are truly great Australians. To the Rudd Labor government, they are valued Australians too.

Since coming to office just 12 months ago, the government has begun to address the needs of people with disabilities and their carers. There is much to be done, but we have made a start and we have begun to make a difference. We have committed \$5.3 billion over a five-year period for a new national disability agreement with the states and territories. This funding will go towards expanding and improving services for people with disability, for their families and for their carers. Under the new agreement, the Commonwealth is providing the states and territories with an extra \$1.3 billion in funding over five years, including \$901 million from the disability assistance package and an additional \$408 million to help with reform. The

new agreement will come into effect on 1 January next year.

The reform of the disability service system is designed to create an effective, efficient and equitable system with a focus on timely, personal approaches and lifelong planning. The reform vision is for a system featuring single access points, assessment processes and quality assurance systems. The reforms will have a renewed focus on early intervention and are aimed at offering more consistent access to disability aids and equipment. Under the new scheme, accredited providers will be better able to develop, train and employ disability care workers, and governments will work together to better measure the level of actual demand for disability services.

This government also has consulted with stakeholders nationally on the development of a National Disability Strategy. This strategy will include a national policy statement which will set directions and priorities for the formulation of legislation, policy and financing of disability services. Importantly, this includes the development of consistent accessible parking schemes across Australia. A new council also has been set up to assist the development and monitoring of the National Disability Strategy. In line with the government's policy of collaboration and consultation, the National People with Disabilities and Carers Council provides advice to government on issues affecting people with disabilities and their carers.

The government is helping pensioners and carers to make ends meet by increasing the telephone allowance from \$88 to \$132, and also extending the utilities allowance to recipients of the disability support pension and the carer payment. We have increased the allowance from \$107 to \$500 for singles and from \$153 to \$250 a year for each member of a couple. We have also taken further ac-

tion to help pensioners, including disability support pensioners, with cost-of-living pressures, with the payment of \$1,400 to single pensioners and \$2,100 to couples in the lead-up to the comprehensive reform of the pension system.

Other advances include allowing people on the disability support pension to look for work without risking losing their pension. Already there has been a modest increase in disability pensioners seeking employment assistance through the Disability Employment Network. The government has also consulted widely to develop a national mental health and disability employment strategy aimed at encouraging people with disabilities to participate. Also in this area, there are 250 new places in Australian disability enterprises which provide supported employment for people who are unlikely to get a job in the open labour market at or above the relevant award wage equivalent and who need ongoing employment support. The release of 250 places for new services is designed to create employment opportunities for people with more severe disabilities. The government also has held regular meetings with employers to obtain a commitment to improve the employment of people with disabilities. Several corporations are committed to developing a disability action plan framework to help develop strategies, including recruitment and workplace accessibility, to change business practices that might result in discrimination against people with disabilities.

The government has also allocated \$20 million over four years to assist families who need support to care for a young child diagnosed with a major disability or injury, and we have ratified the United Nations Convention on the Rights of Persons with Disabilities, becoming one of the first Western nations to do so. Areas covered by the convention include non-discrimination, raising

awareness of the rights of persons with disabilities, accessibility to the physical environment, transportation, information and communications technology, and services to enable independence and full participation of people with disabilities in society. Australian professor Ron McCallum was elected to the United Nations Committee for the Convention on the Rights of Persons with Disabilities at the first meeting of countries that have ratified the convention, and we have appointed a substantive Disability Discrimination Commissioner, Mr Graeme Innes AM, to the Australian Human Rights Commission. The government will also provide \$190 million over four years to help children with autism. This package will address the considerable need for support and services for children with autism spectrum disorders. These are all steps towards improving the lives of the people, carers and families of those living with disabilities. It is a considerable challenge but one that this government takes seriously.

Before concluding my remarks, I would like to briefly share the experience of some constituents in South Australia. The first is my goddaughter, Georgia, who was born on 2 June 1990. At eight months of age her parents were told that she had cerebral palsy and epilepsy. She spends her days in a wheelchair but, being the determined young woman that she is, she has jumped so many hurdles. Just this year we celebrated her 18th birthday. But the years in between have been tough, with her having to endure five major operations. With the support of her talented and dedicated identical twin sister, Victoria, and her parents, Deborah and Paul, Georgia leads a very full life. She is a member of the Special Olympics swimming squad and is training for the national games to be held in Adelaide in 2010. She is on a traineeship where she works two days a week and attends TAFE where she is currently studying a

Certificate II in Business. She writes songs and has performed with her sister in public venues including Carols by Candlelight and the Variety Club's international convention. In 2005 she was awarded the Lions Clubs' Children of Courage Award at Government House, and in 2006 she was awarded the Bill Bowden encouragement award for her involvement with Special Olympics swimming. She has even set up her own music MySpace and Facebook pages. Georgia has written songs and the lyrics to one of her songs are:

I won't stop 'til I reach the top
I'll fight with all my heart
Got to give it my best shot
I'll give it all I've got.

The next South Australian family that I want to tell you about is Sabine and Doug and their son Tom. Sabine has very kindly given her permission for me to quote a part of her submission to the inquiry into better support for carers earlier this year, and I ask those in the chamber to reflect on her words. She writes:

My husband and I are carers for our 16-year-old son who has severe multiple disabilities. He has spastic quadriplegia, is legally blind, has no speech, is incontinent and has epilepsy. He needs 24-hour care and we are unable to leave him alone. Unfortunately, we have no family support. My husband has given up trying to work and is a full-time carer, while I work four days a week in an administrative position that is not at a high level salary. After a day's work, I come home to more work and after eating dinner and getting our son fed, showered and into bed, I have about another hour to catch up on domestic jobs before crashing out exhausted into bed. I am blessed with a husband who loves to cook. I am 53 and my husband is 61. I'm finding that our bodies are showing the physical toll of 16 years of intense manual handling. Shoulders, backs, necks and arms get strained hurt and damaged. We become exhausted, depressed and anxious. We cannot maintain the level of care we provide forever. We

need help to plan for the future and this can be hard to initiate and get your head around when you are busy and exhausted every day. It is hard not to feel depressed when you do not see many options for a happy future for him and us as a family. All we see ahead is a lifetime caring job and I worry that our boy will not be looked after with love care and dignity when we are no longer around.

This is the reality Sabine and her husband deal with every day as they care for their son, who is now heading towards young adulthood. It is my certain belief that whatever we can do to assist, we must and will do. On this the International Day of People with Disability I applaud Georgia, her sister Victoria and her parents, Deborah and Paul. I applaud Sabine, her husband, Doug, and their son Tom, and I place on record my appreciation of the courage and the achievement of all those Australians living with disabilities and of their carers every single day of their lives. They may be assured, they may be confident, that investment in health, welfare services and social inclusion for this constituency is very much a part of Labor's plan for the future.

International Day of People with Disability

Senator ELLISON (Western Australia) (1.37 pm)—Today we recognise in this chamber the International Day of People with Disability. It is therefore opportune to once again inform the Senate of the very good work done by the Politician Adoption Scheme in Western Australia. This is a scheme of which I have been a part since 1999, when I was fortunate enough to be adopted by the Franklin family. How the scheme works is that a family with a child with a disability adopts a member of parliament and thereby engages that member of parliament in the various experiences they go through and the challenges they face.

As I say, I was adopted in 1999 by Stephen Franklin and his family. Stephen has Prader-Willi syndrome and is a very entertaining young man and no mean artist. I have seen some of the good work he has done. During the catch-ups we have had over the years, I have seen a very interesting personality in this young man. But I have also seen in the Franklin family a great deal of love and affection, and that is what has brought them through the challenges that they have faced. I refer to Stephen's mum and dad, Carol and Norm Franklin, his sister, Kristy, and his brother, Darren, all of whom I have been lucky enough to get to know over the years.

It is somewhat sad that one of the aspects of leaving the Senate is that I will no longer be an adopted politician, but what I am very happy about is the way the scheme has grown in Western Australia. It is bipartisan. When I was adopted in 1999, there were some 20 members of parliament involved, and now there are 42. It peaked at 67 but there has been a drop because of parliamentarians leaving parliament. I urge those who are incoming to consider becoming part of this worthwhile scheme. It is run by the Developmental Disability Council of Western Australia, and they do a great job. I have been urging other jurisdictions to adopt this scheme because I think this is something which could work nationally to inform parliamentarians, at the federal and state and territory levels, of just what a family go through when they have a child with a disability. It certainly opened my eyes and I know it has opened the eyes of my colleagues who have been involved in the scheme in Western Australia. You just cannot beat seeing that real-life experience in those families.

There has been much work done in relation to the disability sector over the years, but there is still much, much more work that

has to be done. When I was in cabinet last year, I was very pleased to be involved in the initiative of the Howard government in June which resulted in \$1.8 million over five years to support Australians with disabilities, their families and carers. That came about because of an increasing awareness of ageing carers who had children to look after and who were suffering some anxiety because they really did not know where it was all going to end as they grew older. This funding provided more supported accommodation, carer payments, respite services for children and disability employment services.

There is still much more to be done. I note that the Rudd government has announced \$5.3 billion over five years for states and territories under the National Disability Agreement, formerly the CSTDA, which was being negotiated by the former Minister for Families and Community Services and Indigenous Affairs, Mal Brough, who placed on the table increased funding. But it remains to be seen how effective this is all going to be, because the disability sector is a complex area of need and it is essential that the funding gets to the right places. I believe that, as a country, we still have a lot more work to do in relation to the disability sector and providing relief to areas of need which hitherto have had absolutely nothing.

There are some great stories in Australia when you travel around and see what is being done, but it is up to the governments of this country, of whatever persuasion, to adequately resource the sector. It is something that I will have an ongoing interest in. I urge other senators to consider the 'adopt a politician' scheme. In 2006 we established the Parliamentary Friends of People with a Disability. I think that would be a pretty good vehicle to establish a national 'adopt a politician' scheme.

I place on record my appreciation to Stephen Franklin and his family for allowing me to have been part of their experiences over the last few years. I also acknowledge the great work that Carol Franklin does in the disability sector. I know that she has increased awareness in relation to this area and helped many, many families who have been in a similar position. I think it is a story which needs to be told far and wide across Australia. I thank the Senate.

Innovation, Industry, Science and Research

Senator ABETZ (Tasmania) (1.42 pm)—We have just heard a wonderful speech from a wonderful senator. I am sure that the Senate will be the poorer for Senator Ellison's retirement, and I hope that I will have the opportunity to say some more about him later on this afternoon.

It has been a year since the Rudd Labor government were sworn into office, which provides an opportunity to reflect on their stewardship of the innovation, industry, science and research portfolio. Before the election, Senator Carr spent endless speeches hectoring and lecturing about how the former coalition government had supposedly run down Australia's manufacturing and innovation sectors and how the coalition had supposedly neglected science and research, despite the most recent ABS figures showing that R&D as a percentage of GDP reached an all-time high of over two per cent in the last year of the coalition government. And I remind the Senate that, up until April 2006, the coalition government was busy paying off the \$96 billion debt that was left to us as Labor's legacy.

Up until the last election, Labor claimed that they would fix it all. Labor promised to support Australia's manufacturing sector, Labor promised to revitalise the CSIRO and Labor promised to build an innovation econ-

omy by streamlining the Commercial Ready program, that very highly popular Howard government initiative. But not only have Labor failed to deliver; Labor have actually taken Australia backwards in all of these areas.

If the sector was 'neglected' under the coalition, then it is positively being attacked by Rudd Labor. Apart from establishing review after review, Labor have viciously attacked the sector on which our future wealth and prosperity as a nation are so dependent. Despite the need for stimulus in this year's budget, science and research suffered cuts as a total percentage of Australian government outlays on R&D. What this year's budget showed was that if ever the Minister for Finance and Deregulation, Mr Tanner, needed a doormat he had one in Senator Carr. While every other minister apparently fought tooth and nail for their portfolio programs, Senator Carr rolled over like a lapdog seeking a tummy rub. The end result—\$63 million cut out of our premier research institution, the Commonwealth Scientific and Industrial Research Organisation, an organisation which Senator Carr had promised to revitalise. This is now seeing cuts to personnel, scientists being laid off and facilities being closed. We saw in this year's budget more than \$12 million being stripped from the budget of the Australian Nuclear Science and Technology Organisation, all because it has the word 'nuclear' in its title. We also witnessed \$707 million for innovation in the Commercial Ready program being axed. So in the very first Rudd budget innovation, science and research saw its share of the budget slashed by \$782 million.

Before the election not only had Labor promised to retain Commercial Ready; they had promised to streamline it because they wanted to make it easier for people to apply for and get funding. I can say one thing: Labor certainly did streamline the paperwork.

They got rid of any need for paperwork because they abolished the scheme. Yet Mr Rudd and Labor continue to go around the community falsely saying that they have kept all their election promises. I invite those journalists that repeat that line, and also those Australians that actually believe that to be the case, to visit the CSIRO, to visit ANSTO and also to talk to our innovators and ask them about the Commercial Ready program, because they do not believe the mantra that Rudd Labor have kept their election promises.

Not satisfied with trampling all over Senator Carr in dismantling Commercial Ready, Minister Tanner actually boasted—can you believe this?—at a post-budget breakfast that the axing of Commercial Ready was his ‘proudest achievement in the budget’. Can anyone believe the stupidity and shortsightedness of making such a decision, let alone wanting to brag about it?

There is an old saying in politics: when you are knee deep in a hole, don’t keep on digging. But Senator Carr, not able to help himself, kept digging. When asked in this place how the abolition of Commercial Ready helped Australia’s innovation economy, Senator Carr’s answer was, ‘We’re not in the business of funding millionaires.’ What an appalling statement from a person who pretends to be a supporter of innovation in this country. Senator Carr knows, as I do, that most of the recipients of Commercial Ready were not millionaires at all; they were young inventors struggling to get a break as to their innovation and seeking to take it to market.

They were people like Jimmy Servaii, whom I recently visited in Sydney. He has a new sugar substitute for use in chocolate which promises chocolate with 40 per cent less sugar—great business innovation with a huge potential for health benefits, so a real

win. But Jimmy’s hope of support through Commercial Ready has now evaporated, thanks to Labor, just like that of others. Take the dozens of possible medical cures that will no longer come to fruition or the company with a new road safety device whose executives were told, the day before the budget, they had a Commercial Ready grant, only to read the next night that the program had been axed along with their grant—and the list goes on.

But there was one company that benefited from a significant grant from the minister, albeit it was not out of Commercial Ready. It was Toyota, the world’s most profitable general car manufacturer. Remember Senator Carr rushing to Japan just so he could be in a \$35 million money shot with the Prime Minister in Japan? We were told this \$35 million was essential for Toyota to manufacture—in fact, we now know it will only be assembling—the hybrid Camry in Australia. It all sounded very nice until we realised it would not actually be manufactured here in Australia, rather just assembled. Not only will the engine be fully imported from Japan but, at the same time as the Australian taxpayer is paying this money for 10-year-old technology, Toyota is planning to build generation 2 plug-in lithium ion battery hybrids in the rest of the world. It turns out that this money came from the green car fund. Holden and Ford were never made aware that this money was going to be made available. You may well ask: what else could you do to make things worse in the Industry portfolio? Well, you have got the luxury car tax hurting Australian car manufacturers. You have currently got Australian car dealers needing finance and support, a situation which was made so much worse by the bungled bank guarantee legislation.

The real low point was when I asked Senator Carr in this place about the impact of the Carbon Pollution Reduction Scheme on

Australian industry—that rushed, ill-considered and flawed ETS. What was his response? ‘I am not the responsible minister.’ Well, he is the minister for industry. While others organise roundtables with affected business, Senator Carr adopts the Senator Wong approach of see no evil, hear no evil and speak no evil about the Carbon Pollution Reduction Scheme. So we have the bizarre situation that, when I ask questions about Nyrstar, for example, for my home state of Tasmania, the minister does not make a peep in response, not one. He was not even invited to Senator Wong and Mr Kerr’s Labor Party strategy meeting on how to tackle the issue—so insignificant is his role, so out of the loop and so irrelevant, even in his own party.

Virtually every government department is acknowledged in the credits of the Treasury’s modelling of the Carbon Pollution Reduction Scheme. But there is one missing, Madam Acting Deputy President—and you have guessed it—it is the industry department. It is simply incomprehensible that the minister for industry should be so compliant in the construction of the new tax which— notwithstanding some of the public views of their leaders—almost every industry and business I have spoken to believes will significantly reduce their viability and in some instances force them to close. And, of course, this means huge job losses for those so-called working families. That really does say it all about this minister. Where was he on these fundamental issues such as Commercial Ready, the luxury car tax and the ETS? He was missing in action. Whilst in opposition he would say one thing and he has done exactly the opposite in government.

One thing I can say is this: come the next election the coalition will be waiting with a genuine plan and a set of policies which will actually deliver on the needs these sectors face. Unlike Senator Carr, when we say something in opposition we will actually do

it in government should the Australian people decide to elect a Turnbull government in 2010.

Health Forum

Senator BARNETT (Tasmania) (1.56 pm)—In the few moments prior to question time I will take the opportunity to highlight the merits of the health forum recently held in Launceston on the issues of public hospitals, rural health and the responsible consumption of alcohol. It was hosted by Senator Richard Colbeck, myself and the Tasmanian women’s council of the Liberal Party.

Guest speaker was the Hon. Peter Dutton, the shadow minister for health and ageing. We had a number of other outstanding speakers and I would like to thank them and pay tribute to them for their contributions. There was Dr Jim Markos, Secretary of the Medical Staff Association of LGH; Ms Colleen McGann, Managing Director of St Luke’s Health Insurance; Dr Erica Bell, Deputy Director of the University of Tasmania’s department of rural health; and Dr Mike MacAvoy, CEO of DrinkWise Australia. I want to pay a compliment to and thank DrinkWise Australia for their sponsorship of this important health forum. It was very much appreciated and their support was well recognised.

Dr Jim Markos gave an outstanding address and an important contribution on the importance of adequate funding for the Launceston General Hospital and for public hospitals generally in Tasmania. Colleen McGann talked about the importance of accountability and responsibility for both private and public hospitals, and the importance of a balance between the two across the health sector. In terms of the panel session on public hospitals, we also had input from Professor Bernie Einodor, an orthopaedic surgeon based in Launceston, who gave an excellent contribution which was very much

appreciated by the people participating in the forum.

In terms of rural health we had special presentations from Mr David Downie, Chair of the Campbell Town Health Centre; and Mr Michael Ball on behalf of the Ouse Hospital Action Committee. That action committee was very vigorous in their protestations over the closure of the Ouse Hospital and referred to the closure of the Roseberry Hospital by the state Labor government in Tasmania prior to the last election. I commend them for their advocacy on behalf of their community. Ann Jones was also present on behalf of that action committee.

Reference was made to the importance of the West Coast Council standing up for their community in terms of the closure of the Roseberry Hospital, and the Roseberry Hospital Action Committee was acknowledged as well. In terms of the responsible consumption of alcohol panel, we had a contribution from Mr Sam McQuestin, Manager of Jimmy's Liquor outlets in Launceston, who is also president of the Tasmanian division of the Liberal Party.

Senator Mason—Hear, hear!

Senator BARNETT—Indeed, Senator Mason, he is a fine individual and he gave an excellent presentation. Mr Chris McIndoe from the Heritage Hotel in George Town presented his own views on the importance of the supply of alcohol and the importance from his perspective of limiting supply. We appreciated his input. Dr Michael Aizen is a past president of the AMA in Tasmania and presented his own views on the responsible consumption of alcohol.

We also had the benefit of Inspector Reynolds from Tasmania Police. We want to thank the police for the important role they play in ensuring that alcohol is consumed at an appropriate time and place. A number of recommendations have been prepared and

they will be an important contribution to not only the state and federal levels of the Liberal Party but also public policy, and we appreciate the contribution— (*Time expired*)

QUESTIONS WITHOUT NOTICE

Emissions Trading Scheme

Senator CASH (2.00 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. I refer the minister to the publicly stated concerns about the flawed design of the government's emissions trading scheme by the Business Council of Australia, the Australian Industry Group, Bluescope Steel, Woodside, ExxonMobil, Chevron, Nyrstar, Alcoa, Visy, Qantas, the Regional Aviation Association of Australia, the energy sector, international investors, the cement industry, a member of the Reserve Bank board and the Labor Premier of Tasmania, to name just a few. If it makes sense to wait for the world on targets, why—

Government senators interjecting—

The PRESIDENT—Order! There needs to be order on my right so that I can hear the question.

Senator CASH—If it makes sense to wait for the world on targets, why does it not make sense to wait for the world outcome at the Copenhagen meeting next year before rushing in the introduction of Labor's flawed emissions trading scheme?

Senator WONG—I thank the good senator for her question. I could go through and list off all those on that side who do not believe we should take action on climate change. That might take a great deal longer than I have for responding to this question. We made it clear as a government when we put out the green paper that we were putting out some detailed design propositions for consultation because we understood how important it was to get the balance right on the Carbon Pollution Reduction Scheme. We

on this side absolutely understand the importance of getting the balance right when it comes to the design of this scheme. It will be progressed in an economically responsible way.

We have undertaken extensive consultation with industry, as the good senator knows, in relation to the issues in the scheme. I would also remind the senator in relation to the start date that we have clearly also heard the views of people such as the Business Council of Australia and the Minerals Council of Australia, who have clearly indicated that what business does require when it comes to climate change is policy certainty, which was never provided in your government, other than the certainty of inaction and delay. We have heeded the calls of the Business Council of Australia, the Minerals Council of Australia and others when it comes to the issue of the start date. It is only those on the other side who are failing to recognise the importance of business certainty in this regard.

We on this side of the chamber absolutely understand that climate change is a key economic challenge for the future of this nation and the Carbon Pollution Reduction Scheme is the economically responsible way to respond to climate change and to do what we told the Australian people we would do before the election, which is to take action on climate change. (*Time expired*)

Senator CASH—Mr President, I ask a supplementary question. Given that the minister will not listen to the concerns of industry and other affected parties, will the minister at least act on the concerns of Labor senator Steve Hutchins, Labor senator Glenn Sterle and the Labor member for Throsby, Ms Jennie George, the former head of the ACTU, about Labor's flawed emissions trading scheme, or will the legitimate concerns of these backbenchers also be dismissed?

Are they climate change deniers for daring to question the design of the emissions trading scheme?

Senator WONG—I say to Senator Cash that we know where the climate change deniers are; they are on that side of the chamber. Those on this side of the chamber—all of us—are concerned about jobs, particularly in this time of global economic crisis. That is why we are working so hard to strike the right balance on the Carbon Pollution Reduction Scheme. We on this side also understand that we have to not only protect the jobs of today but prepare Australia for the jobs of tomorrow. We need to build a lower pollution economy that will be competitive in tomorrow's world. We on this side of the chamber absolutely understand something those opposite have never understood: that in government you have to lay the groundwork for the economy of the future. Unlike those opposite, who saw the way forward on that as stripping away wages— (*Time expired*)

Senator CASH—Mr President, I ask a further supplementary question. Doesn't the fact that the minister has broken her promise to have draft laws for the emissions trading scheme in place by the end of this year prove that the government's 2010 deadline for the introduction of Labor's flawed emissions trading scheme is unworkable? Will the government now listen to the advice of the opposition, of industry and of its own backbenchers and defer the commencement of the scheme beyond 2010?

Senator WONG—If we listened to the advice of the opposition on climate change we know that nothing would ever happen. What we will do is listen to the advice of key business groups, who have said they need—

Opposition senators interjecting—

The PRESIDENT—Order! Senator Wong has the call.

Senator WONG—We will listen to the advice, through our consultations, particularly from key business groups, who have made it clear that certainty is key to how we respond to climate change and that delay would simply increase uncertainty. We know on this side that there will never be an easy time to transition to a low-pollution economy, which is vital to Australia's future. But we on this side are prepared to do the hard yards, to do the work to strike the right balance and to put in place a scheme that will do what we told the Australian people we would do before the election—that is, respond to climate change, because we understand it is in Australia's best interests now and into the future for us to do so.

Economy

Senator FARRELL (2.07 pm)—My question is to the Minister representing the Treasurer, Senator Conroy. Can the minister update the Senate on the national accounts released today?

Senator CONROY—I thank Senator Farrell for that question. The September quarter national accounts released today show that GDP growth increased by 0.1 per cent in the September quarter to be 1.9 per cent higher over the year. This is a positive outcome for Australia in the context of a global recession. As I have attempted to point out to those opposite on numerous occasions, we need to put these figures into perspective. In other words, and particularly for the benefit of those opposite, we need to compare these figures with what is going on in other countries during this difficult period. Let me repeat again—because I have read out the specific figures before: the US, the UK, Germany, Italy, Spain, Japan, Singapore and Hong Kong all recorded negative growth in the three months to September. And two-thirds of OECD economies are expected to contract in 2009. So, while most countries

are contracting, our economy continues to grow.

Australian households are pulling back on their spending in the face of the global financial crisis. Household consumption increased by just 0.1 per cent in the September quarter as households continue to rebuild their savings. Businesses are continuing to invest in our economy. New business investment rose by a solid 1.8 per cent in the quarter and is 12.5 per cent higher over the year. Let me stress that point in particular. (*Time expired*)

Senator FARRELL—Mr President, I ask a supplementary question. In light of today's national account figures, can the minister update the Senate on what other measures the government is taking to stimulate growth and create jobs?

Senator CONROY—Today's figures show we cannot resist the pull of international economic forces, but our economy is better placed than other nations to face this global financial crisis. As I have said in this chamber before, and as the Treasurer said yesterday in the other place, all arms of policy are directed towards buffering our nation and its people from the worst the world can throw at us. The government has acted decisively to strengthen growth and limit the impact of the global financial crisis on Australian jobs. Our \$10.4 billion Economic Security Strategy, the bulk of which kicks in from next week, will provide relief to households and strengthen growth. The \$15.1 billion COAG package will help stimulate growth, create jobs— (*Time expired*)

Senator FARRELL—Mr President, I ask a further supplementary question. Can the minister outline why, in the current global circumstances, decisive action is important?

Senator CONROY—Australians can take heart from the fact that both the government and the Reserve Bank are taking every responsible step to strengthen the Australian

economy and protect jobs in the face of the global financial crisis. We know we are facing almost unprecedented economic conditions. We know that most major and developing economies are being affected. And we know that the Australian economy has slowed considerably since the beginning of this global crisis. But we are not out of the woods yet. This will be a long and protracted global financial crisis; it has a long way to run. We will continue to take whatever action is necessary to support growth and limit the impacts of the global financial crisis and the global recession on Australian jobs. (*Time expired*)

Automotive Industry

Senator TROETH (2.12 pm)—My question is to the Minister representing the Treasurer, Senator Conroy. Given that the deadline for the withdrawal of finance from car dealers is less than a month away, when will the government act to address the critical funding issues facing Australia's car dealers, caused by the government's bungled unlimited deposit guarantee legislation?

Senator CONROY—It is clear that the auto industry's problems stem from well before the introduction of the government guarantee and are largely the result of the global financial crisis. Those opposite may want to laugh but, as is well known, two of the major financiers had announced prior to the guarantee that they were pulling out. So those opposite may want to laugh, but that is why the Rudd government is working to address the liquidity concerns that have seen a number of investment funds freeze redemptions over recent months.

Treasury task forces are dealing with each category of market linked investment institutions. David Murray is facilitating larger and more liquid institutions, providing liquidity to various market linked investment vehicles. APRA is fast-tracking applications by mort-

gage funds and financial institutions seeking to attain the status of a prudentially regulated APRA institution, with \$84 million of additional funding. And the RBA has widened repurchase operations to include high-quality commercial paper, to add further liquidity to this market. So let's be clear: we have been taking action and we continue to be in discussions and negotiations.

It is only a week or two ago that Senator Fifield claimed the talks had collapsed. Yet here you are today, from your own mouths, suggesting they are still going on. The government is certainly aware of the difficulties that the automotive finance companies have been facing due to this crisis. Their primary challenge is that they raise funds from wholesale markets— (*Time expired*)

Senator TROETH—Mr President, I ask a supplementary question. Minister, you may be aware of them but you have certainly not acted. You have stated the intention to do so but failed to act. Doesn't that mean that new lenders are holding off from entering the market and isn't it a fact that the government's procrastination is actually making the problem worse?

Senator CONROY—Could I reject the basic premise that is contained in that question. It is simply an assertion, not a fact. The primary challenge that the car finance companies face is raising funds from wholesale markets and using debentures and unsecured notes from retail investors. Due to the global financial crisis, they are having difficulty raising funds in wholesale markets and households are seeking to withdraw funds from investments when they mature. Car finance companies, just like other market linked investments, rely on investors rolling over their investments. The Leader of the Opposition claims that it is the government's guarantee that is to blame for investors not rolling over their investments. But his ac-

tions tell a different story. He admitted that he and other people were withdrawing their funds because of declining values caused by the global financial crisis. So what we have is walking on one side of the street and acting on the other side. *(Time expired)*

Senator TROETH—Mr President, I ask a further supplementary question. I am sure that Senator Conroy, as a Victorian senator, has read of the recent closure of Mollison Motors in Kyneton, a 60-year-old company, which had its sad end yesterday when its 55 new cars were auctioned off by receivers in Melbourne yesterday as a result of the company losing finance. Such car auctions are another blow to Australia's new car sales, which collapsed by 22 per cent in the last month. How many more car dealers will have to close and how many more jobs, which you and your government profess to be so interested in, will be lost before the government acts?

Senator CONROY—I am not absolutely sure that that was completely relevant to the primary question, but I am more than happy to deal with it. As I mentioned, the government regrets the announcement by GMAC and GE Money that they will be closing their automotive financing businesses. We are working with the automotive industry and the banking industry to evaluate practical solutions. My department—the department—has facilitated meetings between the industry and Treasury and the Department of the Prime Minister and Cabinet concerning this issue. The Treasury currently has task forces dealing with a whole category of market linked investments.

Senator Abetz—Your department?

Senator CONROY—I said 'the Treasury'; I corrected that. The government has announced the most comprehensive plan ever developed for the automotive industry.

A New Car Plan for a Greener Future will provide—*(Time expired)*

Men's Health Ambassadors

Senator SIEWERT (2.18 pm)—My question is to the Minister representing the Minister for Health and Ageing, Senator Ludwig. The Minister for Health and Ageing recently appointed Mr Barry Williams of the Lone Fathers Association as one of the ambassadors for the national men's health policy. I note that, in 1999, the current Minister for the Status of Women, Tanya Plibersek, expressed serious concerns about the Lone Fathers Association. She described them as an extreme group and said, 'Remember that this is the group that refuses to believe that women experience domestic violence more often than men.' And when, as prime ministers, both Bob Hawke and Paul Keating refused to meet with Barry Williams, Minister Plibersek then stated that she was proud to belong to the ALP because it refused to deal with extreme groups such as the Lone Fathers Association. What evidence does the government have that the Lone Fathers Association has changed its stance on the issues of domestic violence and the rights of women? And does the government believe that it is appropriate for a person holding such views to be an ambassador for the national men's health policy?

Senator LUDWIG—I thank Senator Siewert for her question. It is important that we raise the issue of men's health. Men, unfortunately, do not live as long as women and they die at higher rates from coronary heart disease/vascular disease, suicide, traffic accidents and injury. Development of the first national men's health policy for Australia is a significant step in improving the health of Australian men. We have appointed five men as health ambassadors who will be a focus point for awareness raising. They will help with our community forums and talk to men

about men's health issues. We will be appointing more. They will be from a range of professions because the aim is to have a cross-sample of Australian population capable of representing a wide range of men's issues.

These ambassadors do not necessarily have expertise or specific knowledge of men's health issues; rather, they will bring together other skills such as the ability to raise the public profile on this issue and their ability to talk to men about issues that affect men. The ambassadors are engaged on a voluntary basis and, aside from their travel accommodation and associated expenses, they will not be paid. The government will provide estimated expenses of around \$250,000. These funds will be spent on getting ordinary men together to talk about men's health. When we talk about the consultative process, we will have a look at all of those issues that you raised. I am not aware of the specific issues that you raised in respect of Mr Williams. However, as this government has made it clear, not everyone will necessarily share every view of every ambassador on every issue, but I will take those issues and examine those comments. *(Time expired)*

Senator SIEWERT—Mr President, I ask a supplementary question. I further note that Barry Williams, on behalf of the Lone Fathers Association, signed an international petition opposing the UN report on violence against women—a petition which described the UN report as 'ideologically anti-male' and included the following statement:

... the result of such domestic violence programs has been to weaken families, bias divorce proceedings, and deprive children of contact from their fathers.

It also stated that the Lone Fathers Association recommends that all men entering a permanent relationship should insist upon a prenuptial agreement, commenting:

Remember if she is not prepared to sign such an agreement there must be a hidden agenda.

Does the government believe it is appropriate that a person representing an organisation with views that are openly hostile to women should be an ambassador for the National Men's Health Policy? When offering him this senior, high-profile position, did the minister ask Barry Williams if he repudiates the views of the organisation of which he is president? If not, will the minister remove him from this position?

Senator LUDWIG—I thank Senator Siewert for her question. As I said in answer to the first question that you asked—and it applies to this one as well—I am not aware of the individual comments that you have raised. I have indicated that I will seek to raise those comments with the Minister for Health and Ageing and ask her to examine them. I will say more broadly that, in terms of the issues which surround this matter, the minister did make it clear that the views that were expressed—and this is going back to the views that I think started the issue—included extremely offensive statements made by two recently appointed ambassadors for men's health which were drawn to her attention. Those views are abhorrent in her view and in mine. The minister immediately sought an explanation from those two people. *(Time expired)*

Senator SIEWERT—Mr President, I ask a further supplementary question. I note that this particular person who has been appointed as an ambassador has made blatantly anti-gay comments, comments about domestic violence and comments that are anti-women. The Minister for Health and Ageing has publicly accepted responsibility for the appointment of this particular ambassador. Can the minister explain what selection criteria were used to appoint the ambassadors and how these three specific issues got through that selection process?

Senator LUDWIG—As I said in response to the first supplementary question, the minister made her position quite clear. She took full responsibility, as I think Senator Siewert said. Men's health is an area that has always received insufficient attention. The minister will continue to engage, as will the government, with men from all walks of life and with widely divergent world views and backgrounds. This will inevitably mean that the government will not necessarily share the view of every ambassador on this issue.

Senator Bob Brown—Mr President, I rise on a point of order. The question was not about the process from here on; it was about the process of selection. The minister should address that.

The PRESIDENT—Senator Ludwig, you have 22 seconds left to answer the question.

Senator LUDWIG—As I was saying, people will be selected from all walks of life. The ambassadors are not appointed to provide expert advice to government but to engage men in looking after their health, to be prepared to talk to men about their problems and to encourage them to seek help. (*Time expired*)

Internet Filtering

Senator BERNARDI (2.26 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I refer to the minister's call for expressions of interest by 8 December to conduct live ISP level internet-filtering trials, preferably starting before 24 December. I ask: how many customers would an ISP need to enlist for a trial to be credible, and will the results be independently examined and verified?

Senator CONROY—I thank Senator Bernardi for that question. I think he was one of the senators who signed a letter previously supporting the proposal for ISP based filter-

ing, as did, apparently, 78 of those in the opposition. It was a letter on ISP filtering organised by Senator Barnett.

The government is committed to taking an evidence based approach to ISP level internet filtering. On 10 November I released an expression of interest document seeking the participation of ISPs and mobile telephone providers in a live pilot. The application process for the EOI, as you mentioned, closes on 8 December. The pilot may begin before the end of 2008 and conclude in the first half of 2009. Despite the claims that it is going to be rushed through Christmas, Senator Bernardi, I can assure you that that is not the case.

Participation by ISPs in the live pilot is voluntary. The pilot will test the potential impacts of filtering technologies on internet speeds, the accuracy of filters, the circumvention costs and customer experiences in a real-world environment. The pilot represents an ideal opportunity to assess concerns that industry and the public may have about ISP filtering. A range of filtering solutions will be tested, including, at a minimum, filtering of the ACMA black list of prohibited internet content, largely child pornography. The pilot will provide evidence to assist the government with the implementation of its ISP filtering policy. I encourage all ISPs to come forward—(*Time expired*)

Senator BERNARDI—Mr President, I ask a supplementary question. I note that the minister failed miserably to answer that question, which was specifically about the number of people needed for a trial to be credible. I also note that in the expression of interest documents the second stream of the trial includes a filtering of other unwanted content. I ask the minister: has this unwanted content been identified, and by whom?

Senator CONROY—I again thank Senator Bernardi for the question. At this stage

you are attempting to put the horse before the cart. What we are doing is engaging in a process with a very targeted list at the moment. The list could contain 10,000 potentials. When you look around the world at Interpol, the FBI, Europol and other law enforcement agencies and you look at the size of the lists that they are actually using at the moment, 1,300 would not be sufficient to cover the URLs that we would have supplied to us with the purpose of blocking. So let me be clear about this: the pilot will seek to test network performance against a test list of approximately 10,000 sites— *(Time expired)*

Senator BERNARDI—Mr President, I ask a further supplementary question. Based on the minister's answer, I would suggest that there is more than a horse and cart involved; there is probably a donkey as well.

Honourable senators interjecting—

The PRESIDENT—Order! Senator Bernardi, resume your seat. I am waiting for silence.

Senator BERNARDI—I ask the minister: considering the stage of trialling filters for his mandatory ISP-level filtering policy is only just beginning, why is he closing the coalition government's free, personal computer level internet filter scheme on 31 December before having any alternative in place to assist families with online safety?

Senator CONROY—I assure Senator Bernardi that if he wants to grab hold of what was possibly the single largest lemon of a policy implemented by the previous government, he is welcome to it. This is a policy which saw mass mail-outs, advertising on television and millions of dollars of wasted taxpayers' money that led to an extraordinarily small usage—I am happy to get him the exact figure; possibly two per cent are still using it after all of the blather from those opposite. This was a monumental failure of a policy. But let me be clear: for those who are

currently using it, the support mechanisms are in place and go on. We will be taking no new applications. That is an accurate description of what is actually happening. *(Time expired)*

Economy

Senator LUNDY (2.32 pm)—My question is to the Minister for Superannuation and Corporate Law, Senator Sherry. As the economic circumstances we face are a once-in-a-generation challenge and have been described as the worst seen since the Great Depression, can the minister advise the Senate on what early and decisive actions the Rudd government has taken during these unprecedented times to soften the impact of the global financial crisis on Australia's economy and working families? Can the minister explain how, now more than ever, it is of the utmost importance that the government is able to bring its plans into action, including passing key legislation through the parliament?

Senator SHERRY—As Senator Lundy has quite rightly pointed out, these are unique circumstances and times for this generation, particularly with respect to the operations of the financial markets and the impact on the broader economy. The national account figures released this morning show gross domestic product has grown by 0.1 per cent. As my colleague Senator Conroy has outlined, there are many advanced economies, developed economies, around the world that are now experiencing negative growth and are in recession. Slowing growth in the September quarter shows that Australia does not operate in an economic vacuum; we are impacted by these international economic circumstances and they are impacting right around the globe. But the Australian economy has put in a comparatively stronger performance when compared to many of our international counterparts and the Rudd gov-

ernment has taken early and decisive action to minimise these impacts that we are seeing.

I would like to remind the Senate of a few of these decisive actions. For example, in May the government announced we would provide legislative authority for an increase in Commonwealth government securities issuance up to \$25 billion. Secondly, the government has moved quickly to guarantee bank funding. If institutions fail to lend to each other and if businesses, farmers and households cannot borrow then the economy slows and gridlocks. Thirdly, we have acted to protect financial institutions by minimising market manipulation and speculation through supporting a temporary interim ban on what is known as short selling. Fourthly, we have acted decisively to support competition and liquidity in the mortgage market. The government has announced the purchase of some \$8 billion of residential mortgage backed securities. Fifthly, the government has acted to introduce for the first time the regulation of all financial services— (*Time expired*)

Senator LUNDY—Mr President, I ask a supplementary question. The minister has already highlighted a number of important steps the Rudd government has taken to protect the economic stability of Australia, but can the minister highlight any threats to the stability of Australia's economy and from where these threats emanate?

Senator SHERRY—I was just going to conclude on a couple of other points where we have acted decisively by way of comparison. As I was mentioning, we have introduced single standard national uniform regulation of all financial services in Australia. We are one of the first countries in the advanced economies to do so. We have learnt some lessons from what occurred with the mis-selling and distribution of mortgage products in the United States. Sixthly, the

government has been active all year in coordinating our actions with key global partners. As I said earlier, the Australian economy is not isolated from world—

Senator Abetz—All year?

Senator SHERRY—Yes, all year, Senator Abetz. Senator Abetz and the Liberal opposition should have paid a bit more attention to these international factors. The Prime Minister and the Treasurer have been engaged in the meetings of the Financial Stability Forum, the G20 and APEC because these are vital forums to ensure that we have internationally coordinated action. (*Time expired*)

Senator LUNDY—Mr President, I thank the minister for his thoughtful response and I ask a further supplementary question. Can the minister explain why actions taken by the Rudd government have been critical to ensuring the security of our economy? How have these early actions by the Rudd government ensured Australia's financial security for the future? Finally, what obstacles stand in the way of these positive outcomes for Australia?

Senator Abetz—The Rudd Labor government.

Senator SHERRY—And it is a very good Rudd Labor government too, Senator Abetz—through you, Mr President. I have outlined just some of the strong and decisive actions that this Labor government has taken in response to the worst financial crisis in the last 80 years. Our budget is vital to ensuring a significant budget surplus to assist in cushioning the economy—for example, delivering the \$10.4 billion Economic Security Strategy. All those opposite could do was oppose vital budget measures designed to deliver that surplus which is so important to ensuring that we can deliver the range of initiatives in that \$10.4 billion Economic Security Strategy. All the Liberal opposition can do, on most occasions, is to adopt a

negative approach to the strong and decisive action taken by the Rudd Labor government to protect our economy. *(Time expired)*

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the chamber of a parliamentary delegation from the Republic of Iraq, led by the First Deputy Speaker of the Council of Representatives, Mr Khalid Al Attiya. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Human Services

Senator SCULLION (2.38 pm)—My question is to the Minister for Human Services, Senator Ludwig. With an increase of more than eight per cent in complaints about Centrelink's service, will the government now accept that they have made the wrong decision in axing the local liaison officer program within Centrelink?

Senator LUDWIG—I can say that the local liaison officer program was one of those that the opposition put in when they were in government. It did not address the concerns and issues that were raised in local constituencies. We ensured that the local liaison officer program was not continued. Why? Because it was not actually delivering. A much better system to put in place is one where, if you have an issue in your constituency, you can go to your local electorate office and deal with it. We have good relations with each of those electorate offices. When issues are raised that people want brought forward then those specific agencies, like Centrelink or Medicare, can talk through and have contact with the electorate offices and deal with them in a sensible way. That is a far more practical way than having a local liaison officer program in place. Centrelink has been

working through each of those offices. Of course, agencies across the Human Services portfolio deal with not only local constituents that are referred to from electorate offices but also a significant amount of correspondence from those electorate offices. I can assure the Senate and you, Mr President, that correspondence—which I see personally—comes to me from the electoral offices of those opposite and of those of us on this side of the chamber through all of the agencies across the Human Services portfolio: Medicare, Centrelink, the Child Support Agency, Health Services Australia and Australian Hearing. This indicates that they are engaging with the constituents about issues. We are dealing with those issues that arise. We deal with them directly in a practical way. *(Time expired)*

Senator SCULLION—I thank the minister for the answer and I thank him for conceding that the new system has, in fact, delivered eight per cent less service than that of the previous government. Mr President, I ask a supplementary question. The government's arbitrary 3.5 per cent efficiency dividend imposed this year has reduced Centrelink's ability to provide services to Australians. Centrelink's own annual report stated that the reviews completed on time were down by four per cent and that requests for appeals on Centrelink decisions were up by more than 6,000. Given the increase in consumer demand, will the government now concede that they also got this wrong and restore the funding to Centrelink?

Senator LUDWIG—Those opposite misrepresented the question. There was no concession in respect of the impact of the removal of the local liaison officer program. In fact, it was quite the opposite. If you look at the staff that have been provided to electorate offices, you have an additional electorate officer to deal with the issues of constituents in all of our offices. If you choose to use

them in that way then they are a valuable resource for your constituents to work through any of the issues that may arise. But if you choose not to use them in that way then that is a decision you make within your own offices. I can say that Centrelink has been working diligently. It has been out there across Australia helping those people who are in need. It has been helping people in Queensland who have been suffering under the storms and the floods. It is also providing the \$10.4 billion— (*Time expired*)

Senator SCULLION—Mr President, I ask a further supplementary question, but I have to say that that answer is completely less than satisfactory. It is a dreadful answer. This is a very serious matter.

The PRESIDENT—Ask your question, Senator Scullion.

Senator SCULLION—Will the minister confirm to the Senate—

Senator Chris Evans—Mr President, on a point of order: I know we are trialling this new system, but it seems to have become the habit of the opposition firstly to slur the minister on starting their supplementary questions and then, often, to ask supplementary questions that have nothing to do with the primary question. I appreciate that we have this trial, under which you indicated that you would take a fairly liberal approach to see how things transpired and to learn from those things. I appreciate and respect that, but I think that the sort of behaviour that is developing ought not to be permitted. It is not appropriate for senators to disparage the ministers at the start of their supplementaries, nor is it appropriate for them to fail to address the broader question even vaguely in their supplementaries. I ask you to give consideration to that, even though we are having a fairly liberal interpretation of the new system.

Senator SCULLION—Mr President, I rise to speak on the point of order. I acknowledge that I was not disparaging the minister in any way in terms of the answer to the principal question. It was the Ombudsman's report that indicated the eight per cent increase in complaints. I was simply reflecting that he made no attempt at all to answer the question in my first supplementary. An efficiency dividend of 3.5 per cent had been implemented and the outcome of that was that reviews completed were down by four per cent and Centrelink decision appeals were up by 6,000, and he made no attempt to answer the question. I was not reflecting upon the minister; I was simply reflecting on my disappointment that he failed completely to answer the question.

The PRESIDENT—You had been asking the supplementary question for 14 seconds, and at that time I drew your attention to the fact that you were not asking a question and I asked you to come to the question.

Senator Abetz interjecting—

The PRESIDENT—Senator Abetz, I do not need your assistance. Senator Scullion, there are now 46 seconds left for you to complete your supplementary question, and I draw you to the fact that you need to ask a question.

Senator SCULLION—Thank you, Mr President. Will the minister confirm to the Senate that the government is closing the Centrelink office in Currie Street, Adelaide from 19 December 2008? Will the minister inform the Senate of the address of the new Centrelink office that will replace the Currie Street office, or is it in fact the case that there is not one?

Senator LUDWIG—The short answer is that we have been evicted from those premises. That is the short answer. What we can say, though, is that, unlike the information in your question, we have already advised the

customers about the alternative service arrangements in Adelaide. We have been proactive in ensuring that no customer will lose out on any service. We have been ensuring that we can continue to provide the Centrelink services throughout the Adelaide CBD. They are the issues that Centrelink has been proactively dealing with. Why? Centrelink is out there actively engaging with the community, making sure that it does the hard work with the community and providing assistance to those in need within the community. You should do your homework in respect of this. This is about ensuring we have continuity of service for those customers. Centrelink found itself in that position and, rather than sit on its haunches, it went out and did some proactive work. *(Time expired)*

GROCERYchoice

Senator XENOPHON (2.47 pm)—My question is to Senator Conroy in his capacity as Minister representing the Minister for Competition Policy and Consumer Affairs and relates to the GROCERYchoice website. At its launch in August this year, the GROCERYchoice site was attracting 3.3 million hits a month and now receives an average of 104,000 hits a month. The site has been roundly criticised in the media for failing to provide helpful information for consumers. These reports have included claims that the site does not provide a list of the cheapest supermarkets in any given area but, rather, simply tells which supermarket chain on average is cheaper than other chains in any given area. The reports have also made it clear that the site also lumps independent supermarkets in together, treating them as though they were one entity, even though they may have different owners and different prices. Given that the site is costing some \$13 million over the next four years, could the minister update the Senate as to the status of negotiations between the government, the ACCC and the consumer organisation

Choice regarding the possible takeover of the GROCERYchoice website by Choice?

Senator CONROY—This government makes no apology for siding with consumers by putting more information about grocery prices in the public domain. The Rudd government made it clear when GROCERYchoice was launched in August that it would look at ways to give consumers more information. Since then, the government has been speaking to industry and consumer groups, including Choice, on how GROCERYchoice can be enhanced to provide further information to consumers. The ACCC, as the regulator, was always limited in its ability to provide additional information, such as weekly specials. That is why we are working hard to deliver to consumers a GROCERYchoice that is as useful and as helpful to consumers as possible. After all, we agree with consumers that they need more information, and we will continue to work at providing that to them.

What is interesting is that, after 13 years in government, the coalition maintains the view that keeping consumers in the dark is the best way forward. Well, we take a different approach, Senator Xenophon. Our approach is to say, 'Let's have transparency and empower consumers so they can find the best value at the supermarket or at the petrol station.' Apart from the GROCERYchoice website, we are moving to a mandatory national unit pricing regime, which will allow consumers to easily compare the prices of different sized products. These are practical measures that the previous government gave no thought to. Choice has a well-developed degree of expertise to bring to the table. The consumer affairs minister has already—*(Time expired)*

Senator XENOPHON—Mr President, I ask a supplementary question. Can the minister assure the Senate that all relevant federal

government procurement and competitive tendering guidelines have been or will be complied with?

Senator CONROY—The government's decision to proceed with Choice was based on the view that Choice brought a unique expertise not available elsewhere. They have a vision for GROCERYchoice and providing the kind of information to consumers that was beyond the capacity of the regulator, the ACCC, to deliver. On 5 August the government announced the establishment of GROCERYchoice, and we make no apology whatsoever. We believe that Choice will absolutely be able to deliver on the government's requirements.

Senator XENOPHON—Mr President, I ask a further supplementary question. Could the minister outline any changes Choice has so far proposed for the site that might ensure it could provide useful information for consumers?

Senator CONROY—At this stage, my understanding is that the details are still being worked through with Choice and the government will have more to say on what changes consumers can expect to see with GROCERYchoice shortly. If I could just reassure the good senator as well as the chamber: there will be no additional cost to the taxpayer. Choice will manage the website based on the existing allocation of \$13 million over four years.

Water

Senator COLBECK (2.53 pm)—My question is to the Minister representing the Minister for the Environment, Heritage and the Arts, Senator Wong. Will the minister heed the calls of the local community to reconsider the decision to reject an application to release water from Lake Crescent into the River Clyde in Tasmania to sustain the drought stricken Clyde community?

Senator WONG—I thank Senator Colbeck for the question. I am advised that Minister Garrett did, on 18 November, determine that the proposed water release from Lake Crescent would have clearly unacceptable impacts on two matters of national environmental significance: the Ramsar site and an endangered fish species that only occurs naturally in Lake Crescent and the connected Lake Sorell. Minister Garrett made this decision in the context of his duties under the Environment Protection and Biodiversity Conservation Act, which obviously require him to have regard to a range of matters and to make a decision as to whether, in this context, the impacts on matters of national environmental significance were acceptable or not. As I said, the decision was made and it was determined that there would be clearly unacceptable impacts on two matters of national environmental significance.

Can I say that the minister is aware of the hardship being suffered by farmers in the Clyde valley region, who, like many regional and rural communities, have been affected by the ongoing drought, and is aware that these lakes have been a traditional source of water for downstream users in the Clyde valley. However, it is the case that, following an extended period of dry conditions, water levels in both lakes are already below the critical levels defined in Tasmania's water management plan. In the absence of substantial and sustained rainfall, they are expected to drop further due to evaporation, with potentially severe impacts on the ecosystems of those lakes. A further release of water from Lake Crescent in these circumstances would therefore exacerbate the risk of serious long-term impact on matters of national environmental significance. (*Time expired*)

Senator COLBECK—Mr President, I ask a supplementary question. I thank Senator Wong for that answer, but I disagree with her with respect to the minister's understand-

ing of the circumstances of the farmers, since he has refused on two occasions to meet with them and also to visit them, despite their invitation. Was the Tasmanian Labor Minister for Primary Industries and Water, David Llewellyn, wrong when he said, 'This decision does not align with the Tasmanian community's expectations regarding the balance between the environment and community needs'?

Senator WONG—I am not sure I can assist the good senator much further. Minister Garrett, as I have indicated in this chamber on a number of occasions, under the EPBC Act has a decision-making power that is circumscribed by that statute. He is required to discharge his responsibilities under that law according to law and to his best judgement. For the reasons I have outlined, he has determined under that act that the application that the senator refers to ought not to be accepted, and that is on the basis of the issues that I have referred to in my response. So, whilst I accept that the senator reflects the concern of some members of his constituency on this, the minister obviously, in the context of the EPBC Act, has to have regard to the matters of national environmental significance. (*Time expired*)

Senator COLBECK—Mr President, I ask a further supplementary question. I thank Senator Wong again. I refer to further comments by Mr Llewellyn:

I am waiting for Minister Garrett to outline what he is prepared to do to assist the Clyde Valley community and the Golden Galaxias—

which is one of the issues that surround the EPBC Act involvement in this issue—

because this decision will not help either.

Has Mr Llewellyn made any specific requests to Minister Garrett and, if so, what is the government's response?

Senator WONG—Mr President, can I suggest, through you, to Senator Colbeck

that, if he has questions of Mr Llewellyn, they are probably being asked in the wrong parliament. What I can say to you is what I have said. I can say that Minister Garrett is willing to consider whether an emergency—

The PRESIDENT—Senator Wong, resume your seat. Senator Colbeck?

Senator Colbeck—Thank you, Mr President. My question was: has Mr Llewellyn made a specific—

The PRESIDENT—Is this a point of order?

Senator Colbeck—It is a point of order; I am sorry, Mr President. Has Mr Llewellyn made a specific request of Minister Garrett—that is my question—and what is the government's response?

Senator Ludwig—Just on the point of order, Mr President—if it was a point of order, because the senator on the other side did not actually preface his remarks with what the issue was that he was taking a point of order on—you should reject it, as there is no point of order. None was raised, other than a repeat of the question. In that instance, points of order should not be used simply as a mechanism to repeat the question for emphasis or because they like the sound of their voice, quite frankly, Mr President, and you should rule that way.

Senator Chris Evans—Mr President—

Honourable senators interjecting—

The PRESIDENT—Senator Evans, when there is silence I will give you the call. Senator Evans.

Senator Chris Evans—Sorry, is—

The PRESIDENT—I thought you were on the point of order.

Senator Chris Evans—No—

The PRESIDENT—All right. We are 18 seconds into the answer to the question, and I

draw attention to the fact that there are 42 seconds left.

Senator WONG—I am not sure whether Senator Colbeck is referring to the original application under the EPBC Act or not. I am afraid that I am not clear about that. What I can say is that the minister is aware that an alternative water supply has been made available for communities in the Clyde Valley by pumping water from the Shannon River at a rate of approximately 400 million litres per month. Some of this water is being used for stock and human use while approximately half is for farm irrigation. While the Clyde Valley farmers are, like many regional and rural Australians, suffering under the effects of the prolonged drought— (*Time expired*)

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

MR MARAT AMINOV

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (3.00 pm)—by leave—I want to report to senators on an incident earlier today in which Mr Marat Aminov attempted self-harm by trying to set fire to himself outside Parliament House. Security staff intervened and an ambulance, the AFP and ACT Mental Health have attended. Mr Aminov has been taken to hospital. His mother was on the site at the time and she became quite distressed. She was also taken to hospital. Mr Aminov is the gentleman who jumped from the public gallery to the floor of the House of Representatives the other day during question time. He was also removed from Parliament House on 22 October after a similar protest attempt.

The event is obviously very distressing and we are concerned for Mr Aminov and his family. I understand the incident was designed to highlight the circumstances surrounding the visa applications of his parents,

Mr and Mrs Aminov. I just want to make it clear that some of the claims that they make in support of their case are not actually correct. Mr Marat Aminov, the man who is protesting, is actually a permanent resident of Australia and is eligible for citizenship if he wishes to apply. Mr and Mrs Aminov arrived in Australia with their son on temporary business visas back in 1997 and since that time have extended their stay on a number of visas. In 2007 the then minister for immigration, I think it was Mr Andrews, intervened to enable them to make an application for an aged parent visa. This was lodged in June 2007 and they were granted bridging visas with full work rights. They are now queued for the granting of those visas, as is the case with all applicants.

I want to stress that the family is in Australia lawfully, they are holders of a valid visa, they are not being considered for deportation and this has not been considered since the former minister intervened. The department is working very closely with them. We have offered and have tried to provide counselling and welfare support and we have sought to try to assist Mr Aminov to get medical support. I thought that, given the concern around the building about the incident today, I ought to report that to the chamber.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Whaling

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (3.03 pm)—On Thursday, 13 November I took a number of questions on notice from Senator Siewert in relation to Japan's whaling program and undertook to seek additional information from the Minister for the Environment, Heritage and the Arts and the Minister for Foreign Affairs. I

seek leave to incorporate the answer in *Hansard*.

Leave granted.

The response read as follows—

I was asked whether the Prime Minister had raised the issue of the arrest of two Japanese Greenpeace activists with his counterpart. I am advised by the Department of Prime Minister and Cabinet that, to the best of its knowledge, the issue has not been discussed by the Prime Minister with his counterpart. As I previously indicated to the Senate, this is a domestic law enforcement matter for the Japanese Government and as such, it is not appropriate for the Australian Government to comment.

I was asked whether the Australian Government investigated whether the actions of the Japanese authorities are a breach of international law under the International Covenant on Civil and Political Rights. It is the Australian Government's view that the matter, which involves the alleged breach of Japanese laws by Japanese nationals in Japan, is one for the Japanese authorities. It would be inappropriate to conduct an 'investigation' into a matter which is a domestic law enforcement issue for Japan.

I was asked whether the Australian Government has obtained advice on whether the matters referred to by Senator Siewert are a breach of Japan's so-called research whaling program, and whether the Government had pursued this matter with the International Whaling Commission (IWC). The Government has examined whether the allegations, if substantiated, would constitute a breach of relevant IWC provisions, however it is not the practice of the Government to disclose the contents of legal advice that it has received. While the Government has not communicated with the IWC in relation to this matter, earlier this year the Government presented proposals for reform of the IWC which, among other things, called for reforming the management of science in the IWC through collaborative non-lethal research and an end to unilateral 'scientific' whaling.

Oceania Nautica

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (3.04 pm)—I was also asked yesterday, in my capacity as the Minister representing the Minister for Foreign Affairs, a question by Senator Trood in relation to an inter-agency assessment of the piracy threat to shipping in the Gulf of Aden. I seek leave to incorporate in *Hansard* the answer to that part of the question that I was asked by Senator Trood.

Leave granted.

The response read as follows—

Question asked of the Minister representing the Minister for Foreign Affairs, Senator Faulkner, by Senator Trood on Tuesday 2 December 2008

Is it true that earlier this year the government convened an interagency assessment of the piracy threat to shipping in the Gulf of Aden and decided to leave counterpiracy activities and the protection of Australian interests to other countries?

An inter-departmental meeting was held on 30 April 2008 to consider a draft resolution of the UN Security Council Members' efforts to address the problem of piracy and armed robbery in the waters off Somalia, including the Gulf of Aden. It was decided that Australia should engage positively and supportively in the discussions at the United Nations and support Security Council adoption of a draft resolution responding to a request from the Transitional Federal Government of Somalia for urgent assistance in securing the international and territorial waters off the coast of Somalia for the safe conduct of shipping and navigation. Australia ultimately co-sponsored the United Nations Security Resolution 1816, unanimously adopted on 2 June, which outlined a framework for action on piracy off the coast of Somalia.

**QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Emissions Trading Scheme**

Senator CASH (Western Australia) (3.04 pm)—I move:

That the Senate take note of the answers given by the Minister for Climate Change and Water (Senator Wong) to questions without notice asked by Senators Cash and Colbeck today relating to the emissions trading scheme and to water management of the Clyde River, Tasmania.

Only a short time ago I came to this place and asked what additional evidence the government requires before it will take responsibility and acknowledge that its proposed ETS is not only seriously flawed but, if the government does not listen to the concerns of industry and does not take into account the current global financial crisis, it will have a severe impact on all Australians. I implored those on the other side of the chamber not to put at risk thousands of Australian jobs and billions of dollars of capital investment in the resources sector and the energy sector because of their reckless approach to implementing an ETS. Australia and Australians deserve better.

And what do we have today? We finally have members of the government who have seen the light and confirmed that the coalition's long-held position of responsible action when addressing climate change is actually correct. The penny is finally dropping for everyone on the Labor side except Minister Wong. I was pleased to read today in the *Sydney Morning Herald* that there are members on the government side who have adopted the coalition's stance: that we need to take responsible and economically conservative action on climate change.

Honourable senators interjecting—

The DEPUTY PRESIDENT—Order! There is too much audible noise and discussion in the chamber.

Senator CASH—I am about to name those senators. In fact, I am going to quote from the *Sydney Morning Herald*, because it is a delightful quote that needs to be placed on the record:

The Prime Minister, Kevin Rudd, has told his backbenchers to hold their nerve over Labor's emissions trading scheme amid internal concerns about its impact on jobs and intense lobbying by interest groups.

... ..

NSW Senator Steve Hutchins warned of the impact on jobs should Australia proceed unilaterally with an emissions trading scheme during an economic downturn.

... ..

Senator Glenn Sterle, from Western Australia, spoke up—

finally—

for the liquefied natural gas industry, which is complaining it will lose billions in investments because it does not qualify for the compensation that will be given to the heavy-polluting industries.

I and others on this side of the chamber have long warned in this place that rushing towards a 2010 deadline to implement an emissions trading scheme would see unpredictable damage to Australian industry and Australian jobs. The coalition has a proven track record on the economy. We know that, without a doubt, climate change is best tackled from a position of economic strength. Under Labor, however, companies in Australia are to be put at a competitive disadvantage because we have a government which adopts a 'go it alone' approach. I say it again: common sense dictates that being in a position of economic strength is the best way to deal with climate change.

It may be news to those opposite, but take this from a real economic conservative: extra regulation, taxation and competitive disadvantage are not going to engender a position of economic strength in this country, espe-

cially in these financially difficult times. To this end, an effective ETS must be designed to protect our export and import industries until the rest of the world has signed up to a course of action on climate change. A hasty decision on this matter will damage the very industries that have supported the robust economic times we have previously enjoyed in this country.

Quite simply, an effective ETS should be designed to shield our export and import industries until a level playing field has been established worldwide. And Senator Sterle, a Labor senator from Western Australia, has now acknowledged this. But no—this is obviously too logical or too boring for a spin driven government such as this one. Where is the media story in being sensible and responsible? Spin over substance every time—that is what this government is all about.

The coalition is committed to responsible and effective action on climate change. The ETS proposed by the Prime Minister and Minister Wong has the potential to drive up unemployment and to export emissions overseas. This is not a responsible response to climate change but, oh, it is so typical of policy from the Rudd Labor government. (*Time expired*)

Senator CROSSIN (Northern Territory) (3.10 pm)—I rise to speak on the opposition's motion to take note of Minister Wong's answer to Senator Cash's question. All I can say is: thank goodness we have daily newspapers delivered around Parliament House these days, because the opposition clearly would not know what questions to ask in question time otherwise. Their strategy is derived from newspaper headlines and articles.

Industry and business organisations such as the Australian Institute of Superannuation Trustees, the Property Council of Australia and the Australian Council of Trade Unions

have been mentioned in today's *Financial Review* as talking about climate change, as have AMP Capital, BT Financial Group and Colonial First State. There is only one thing that these organisations have in common with the Labor Party and not with the opposition, and that is that they are talking about climate change. The opposition have just come on board recently, if at all.

It is 12 months today since the Rudd Labor government was sworn in, and the opposition have had 15 positions on the Carbon Pollution Reduction Scheme in 14 months. Only recently a coalition backbencher let the cat out of the bag and actually confessed that they had to pretend that they cared about climate change for electoral reasons. That is what we have got sitting across from us—pretenders, wanting to get on the program but not really quite committed about whether or not this is action that they should sign up to as a party. That is unlike the Rudd Labor government. We went to the election last year, 12 months ago to this very week, and we committed to reducing Australia's greenhouse gas emissions at least cost, adapting to the impacts of climate change that we cannot afford and helping to shape a global solution to this global problem.

It is a tough decision to make. It is going to be tough action, but the impact on the economy and the impact on this country would have been greater if somebody had not stepped up to the mark and committed to this as an election promise. That is exactly what we did and it is exactly why we are on this side of the chamber—because people around this country wanted a government that was going to start to tackle the issue of climate change, and that is what we have done.

We have spent 12 months preparing this country for the challenges of the future by tackling climate, by actually engaging in the

world arena about where we will go with climate change, by signing up to the Kyoto protocol and by spending many, many months looking at what we will do in terms of our Carbon Pollution Reduction Scheme. We are committed to ensuring that our greenhouse gas emissions are reduced and are reduced at least cost. We want to ensure that we adapt to the impacts of climate change that we as a country cannot avoid. The opposition turned a blind eye to them, but we have stepped up to the mark and have realised it is something we need to tackle head-on.

We want to be in the tent, on the program, part of the world dialogue helping to shape a global solution. Unlike the opposition, we are not climate change sceptics. We are realists and we want to be there as a major player around the globe—as we have been under the leadership of Minister Wong—making sure we participate in that debate. We want to be part of the solution to this global problem, and that is one of the reasons why the Australian people put us on this side of the chamber—to ensure that we can continue this work.

We have set a target of 60 per cent cuts to emissions on 2000 levels by 2050. We have set a medium-term target by the end of 2008. We are going to expand the renewable energy target to 20 per cent. We are going to drive a clean energy revolution with policies such as establishing a \$500 million Renewable Energy Fund, a \$150 million Energy Innovation Fund and a \$500 million National Clean Coal Initiative. These are all programs that we have committed to in the last 12 months.

As soon as Minister Wong returns from her next round of international discussions and dialogue, our white paper on the Carbon Pollution Reduction Scheme will be produced, for each and every person in this

country to have a look at and to continue their dialogue about us tackling climate change. Unlike the people opposite, who have come to the show late—they have decided to arrive at interval and get on the program at a very late moment—we are taking definitive steps. (*Time expired*)

Senator CORMANN (Western Australia) (3.15 pm)—Confronted with the realities of life and confronted with the realities of life in government, government backbenchers are back-peddalling at a rate of knots. If they keep going at this rate, in a year's time they will actually call for Australia to withdraw from the Kyoto protocol. Where is Senator Hutchins? Where is Senator Sterle? Where are they? They should be here explaining the concerns they have as to Australian jobs and the concerns they have about the impact of the government's proposed emissions trading scheme on the Australian economy.

The reality is this: all Australians want to do the right thing by the environment. We want to do the right thing by the environment. Australians are prepared to pay a price—but how much and for what outcome? These are some of the questions that the government have to answer, but they refuse to answer them. They have presented some Treasury modelling which was nothing more than a snow job. They did not even assess a circumstance where the United States, China and India do not take action at the same rate as Australia is proposing to do. They did not even assess the impact of the global financial crisis. There is not an appropriate framework to cater for the impact on the LNG industry, in particular in Western Australia.

Do you know why Senator Hutchins knows about the flaws in the government's proposed Carbon Pollution Reduction Scheme? Because he is a member of the Senate Select Committee on Fuel and Energy. Along with Senator Bushby and me, he

has been listening to the evidence from industry. He has been listening to evidence from the Department of the Treasury and from the Department of Climate Change. Do you know what they said to us when we asked them why they did not model or assess some of the more realistic scenarios in terms of the circumstances that Australia finds itself in and the circumstances under which Australia is proposing to implement the Carbon Pollution Reduction Scheme? The answer we got from Treasury officials was that the scenarios that were modelled by the Treasury were done at the direction of the government. The government is intent on doing a snow job.

Do not tell me that we on this side are climate change sceptics. We are raising valid concerns. Senator Steve Hutchins, Senator Glenn Sterle and Jennie George have raised some very valid concerns. I urge Jennie George to make a submission to the Senate Select Committee on Fuel and Energy to bring her concerns to the attention of the committee, particularly those in relation to BlueScope Steel's Port Kembla plant. Just to show that this is not a biased party-political approach to things, I note a comment by Mr Colley, the National Research Director of the Mining and Energy Division of the CFMEU. Do you know him? When we asked him about the Treasury modelling, do you know what he said? 'None of the scenarios are particularly realistic'—go and check *Hansard*, as that is on the record. The reality is this: yes, we do want to do the right thing by the environment and, yes, Australians are prepared to pay a price. But it is time that the Australian government came clean and levelled with the Australian people. What is it trying to achieve? What is the outcome that it is trying to achieve in terms of reducing greenhouse gas emissions globally? Is what you are doing in Australia going to have a positive or a negative effect in terms of re-

ducing greenhouse gas emissions globally? What is the impact of the disastrous consequences, for the LNG industry, of exporting not only jobs but emissions to China, India and Japan? The government should give us some answers. We have not had any answers from the government. It is time that some proper scrutiny was applied to the government.

I am very pleased to see that Senator Sterle and Senator Hutchins are finally raising those concerns inside caucus. This will stop the Minister for Climate Change and Water, Senator Wong, from making absolutely bizarre accusations about nonbelievers and climate change sceptics. There will be a time when the Prime Minister and Senator Wong will be the only ones left on the top of Mount Kosciuszko, giving a sermon on the mount, with nobody left on their side of the argument. Everybody will have realised that there is a serious need for some proper scrutiny. The currently proposed design of the Carbon Pollution Reduction Scheme is seriously flawed and, unless we make some corrections and unless we make sure the design is right, its introduction is going to be a very irresponsible course of action. It is not going to be good for the economy and it is not going to be good for the environment.

Senator BILYK (Tasmania) (3.19 pm)—The sceptics just refuse to acknowledge the reality. While we are quoting from newspapers, I did happen to read today in the *West Australian*—Western Australia is the state Senator Cash comes from, I believe—an article painting a bleak picture of climate change in action. If you all want to have a look at it, it is on page 13. It says:

War, hunger, poverty and sickness will stalk humanity if the world fails to tackle climate change, a 12-day UN conference on global warming was told yesterday.

A volley of grim warnings opened the marathon talks, which are aimed at drawing up a new

worldwide treaty to cut greenhouse gases and help countries exposed to the fury of climate change.

Opposition senators interjecting—

Senator BILYK—I am quoting from the *West Australian*. It goes on:

“Humankind in its activity just reached the limits of the closed system of our planet Earth,” ...

The sceptics on the other side do not like the fact that we are consulting. They are in complete denial. They just will not accept the fact that we are undertaking an economically responsible position. It is a hard position, as we heard earlier. Because we do not take the emu approach and bury our heads in the sand and say, ‘It’s all too hard so we’re not going to do it,’ they want to have a little panic. The opposition have had more positions on this than I saw in the last ballet concert I went to. They have had 14 positions in 15 months. I have been to ballet concerts that had fewer positions than that.

The global financial crisis is having a substantial impact here at home. We know that. We cannot deny it. The Rudd government are working towards making the best of that situation. We are working around the clock to make sure that our country is buffered against the full force of the global economic crisis. We are working hard to get the balance right. When you listen to the scaremongering and the irrational concerns of those from the other side, it makes you wonder what they are actually doing here.

The global financial crisis highlights exactly why it is important that we tackle the big economic challenges of the future, which those opposite denied. They refused to do anything in 12 years of government. That is why people voted for change and wanted a change of government. They were fed up with the approach of the then government of living in the fifties and that is exactly what is happening in regard to climate change. They

refuse to accept that it is happening. They are still living in the fifties and they do not want to move on. Australians want the government to deal with this issue so that their kids and future generations are not punished because we failed to take any action. I do not want my grandchildren brought up in a society that suffers so much from climate change and from impacts such as drought and extreme weather conditions. Those opposite should not say that it is not happening—that is just being complete sceptics.

Adaptation to the emerging impacts on climate change forms a key pillar of the Rudd government’s comprehensive response to the threat of climate change. We are demonstrating leadership on climate change. The first job we undertook when in government was to ratify the Kyoto protocol. The Prime Minister, ministers and senior officials have worked through key high-level forums to drive multilateral negotiations on a post-2012 agreement. We are reducing the greenhouse gas emissions as much as we can. We are adapting to the impacts of climate change but we cannot avoid those climate change issues. We are helping to shape a global solution to this global problem. It is no good for those opposite to bury their heads in the sand and pretend it does not exist.

As I said, the global financial crisis is having a substantial impact in Australia but the government will not be diverted from building a low-pollution economy for Australia’s future. Australians want the government to deal with this issue so that future generations are not punished because we did not take any action. (*Time expired*)

Senator EGGLESTON (Western Australia) (3.25 pm)—I note that the Minister for Climate Change and Water, Senator Wong, has followed the coalition’s approach of waiting to see where the rest of the world is going before deciding targets for greenhouse

gas emission reductions. But the question is: why does the government continue to rush the introduction of their own emissions trading scheme without waiting to see the outcome of the meeting of all countries being held in Copenhagen late next year and the detail of what the new United States President, Barack Obama, will want to see implemented?

The coalition has long warned that the government's rushed 2010 deadline will lead to a flawed model that will damage Australian industry and employment in this country. Likely to greatly influence the impact infrastructure can have in the years ahead is the design and timing of the government's planned emissions trading scheme. To this end an effective emissions trading scheme must be designed to protect our export and import competing industries until the rest of the world has signed up to a course of action. However, as it stands today, the Rudd government's preferred design for an emissions trading scheme would effectively impose billions of dollars of additional tax on those Australian import and export competing industries which are high users of energy ahead of any commitment by our major trade competitors to sign up to such a scheme. This surely makes no sense.

The proposal for an emissions trading scheme is a structural change of major proportions. The opposition has met with many companies over the last two months—concrete, zinc, lime, steel, energy, metal works, paper waste, dairy and many more—and all confirm that the government's determination to heavily tax the emissions of these export and import competing industries, irrespective of what the rest of the world is doing, is a very reckless action indeed.

We must be very careful not to shoot ourselves in the foot by letting industries close

and move offshore or by having resource projects that never materialise. Woodside has made the point that if the cost of the ETS is too high there will be no further gas developments by them off the North West Shelf. In all of these cases jobs will head overseas. The Rudd government must defer the politically inspired start date of 2010 until we have some idea of what the rest of the world decides to do late next year in Copenhagen and what the new United States President intends to do.

As well, we must have some feel for the impact of the financial meltdown currently affecting the global economy on Australia's real economy and the capacity of Australian industry to cope with a new tax. The revelation that the government's economic modelling takes no account of the global financial meltdown absolutely beggars belief and leaves the exercise dead in the water.

The government also just assumes that the rest of the world will sign up to a global emissions reduction scheme and it did not even bother to model the cost to Australia of pursuing a scheme in haste ahead of the rest of the world. After all, it was the Prime Minister who told us just two and a half weeks ago that the world as we know it has changed in the wake of the biggest financial meltdown since the Great Depression. And may I say that it reveals much about the Rudd government's ideological rush to implement an emissions trading scheme by an artificial 2010 date that they are rushing to put this in place in total defiance of world economic conditions. Australian industries can— (*Time expired*)

Question agreed to.

Men's Health Ambassadors

Senator SIEWERT (Western Australia) (3.30 pm)—I move:

That the Senate take note of the answer given by the Minister for Human Services (Senator

Ludwig) to a question without notice asked by Senator Siewert today relating to men's health ambassadors.

Minister Roxon unfortunately has only done half the job of dealing with the issues around some of the men's health ambassadors. She has quite rightfully sacked Mr Marsh from the Fatherhood Foundation as a men's health ambassador. Unfortunately, as I said, only half the job has been done.

Mr Williams's comments should, I think, draw equal concern from the minister in terms of his ability to effectively be a men's health ambassador. He repudiated the comments in and his association with the document entitled *21 reasons why gender matters*. He virtually said that he did not know what he was signing on to. But I am wondering whether he knew what he was signing on to when he spoke at a forum, Dads4kids, at the New South Wales parliament just recently, where, again, Mr Marsh spoke and made some quite strong statements. Mr Williams was present and I have not heard of him repudiating those comments.

So, for a start, we continue to have anti-gay comments made formally by the association that he is associated with. Then we come to the issues concerning domestic violence and his continuing campaign to downplay the role of domestic violence against women. He keeps trying to put the proposal that it is in fact men who are getting bashed by women. There is also the matter of comments that he made, which I quoted when I asked the question of the minister earlier, about his signing of an international petition opposing the UN report on violence against women. Also, he seems to question the use of domestic violence programs. Very finely, Australian governments have moved to fund domestic violence programs to try to raise awareness of this issue and actually get it out in the open. To try to downplay the impact of

domestic violence on women and on children is to my mind outrageous.

Then of course we come to examples on the Lone Fathers Association website, an example of which I have with me. In it the Lone Fathers Association advises men that, upon entering into a permanent relationship, they should insist on a prenuptial agreement. It states: 'Remember, if she is not prepared to sign such an agreement'—meaning a prenuptial agreement—'there must be a hidden agenda.' Again, this is clearly an anti-women agenda being run by the Lone Fathers Association. One wonders just what diversity of views the government is trying to achieve by having as a men's health ambassador someone with these views, which oppose the government's program on domestic violence, which are blatantly anti-women and which are blatantly anti-gay. What diversity of views is the government trying to promote through this particular ambassador? And what particularly does the government think it will achieve from somebody who has views that, I suggest, are not consistent with promoting an effective men's health agenda?

That is why I was seeking advice from the government as to what selection criteria the government used to determine who were to be the men's health ambassadors. I have searched around to find where the role of men's health ambassadors had been advertised or where the government sought nominations or submissions for the role and I have not been able to find any. Nor have I been able to find the selection criteria. I accept that Minister Roxon has taken responsibility for the appointment of men's health ambassadors, but I am wondering why, while Mr Marsh was sacked, Mr Williams was kept on when he has blatantly anti-gay feelings, which I do not think can be ignored just because he repudiated and dissociated himself from the document *21 reasons why gender matters*. Since this was printed he has con-

tinued to appear in other forums with Mr Marsh and also where similar issues were raised. For him to be campaigning against domestic violence and trying to downplay the issue of domestic violence against women, I simply cannot understand this. (*Time expired*)

Question agreed to.

CONDOLENCES

Hon. Frank Crean

The PRESIDENT (3.35 pm)—It is with deep regret that I inform the Senate of the death on 2 December 2008 of the Hon. Francis Daniel Crean, a former minister and member of the House of Representatives for the division of Melbourne Ports, Victoria, from 1951 to 1977.

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (3.36 pm)—On behalf of the government I seek leave to move a motion relating to the death of the former member and minister of the House of Representatives the Hon. Frank Crean.

Leave granted.

Senator FAULKNER—I move:

That the Senate records its deep regret at the death, on 2 December 2008, of the Honourable Francis Daniel Crean, former federal Treasurer and Deputy Prime Minister, and places on record its appreciation of his long public service and tenders its profound sympathy to his family in their bereavement.

Frank Crean joined the Labor Party in 1942, represented the Australian Labor Party in both state and federal parliament and ultimately became Treasurer and Deputy Prime Minister. Throughout all those years his devotion to the Labor cause and to the principle of social justice may have been equalled, but I doubt it was exceeded.

Frank Crean was born on 28 February 1916 in the western Victorian town of Ham-

ilton to parents Alison and John. As a teenager during the Depression, Frank saw the way the unemployed were forced to queue publicly to accept their benefits, humiliating men who were already ashamed of their inability to support their families. He instinctively understood that it was fundamentally wrong to stigmatise people for misfortune. He instinctively understood that all people have an inherent dignity, regardless of their position in life, and that their basic human dignity ought always to be respected, and protected by government.

A year's confinement to bed with rheumatic fever saw Frank finding solace in books. A next-door neighbour, the secretary of the local Labor branch and an AWU man, came several times a week with books on politics, the labour movement and the fight for social justice. Keenly intelligent and capable of sustained intellectual effort even then, Frank finished his high school education at Melbourne Boys High School, pursuing educational opportunities not available in Hamilton, completing his leaving honours in 1933. He commenced part-time study at the University of Melbourne in 1936 after having first completed accountancy at night classes. He graduated from the University of Melbourne with the degrees of bachelor of arts and bachelor of commerce and a diploma in public administration. He was employed as an accountant in the Victorian taxation department and later practised as a private taxation consultant.

Frank joined the Australian Labor Party in 1942. Although his time in federal parliament, especially as economic spokesman in opposition and Treasurer in the Whitlam government, is best remembered, Frank Crean also held the state seats of Albert Park and Prahran before winning the federal seat of Melbourne Ports, which he held for 26 years and 11 elections. Winning just one Labor Party preselection is difficult enough.

It speaks of Frank's tenacity and his abilities that he won preselection in three seats over so many years.

Frank had to overcome a difficulty particular of his time. I was talking to Gough Whitlam before question time today about Frank Crean's career. Gough told me a story that Frank, christened Francis Daniel Crean, had a name altogether too Catholic sounding for preselection as far as then Senator Pat Kenneally was concerned. Kenneally explained the problem that there was a perception amongst the Victorian public that the Australian Labor Party in Victoria was dominated by those of the Catholic faith. I might say that that was a conversation apparently lengthened by Kenneally's famous stutter. Francis Daniel Crean explained that he was in fact not Catholic but Presbyterian. A relieved Kenneally told him that that would be fine, so long as he dropped the Catholic sounding 'Francis Daniel'. 'From now on,' he announced, 'you are going to be F-F-Frank.'

In 1945 Frank Crean was elected to the Victorian Legislative Assembly as the member for Albert Park. He was defeated in 1947. He was re-elected in 1949 as the member for Prahran. In 1951 Frank left state politics for the federal arena. As one of the first Labor members with formal qualifications in economics he became Labor's spokesman on economic matters. He was a member of the executive of the federal parliamentary Labor Party from 1955 until his retirement in 1977. Frank became Treasurer in 1972 in the Whitlam Labor government. In 1974 he became minister for overseas trade. He was subsequently appointed Deputy Prime Minister in June 1975 and served in that post until the Whitlam government was dismissed by Sir John Kerr on 11 November 1975. During his parliamentary career Frank served on a number of committees, including the Joint Statutory Committee for Public Accounts, the

House of Representatives Standing Committee on Privileges, the Parliamentary Joint Committee on the ACT and the House of Representatives Standing Committee on Expenditure, to name but a few.

Frank was keenly intelligent, as his academic record showed, and passionately committed to social justice and to the role of government in achieving that justice. He was no factional foot soldier but someone who based his policy positions on his perception of Labor values and the party's interests—something that brought him into conflict with others in the party from time to time. He was in many ways an old-fashioned Labor man, in the mould of his hero Ben Chifley—decent and unassuming. Even as Treasurer he did the family grocery shopping. There is a wonderful story about Frank Crean in Edna Carew's book *National Market, National Interest*, where John Valder, then chairman of the Sydney stock exchange, was trying to build bridges with the new Labor government—history repeats itself! Mr Valder invited Frank to visit the exchange. Let me quote from Edna Carew's book:

... Valder brought Labor politicians into the stock exchange, inviting them to seminars and lunchtime meetings. The public had run from investing in shares and now the stock exchanges were trying to win back a better image. "It was all part of trying to open up the place," he says. "We had Frank Crean, Jim Cairns, Clyde Cameron, Rex Connor. They came to lunch at the exchange. It was early days and we were trying to build bridges. It was pioneering stuff." He recalls Crean's visit:

At the end of this meeting, which was held in what was then the Menzies Hotel, I said; "Is there anything else I can do to assist you while you're in Sydney today?" Crean said: "Well, whenever I come to Sydney, I like to get some fish to make a spaghetti marinara. There's a particularly good fish shop, I understand, on Wynyard ramp."

Crean, Valder and the federal secretary of the Securities Institute of Australia, Jenny Crivelli,

walked the short distance from the Menzies to Wynyard. As the SIA's journal, *JASSA (Journal of the Australian Society of Security Analysts)* later recorded:

Crean's style was ever humble. No commonwealth limousine was summoned; this treasurer planned to take the bus to Sydney airport. But it was a Friday, the day of the week when the Crean family traditionally had spaghetti marinara for dinner ... the federal treasurer [made] a satisfactory purchase and, opening his briefcase, dropped the parcel of fish in with the state papers he was carrying.

Valder says: "I thought, wasn't that a nice homely sort of touch. He'd done his official bit. Now let's get on with the spaghetti marinara."

I do not think that anyone would argue with the statement that Frank Crean was not the most flamboyant Labor parliamentarian of his time—a time, after all, that included Gough Whitlam and Jim Cairns, just to name two. But he won widespread respect for his diligence, honesty, technical expertise and capacity for hard work. His former comrades from the Victorian branch of the ALP recall him as absolutely and utterly reliable, always ready to do what was required in Labor's interests, not just as a parliamentarian and a minister but also at the local level.

He was described by Don Whittington as someone who his caucus colleagues knew could be relied upon at all times, who was always courteous, always friendly, stubborn but not aggressive, insistent but not offensive. His leader for 10 of the years he served in the federal parliamentary Labor Party was Gough Whitlam, who, today, said about Frank:

... he had the distinction and challenge of becoming the first Labor Treasurer since Ben Chifley, twenty-three years previously. His first Budget in August 1973 was monumental in its sweep and ambitions. It set out fully and faithfully to implement the Program on which we had been elected. It laid the financial foundations for the work of

the Schools Commission, urban renewal and regional development and universal health care.

In his statement, Gough went on to say:

These essential reforms were strong enough to endure and withstand the immense pressures of the 1973 "oil shock", which broke the almost uninterrupted period of post-war economic growth and disrupted international trade; in the apt words of Henry Kissinger, "all Western governments floundered."

And further:

Frank enjoyed Sir Robert Menzies' joke that they were both "simple Presbyterians" who always had to be on the look out for the traps set for them by more wily persons, including their own party colleagues.

Frank was Deputy Prime Minister in November 1975. Called to the Lodge by Gough Whitlam to be informed of the dismissal, Frank was in the extraordinary position of having to return to the House of Representatives as the first speaker after the lunch adjournment on Malcolm Fraser's censure motion against the government. Graham Freudenberg recalled that Whitlam, still working on his parliamentary response to Kerr's ambush, asked Frank not to reveal to the House what had happened. Freudenberg wrote that Frank's speech 'must be one of the most remarkable efforts in restraint in the annals of the Australian parliament or of any parliament', and, I might say, more so given Frank Crean's deep and abiding respect for parliamentary process and democratic principles.

It was a respect he passed on to his sons, along with an instinctive knowledge of politics, the operations of the parliament and his strong Labor values. His son Simon, the current Minister for Trade, became the member for Hotham in 1990 and has distinguished himself in the federal parliament. And I must say that we really do feel this loss more deeply because Simon is such a good friend; we know him so well. He himself is not only a respected colleague but is a former leader

of the federal parliamentary Labor Party. Another son, Dr David Crean, became Treasurer in the state Labor government in Tasmania. His eldest son, Stephen, served Australia as a public servant, before his death in a skiing accident in 1985. Today our sympathies are with Frank's wife of 62 years, Mary, with Simon and David and all the Crean family.

Senator MINCHIN (South Australia) (3.51 pm)—I rise on behalf of the coalition to support the motion moved by Senator Faulkner. We also extend our very sincere sympathies to all the family of Frank Crean—especially Simon Crean—upon his sad passing yesterday. I did not know Frank Crean personally but I observed him firsthand in the old parliament during the years of the remarkable Whitlam government, when I worked as a casual waiter while I was studying at the ANU. I was able to observe at firsthand all the goings-on of the Whitlam government and its ministers, including Frank Crean. He was the Labor Party Treasurer while I was studying for my economics degree at the ANU, and I took a keen academic and professional interest in his activities at that time. It seemed to me way back then that he was one of the few sane people in that Whitlam government. From where I sat, he seemed to be an island of common sense in the Mad Hatter's tea party that represented that government. I observed at that time that he was one of the few Whitlam ministers who seemed to know exactly what he was talking about and one of the great strengths of that very exciting government.

The obituary in the *Australian* today, which I think is a very good one, notes 'Frank Crean's diligence and fiscal competence, rare in the Labor Party'. That was a rare trait in the Whitlam government but one that he certainly had. That obituary also notes Frank Crean's later recollection of his time as Treasurer. It quotes him as saying:

I had 23 ministers who each reckoned he could spend as much as the total budget was.

That shows that his task as Treasurer during that period must have been quite overwhelming and, frankly, appalling. The pent-up spending ambitions of all those Labor ministers, after that incredible and obviously painful 23 years in opposition, all came to the fore at a time when, as Senator Faulkner has observed, the world collapsed around them. I wonder if history is repeating itself.

Despite having been our government's Minister for Finance and Administration for six years, and having fought back the spending ambitions of coalition ministers throughout that time, I cannot even begin to imagine what Frank Crean had to put up with as Labor Treasurer in the Whitlam government after those 23 years of frustration that they had to bear. I know Gough personally and well, as we are both old boys of Knox Grammar School, in Sydney, and we bump into each other. I enjoy Gough's company very much, but I can imagine, knowing Gough, how frustrated he would have got at the dour Frank Crean saying, 'No, you can't spend the money, Gough.' I guess that was one of the factors that led Gough to make the biggest mistake that he made in his time in government, and that was to replace Frank Crean with the hapless Jim Cairns. History shows that that was a complete disaster.

The obituary in the *Australian* today, to which I referred earlier, records that Frank Crean believed that the events leading up to the dismissal of the Whitlam government would not have occurred if he had remained Treasurer. I suspect that Frank Crean may well have been right. If he had remained Treasurer, all the events surrounding Jim Cairns and Khemlani et cetera would not have happened and the Whitlam government might not have ended up being dismissed as it was. It is certainly true that the government would not have had what turned out to be a

disastrous economic record if Frank had remained Treasurer and had been able to have more influence on that government. In that sense, I think he was a great man, ill-served by the times and the circumstances.

It was Frank Crean's enormous misfortune to serve 23 of his 26 years in this parliament—nearly a quarter of a century—in opposition. It says much for his diligence, persistence and tenacity that he hung in there for that length of time. He was then, on the one hand, rewarded with the opportunity to serve in government but, on the other hand, was part of what ended up being a political tragedy, with him being an observer of the dismissal of the government and thinking, 'If only Gough hadn't made that mistake, none of this would have happened.'

Frank Crean is one of the great but unsung heroes, I think, of postwar politics. I endorse everything that Senator Faulkner has so eloquently said about Frank Crean's life and career. It was a remarkable one. Again, as that obituary today notes:

What he lacked in charisma he made up for in quiet principle.

I say amen to that. I think it is a great pity that in Australian politics there is insufficient premium paid to the virtue of quiet principle, as opposed to the elusive concept of charisma which so fascinates our media. Frank Crean was one of those giants of men whose great virtues go unsung in the more modern political era. I think up-and-coming young aspiring politicians should take great note of that. They should aspire to pursue that and to follow his example. I certainly believe that Australian politics could do with more people like Frank Crean, who was clearly a diligent, hardworking, honourable servant of his party and his nation.

On behalf of the opposition, I extend our sympathies to Frank's wife, Mary—they were married for 62 years, which is remark-

able—and particularly to his son Simon Crean. While Frank was 92 and had a fantastic innings, no doubt it is a very difficult time for Simon and David and their families. I gather Frank has six grandchildren, all of whom will no doubt miss him very much. We place on record our appreciation of Frank Crean's long and exemplary public service and we tender our profound sympathy to his family in their bereavement.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.58 pm)—I rise to make a brief statement to add to Senator Minchin's words. I also concur with the sympathies that were conveyed to Mary, Simon and David. I want to acknowledge that Mr Crean was a founding member of the federal Parliamentary Christian Fellowship, which is something that I think should be noted for the record. I also want to acknowledge the fact that he was an accountant. Being someone who is also an accountant, I thought it was worthwhile coming down here to acknowledge someone who was widely respected.

The Crean family are widely respected in country areas, although we take them on as political foes at times. They are seen as people who have their heads screwed on, especially, as Senator Minchin pointed out, at the tumultuous times of the dying days of the Whitlam Labor government. It is always peculiar in the extreme how Dr Jim Cairns managed to take Mr Crean's position. I concur with Senator Minchin and Senator Faulkner and convey on behalf of country people our sympathies to the Crean family.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.00 pm)—On behalf of the Greens, I associate with and support the motion from Senator Faulkner and recognise that here, in Frank Crean, was a man who gave this country great and very honourable service. I join in

condolences to his family, associates and friends.

The PRESIDENT (4.00 pm)—I would like to be personally associated with the condolence motion to the Crean family on the loss of their husband, father and grandfather—to Mary, his wife, and in particular to Simon, David and the extended family. My thoughts are with them at this difficult time.

Question agreed to, honourable senator standing in their places.

NOTICES

Presentation

Senator Barnett to move on the next day of sitting:

That the following matter be referred to the Legal and Constitutional Affairs Committee for inquiry and report by 25 June 2009:

Australia's judicial system and the role of judges, with particular reference to:

- (a) the procedure for appointment and method of termination;
- (b) the term of appointment, including the desirability of a compulsory retirement age, and the merit of full-time, part-time or other arrangements;
- (c) appropriate qualifications;
- (d) jurisdictional issues;
- (e) the cost of delivering justice;
- (f) the timeliness of judicial decisions;
- (g) the judicial complaints handling system;
- (h) the interface between the federal and state judicial system; and
- (i) other matters relating and incidental thereto.

Senator Ludwig to move on the next day of sitting:

That—

(1) On Thursday, 4 December 2008:

- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to midnight;

- (b) consideration of general business, and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;
- (c) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 3.45 pm shall be government business only;
- (d) divisions may take place after 4.30 pm;
- (e) the question for the adjournment of the Senate shall be proposed after the Senate has finally considered the bills listed below and any messages from the House of Representatives:

Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008

Interstate Road Transport Charge Amendment Bill (No. 2) 2008

Road Charges Legislation Repeal and Amendment Bill 2008

Temporary Residents' Superannuation Legislation Amendment Bill 2008

Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2008

Water Amendment Bill 2008 (*message*)

Aged Care Amendment (2008 Measures No. 2) Bill 2008

Nation-building Funds Bill 2008

Nation-building Funds (Consequential Amendments) Bill 2008

COAG Reform Fund Bill 2008

Social Security Legislation Amendment (Employment Services Reform) Bill 2008

Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008

Corporations Amendment (Short Selling) Bill 2008

Tax Laws Amendment (Luxury Car Tax—Minor Amendments) Bill 2008

Tax Laws Amendment (Political Contributions and Gifts) Bill 2008

Safe Work Australia Bill 2008 (*message*)

Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008 (*message*)

Horse Disease Response Levy Bill 2008

Horse Disease Response Levy Collection Bill 2008

Horse Disease Response Levy (Consequential Amendments) Bill 2008; and

- (f) if the Senate is sitting at midnight, the sitting of the Senate be suspended till 9 am on Friday, 5 December 2008.

- (2) On Friday, 5 December 2008:

- (a) the hours of meeting shall be 9 am to noon, 1 pm to 6.30 pm and 7.30 pm to midnight; and
- (b) if the Senate is sitting at midnight, the sitting of the Senate be suspended till 9 am on Saturday, 6 December 2008.

Senator Cash to move on the next day of sitting:

That the Senate—

- (a) notes and commends the sensible action taken by Labor Senators Sterle and Hutchins and also the Labor Member for Throsby, Ms George, in expressing concern over the proposed Carbon Pollution Reduction Scheme (CPRS);
- (b) notes the concern expressed publicly by a number of industries that may be potentially affected by the proposed CPRS including BlueScope Steel, Nyrstar, Qantas and Visy; and
- (c) calls on the Government to delay the introduction of the proposed CPRS until these concerns are addressed.

Senator Siewert to move on the next day of sitting:

That the Senate—

- (a) notes the joint Common Position Statement which highlights the unsustainable and cruel nature of recreational shooting of native waterbirds which is endorsed by 136 organisations, including the World Wildlife Fund, Birds Australia, Bird Observation and Conservation Australia, RSPCA Australia, Australian Conservation Foundation, and the Wilderness Society;
- (b) explores permanently banning recreational duck shooting on all:
- (i) Commonwealth controlled land, and
- (ii) Ramsar sites throughout Australia; and
- (c) considers working in co-operation with Victoria, Tasmania, South Australia and the Northern Territory to negotiate an intergovernmental agreement for nationally-consistent legislation for a permanent ban on the recreational shooting of native waterbirds.

Senator Bushby to move on the next day of sitting:

- (1) That a select committee, to be known as the Select Committee on the Bank Deposit Guarantee, be established to inquire into and report by 30 June 2009 on:
- (a) the circumstances and basis of the decision to introduce an unlimited bank deposit guarantee and of subsequent decisions to change or define the guarantee;
- (b) the circumstances and basis of the decision to introduce an unlimited wholesale bank funding guarantee and of subsequent decisions to change or define the guarantee;
- (c) the effect that the initial announcement of – and subsequent changes to – an unlimited bank deposit guarantee had on the Australian financial sector, including for companies not regulated by the Australian Prudential Regulation Authority (APRA);

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- (d) the effect that the initial announcement of – and subsequent changes to – an unlimited wholesale bank funding guarantee had on the Australian financial sector, including for companies not regulated by APRA;
 - (e) the estimated effect of the bank deposit and wholesale funding guarantees on interest rates in Australia;
 - (f) how Australia's deposit guarantee (and wholesale funding guarantee) scheme compares with guarantees offered in other countries and the way in which these schemes were introduced and changed in major overseas countries;
 - (g) the interaction between the deposit guarantee scheme and other recent measures implemented by the Government, including the wholesale funding guarantee and the recent purchases of residential mortgage backed securities;
 - (h) the nature of the financial and economic distortions that the unlimited deposit guarantee scheme has created vis-à-vis savings products that are not covered by the guarantee scheme;
 - (i) the optimal cap for the deposit guarantee in the light of international experience;
 - (j) recommendations for ameliorating the moral hazard associated with the deposit guarantee and wholesale funding guarantees;
 - (k) recommendations for policies to credibly remove the wholesale funding guarantee and to reduce the deposit guarantee to the recommended optimal cap;
 - (l) the effects of the bank deposit guarantee and wholesale funding guarantee on competition within the financial sector;
 - (m) the effects of the announcement of the unlimited bank deposit guarantee and unlimited wholesale funding guarantee on consumer and business confidence;
 - (n) the broader economic and social consequences of these distortions;
 - (o) the size and nature of the contingent liability that the unlimited deposit guarantee has created for Australian taxpayers; and
 - (p) other matters relevant to the bank deposit guarantee and wholesale funding guarantee that the committee considers appropriate.
- (2) That the committee consist of 7 senators, 4 nominated by the Leader of the Opposition in the Senate, 2 nominated by the Leader of the Government in the Senate, and 1 nominated by any minority party or independent senators.
 - (3) That:
 - (a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator;
 - (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
 - (c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.
 - (4) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.
 - (5) That the committee elect as chair one of the members nominated by the Leader of the Opposition in the Senate.
 - (6) That the chair of the committee may, from time to time, appoint another member of the committee to be the deputy chair of the committee, and that the member so appointed act as chair of the committee at any time when there is no chair or the
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chair is not present at a meeting of the committee.

- (7) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.
- (8) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.
- (9) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.
- (10) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (11) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Senator Ferguson to move on the next day of sitting:

That the temporary orders of the Senate of 15 October 2008 and 13 November 2008, relating to the abolition of questions to senators other than ministers and to chairs of committees, and the restructuring of question time, continue as temporary orders during 2009.

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

That the Senate—

- (a) expresses its concern about the ongoing shortage of air traffic controllers at Australian airports;
- (b) welcomes the Government's acknowledgement of the shortage in its *National aviation policy green paper*, released on 2 December 2008; and
- (c) calls on the Minister for Infrastructure, Transport, Regional Development and Local Government, given the delay before an aviation white paper is released and implemented, to intervene now to ensure Airservices Australia employs adequate numbers of air traffic controllers to achieve safety standards and allow airlines to run services on schedule.

Senator Crossin to move on the next day of sitting:

That the Legal and Constitutional Affairs Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 4 December 2008, from 1.30 pm, in relation to its inquiry on the effectiveness of the *Sex Discrimination Act 1984* in eliminating discrimination and promoting gender equality.

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

That the Senate adopt the following amendments to standing order 25 with effect from 1 January 2009.

Omit paragraphs (5) and (6), substitute:

- (5) The committees shall each consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate and 1 nominated by the Leader of the largest party on the Senate crossbench, in consultation with independent members and other minor parties.

Omit paragraph (9)(a), (b) and (c), substitute:

- (9) (a) The Standing Committee on Community Affairs shall elect as its chair a member of the largest party on the Senate crossbench, and as its deputy chair a member of the Government.

(b) The Standing Committee on Rural and Regional Affairs and Transport shall elect as its chair a member of the Opposition, and as its deputy chair a member of the largest party on the Senate crossbench.

(c) Of the remaining committees:

(i) each of 3 committees shall elect as its chair a member nominated by the Leader of the Opposition in the Senate and as its deputy chair a member nominated by the Leader of the Government in the Senate, and

(ii) each of 3 committees shall elect as its chair a member nominated by the Leader of the Government in the Senate and as its deputy chair a member nominated by the Leader of the Opposition in the Senate.

(d) The allocation of chairs and deputy chairs in accordance with paragraph (c) shall be determined by agreement between the Government and the Opposition, and, in the absence of agreement duly notified to the President, any question of the allocation of chairs shall be determined by the Senate.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes that the Green Cooling Council Ltd's highly significant and internationally-recognised work to facilitate a reduction in the use of high global warming potential hydrofluorocarbon (HFC) green-

house gases in the refrigeration and air conditioning industry through the replacement of HFCs with natural refrigerants has been funded under a Greenhouse Gas Abatement Program grant of up to \$2 million over 4 years;

(b) recognises that this is making a valuable contribution to reducing Australia's greenhouse emissions and preparing Australian industry for the introduction of the Carbon Pollution Reduction Scheme, and without immediate measures the Green Cooling Council faces imminent termination;

(c) expresses concern that delays by the Department of the Environment, Water, Heritage and the Arts in making due payments in respect to the Green Cooling Council Greenhouse Gas Abatement Program grant has today caused the company to go into administration, and urges the Government to take urgent action to avoid termination of the project; and

(d) calls on the Government to ensure the ongoing success of the project.

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

That the Senate asks the Minister responsible for the Australian Electoral Commission to:

(a) furnish the Senate with reasons for rejecting the name Inglis Clark (Andrew Inglis Clark was a key contributor to the drafting of the Australian Constitution) for the Tasmanian seat of Denison; and

(b) seek to have the decision reconsidered.

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

That the Senate—

(a) welcomes the reported decision of the Minister for Climate Change and the Environment (Ms Tebbutt) to spend \$1.23 million on a recovery plan for koalas, including revegetating koala habitat; and

(b) calls on the New South Wales Government to halt logging of any koala habitat

forest including that in the Bermagui region on the state's south coast.

Senator Ludlam to move on the next day of sitting:

That the following matter be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 18 June 2009:

The investment of Commonwealth and State funds in public passenger transport infrastructure and services, with reference to the August 2005 report of the House of Representatives Standing Committee on Environment and Heritage, *Sustainable Cities*, and the February 2007 report of the Senate Standing Committee on Rural and Regional Affairs and Transport Committee, *Australia's future oil supply and alternative transport fuels*, including:

- (a) an audit of the state of public passenger transport in Australia;
- (b) current and historical levels of public investment in private vehicle and public passenger transport services and infrastructure;
- (c) an assessment of the benefits of public passenger transport, including integration with bicycle and pedestrian initiatives;
- (d) measures by which the Commonwealth Government could facilitate improvement in public passenger transport services and infrastructure;
- (e) options for Commonwealth funding for public passenger transport services and infrastructure;
- (f) the role of Commonwealth Government legislation, taxation, subsidies, policies and other mechanisms that either discourage or encourage public passenger transport; and
- (g) best practice international examples of public passenger transport services and infrastructure.

Senator Ludwig to move on the next day of sitting:

That the following matter be referred to the Procedure Committee for inquiry and report by 25 February 2009:

The temporary orders of the Senate of 15 October 2008 and 13 November 2008, relating to the abolition of questions to senators other than ministers and to chairs of committees, and the restructuring of question time.

Senator WORTLEY (South Australia) (4.03 pm)—Following the receipt of responses and a briefing from officials of the Civil Aviation Safety Authority, on behalf of the Standing Committee on Regulations and Ordinances, I give notice that on the next day of sitting I shall withdraw business of the Senate notices of motion Nos 1 to 4 standing in my name for the next day of sitting for the disallowance of instruments Nos. CASA 389/08, 390/08, 397/08 and 414/08, made under the Civil Aviation Regulations 1988. I seek leave to incorporate in *Hansard* the committee's correspondence concerning these instruments.

Leave granted.

The correspondence read as follows—

Instruments Nos. CASA 389/08 and CASA 390/08

28 August 2008

The Hon Anthony Albanese MP

Minister for Infrastructure, Transport, Regional Development and Local Government

Suite MG43

Parliament House

CANBERRA ACT 2600

Dear Minister

I refer to the following instruments made under regulation 208 of the *Civil Aviation Regulations 1988*: CASA 389/08 and CASA 390/08 made on 28 July 2008.

The Committee notes that both of these instruments, which commence on 1 August 2008, are

intended to apply in the place of CASA 445/07 which expired on 31 July 2008. As with CASA 445/07 the two instruments appear to provide for the cabin attendant to passenger ratio of one cabin attendant for every 50 passengers carried on Boeing 737-800 series aircraft. The Committee notes that the exemption from Civil Aviation Order 20.16.3 originally provided for in CASA 445/07 is now contained in two instruments, with CASA 389/08 providing for aircraft that carry 50 or fewer passengers and CASA 390/08 for aircraft carrying more than 50 passengers.

Instrument No. CASA 445/07 was subject to a notice of disallowance that was not withdrawn by the Committee until 26 August 2008. Section 47 of the *Legislative Instruments Act 2003* prevents the making of a legislative instrument that is the same in substance as an instrument that is subject to disallowance. The Explanatory Statements that accompany these instruments make no reference to the notice of disallowance on CASA 445/07, nor whether legal advice was sought as to the implications of making the instruments while the notice was still active. The Committee would appreciate your advice as to why these two instruments do not breach section 47 of the Act and a copy of any legal advice obtained to support their making.

The Committee would appreciate your advice on the above matter as soon as possible, but before 19 September 2008, to enable it to finalise its consideration of these instruments. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Senator Dana Wortley

Chair

10 November 2008

Senator Dana Wortley

Chair

Senate Standing Committee on Regulations and Ordinances

Parliament House

CANBERRA ACT 2600

Dear Senator Wortley

Thank you for your letter dated 28 August 2008 (your reference 115/2008) about the directions given by the Civil Aviation Safety Authority (CASA) under regulation 208 of the Civil Aviation Regulations 1988, in the form of instruments CASA 389/08 and CASA 390/08. In particular, you sought advice as to why these two instruments do not breach section 47 of the *Legislative Instruments Act 2003* (LI Act), and a copy of any written legal advice supporting the making of the two instruments.

On 18 June 2008, you gave, on behalf of the Senate Standing Committee on Regulations and Ordinances (the Committee), a notice of motion for disallowance of CASA 445/07, pending answers from CASA about concerns the Committee had regarding the consultation preceding the making of the instrument.

CASA 445/07 was an instrument, expiring on 31 July 2008, directing Qantas Airways Limited (Qantas) in the number of cabin attendants required for certain passenger carrying operations. The directions were based on aviation safety assessments and reduced the number of attendants that might otherwise be required for the operations.

On 26 June 2008 you gave notice of your intention to withdraw your earlier notice of motion of disallowance.

On 26 August 2008, pursuant to the Committee's notice of intention to do so, you withdrew your notice of motion of disallowance of CASA 445/07. The instrument itself, of course, had expired on 31 July 2008.

As the time approached for CASA 445/07 to expire, CASA considered further directions for Qantas. Two instruments of direction were, therefore, made on 28 July 2008, to take effect on 1 August 2008 for 1 year, directing Qantas, amongst other things, in the number of cabin attendants required for certain passenger carrying operations.

One of these new instruments, CASA 389/08,

- applied solely to Boeing 737-800 aircraft with a maximum seating capacity of 189 passengers, operated by Qantas and carrying **50 or less** passengers; and

- contained **7 detailed conditions** to be observed by Qantas for the purpose of complying with the direction; and
- took effect on **1 August 2008** for 12 months until 31 July 2009.
- The second new instrument, **CASA 390/08**,
- applied solely to Boeing 737-800 aircraft with a maximum seating capacity of 189 passengers, operated by Qantas and carrying **more than 50 passengers**; and
- contained **5 detailed conditions** to be observed by Qantas for the purpose of complying with the direction - 4 of these 5 conditions are similar to those in CASA 3 89/08; and
- took effect on **1 August 2008** for 12 months until 31 July 2009.

Response to the Questions

In your letter of 28 August 2008, you ask why, given the fact that your notice of motion was still in force with respect to CASA 445/07, the making of CASA 389/08 and CASA 390/08 on 28 July 2008 was not a contravention of section 47 of the LI Act, in that the two later instruments were 'the same in substance as' the earlier one, and therefore contravened the prohibition in section 47.

When it made the two later instruments, CASA was satisfied that they were not the same in substance as the one instrument to which your notice of motion related.

I have been assured that CASA closely considered the LI Act and High Court cases as it reviewed this matter.

CASA naturally also had regard to (a) the imminent expiry of the directions in CASA 445/07 on 31 July 2008, (b) the fact Qantas had been consulted about the nature and content of future directions and that CASA considered that consultation to be adequate for the purposes of section 16 of the *Civil Aviation Act 1988* and section 17 of the LI Act, and (c) the fact that safety considerations had been taken into account in deciding whether and in what form to issue such directions.

CASA is a responsive organisation, which does not merely re-issue expired regulatory instruments if improvements enhancing operational

safety are possible. CASA is obliged to ensure such improvements are made if and when this can be done.

It should be noted that leading up to the end of July this year, CASA was actively considering Qantas' application for renewal of its Air Operators Certificate. As part of this process there were a number of approvals, manuals and instruments to be revisited, and the cabin crew instruments were only one aspect of this broader approval exercise. It was in that light that CASA considered the broader question of the Qantas direction and what its appropriate response could and should be in the circumstances to hand, namely (a) the imminent expiry of CASA 445/07, (b) the Committee's unwithdrawn notice of motion of disallowance, (c) the need for appropriate directions for Qantas, and (d) the need to act consistently with the requirements of section 47 of the LI Act.

In examining all aspects of the matter, I am advised CASA decided to formulate and issue, CASA 389/08 and CASA 390/08, each commencing on 1 August 2008. As the analysis of the contents of the instruments above indicates, CASA took the view that each instrument was not, and the instruments combined were not, the same in substance as CASA 445/07, by reason of:

- the differing content, conditions and effect of the instruments; and, in particular,
- the fact that the time period for the operation of the new instruments differed entirely from that of CASA 445/07.

I am advised it was CASA's view that an instrument in force during the period 1 August 2008 until 31 July 2009 was not, and regardless of its contents could not be, the same in substance as an instrument in force during the period 14 November 2007 until 31 July 2008, a period that had elapsed.

Time of operation was a critical component part of CASA 445/07, just as it was of the two subsequent instruments. Where a matter as fundamental as the period of time of operation is involved, an instrument taking effect after an earlier instrument has expired would not be the same in substance as the expired instrument.

I am advised the effect of the new re-drafted and re-arranged CASA 389/08 and CASA 390/08, taken as a whole, is clearly not the same in substance as the expired CASA 445/07.

The fact that CASA 389/08 and CASA 390/08 were made on 28 July 2008, should not alter any of the conclusions as to the integrity of the new instruments, because, although made on 28 July 2008, they took effect only on 1 August 2008.

CASA maintains that CASA 389/08 and CASA 390/08 were made consistently with the requirements of section 47 the LI Act, and the course of action adopted in making those instruments was the most appropriate in the circumstances.

The relevant legal issues were canvassed within CASA's Legal Services Group in the course of drafting CASA 389/08 and CASA 390/08. No formal written advice on the matter was sought or provided at the time.

I have asked CASA to make senior officials available to meet with you to discuss the issue of cabin crew ratios, and I am happy to facilitate that meeting to suit your convenience.

Yours sincerely

Anthony Albanese

Minister for Infrastructure, Transport, Regional Development and Local Government

13 November 2008

The Hon Anthony Albanese MP

Minister for Infrastructure, Transport, Regional Development
and Local Government

Suite MG.43

Parliament House

CANBERRA ACT 2600

Dear Minister

Thank you for your letters of:

11 November 2008 in relation to CASA Instruments No 222/07, No 364/07, No 445/07 and No 450/07 (your reference 10106-2008); and

10 November 2008 in relation to CASA Instruments 389/08 and 390/08 (your reference -8703-2008).

This correspondence has raised a number of issues including the extent to which CASA provides scope for (and reports on) consultation with people or organisations other than those who are members of the aviation community (for example, airline passengers), and the extent to which other provisions of the *Legislative Instruments Act 2003* have been applied (for example, those dealing with remaking instruments 'the same in substance' as instruments while they are under consideration by the Parliament).

In your letter you advise that senior CASA officers are available to discuss such issues with the Committee. The Committee would appreciate an opportunity for such a discussion and I have asked the Committee Secretary, Mr James Warmenhoven, to contact your office to arrange this.

One matter on which the Committee would particularly appreciate some further advice concerns the 'same in substance' rule, noted above. As you are no doubt aware, section 47 of the *Legislative Instruments Act 2003* prevents the making of a legislative instrument that is the same in substance as an instrument that is subject to disallowance. In your letter of 10 November you refer to advice from CASA that Instruments 389/08 and 390/08 are not 'the same in substance' as Instrument 445/07 because their content, conditions and effect are different, and, in particular, because "the time period for the operation of the new instruments differed entirely from that of CASA 445/07."

The Committee is aware that the expression 'the same in substance' has been judicially construed to refer to "any regulation which is substantially the same ... in the sense that it produces substantially, that is, in large measure, though not in all details, the same effect" (*Victorian Chamber of Manufactures v the Commonwealth* 1943 67 CLR 347 at 364). The Committee is not aware of any case law that refers to the time of operation as fundamental. If time were always fundamental, it might be suggested that an instrument which operates from 1 January to 31 December, and which is subject to a disallowance notice, or which is disallowed, might then be successfully remade if it applies for a different period (for example, from 1 March to 28 February). If upheld, such a view would make section 47 redundant.

The Committee looks forward to discussing this and other relevant matters with CASA shortly.

Yours sincerely

Senator Dana Wortley

Chair

Instruments Nos. CASA 397/08 and CASA 414/08

4 September 2008

The Hon Anthony Albanese MP

Minister for Infrastructure, Transport, Regional Development and Local Government

Suite MG.43

Parliament House

CANBERRA ACT 2600

Dear Minister

I refer to Instrument No. CASA 397/08 and Instrument No. CASA 414/08 made under subregulation 38(1) of the *Civil Aviation Regulations 1988*.

These interim instruments require compliance by Qantas Airways Limited, Jetstar Airways Pty Ltd and Virgin Blue International Airlines Pty Ltd with each Airworthiness Directive (AD) that is issued by the National Airworthiness Authority of the particular State of Design for certain aircraft. The State of Design AD is to be regarded as if it were an Australian AD. The Explanatory Statement that accompanies each instrument indicates that there is a wider proposal to amend Part 39 of the *Civil Aviation Safety Regulations 1998* to authorise all State of Design ADs. The Committee would appreciate your advice clarifying this statement and an explanation as to the implications, if any, of this proposed amendment for future Australian ADs, and for the parliamentary scrutiny of ADs. The Committee notes that, in each case, consultation was undertaken with the individual airlines affected. Given that there appears to be a move to making this approach applicable generally across the industry, the Committee would appreciate your advice on whether wider consultation has been, or will be, undertaken.

The Committee would appreciate your advice on the above matter as soon as possible, but **before**

19 September 2008, to enable it to finalise its consideration of these instruments. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Senator Dana Wortley

Chair

18 September 2008

Senator Dana Wortley

Chair

Senate Standing Committee on Regulations and Ordinances

Parliament House

CANBERRA ACT 2600

Dear Senator Wortley

Thank you for your letter dated 4 September 2008 (your reference 124/2008) about the Civil Aviation Safety Authority's (CASA) Instruments CASA No 397/08 and CASA No 414/08 made under sub-regulation 38(1) of the Civil Aviation Regulations 1988 regarding Airworthiness Directives (ADs) issued by the National Airworthiness Authority of the particular State of Design for certain aircraft. You sought advice about the implications of automatically adopting State of Design ADs for future Australian ADs, Parliamentary scrutiny of such ADs and the consultation process.

Under the proposed amendments, which are expected to be made by the end of 2008 or early 2009, foreign State of Design ADs would apply automatically to Australian aircraft operators, without the need for CASA to issue a unique Australian AD that repeats and applies the substance of the foreign AD. Industry, through CASA's consultative forum the Standards Consultative Committee, has been encouraging CASA to automatically adopt State of Design ADs for a number of years, as there would be significant cost savings to both industry and CASA with no detriment to safety. Last year, a government Taskforce (the Hawke Taskforce) also concluded that

CASA should aim to reduce its unique Australian ADs.

The proposed amendments to Part 39 relate specifically to State of Design ADs and there would be no direct Parliamentary scrutiny of the AD issued by the State of Design. However any AD generated and issued by CASA, either as the Australian State of Design or because of any safety issues identified by CASA, would continue to be a legislative instrument and subject to Parliamentary scrutiny.

I note your comment regarding consultation with individual airlines affected and that there appears to be a move to making this approach applicable generally across the industry. I would like to assure you that this is not the case. CASA continues to operate in accordance with the consultative requirements of the *Legislative Instruments Act 2003* and there is no move to change its approach.

Yours sincerely

Anthony Albanese

Minister for Infrastructure, Transport, Regional Development and Local Government

25 September 2008

The Hon Anthony Albanese MP

Minister for Infrastructure, Transport, Regional Development and Local Government

Suite MG43

Parliament House

CANBERRA ACT 2600

Dear Minister

Thank you for your letter of 18 September 2008 responding to the Committee's concerns with Instrument No. CASA 397/08 and Instrument No. CASA 414/08 made under subregulation 38(1) of the *Civil Aviation Regulations 1988*. These interim instruments require compliance by Qantas Airways Limited, Jetstar Airways Pty Ltd and Virgin Blue International Airlines Pty Ltd with each Airworthiness Directive (AD) that is issued by the National Airworthiness Authority of the particular State of Design for certain aircraft. In general terms, the State of Design AD is to be regarded as if it were an Australian AD.

In your letter you confirm that, under the proposed general amendments, non-Australian State of Design ADs will no longer be subject to Parliamentary scrutiny, while ADs generated and issued by CASA (either as the Australian State of Design or because of any safety issues identified by CASA) will continue to be considered legislative instruments and subject to Parliamentary scrutiny. Such a distinction, based simply on country of origin of design, seems inherently arbitrary and an invitation to inconsistency. Its effect seems to be to remove a large number of instruments from continuing parliamentary oversight.

The Committee seeks your advice on the means by which any arbitrariness might be mitigated. The Committee also seeks your advice whether any organisations consulted have expressed reservations at this approach.

The Committee would appreciate your urgent advice on the above matters as soon as possible, but before 9 October 2008, to enable it to finalise its consideration of these instruments. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Senator Dana Wortley
Chair

13 October 2008

Senator Dana Wortley
Chair

Senate Standing Committee on Regulations and Ordinances

Room SG49 Parliament House

CANBERRA ACT 2600

Dear Senator Wortley

Thank you for your letter dated 25 September 2008 (your reference 142/2008) regarding the Committee's concerns about proposed amendments to Civil Aviation Safety Regulation (CASR) Part 39 on the acceptance of State of Design Airworthiness Directives (ADs) and the consequent effect on parliamentary scrutiny.

Under section 11 of the *Civil Aviation Act 1988*, the Civil Aviation Safety Authority (CASA) is required to perform its functions in a manner consistent with the obligations of Australia under the Chicago Convention relating to the safety of air navigation. The Chicago Convention mandates compliance with Annex 8 of the international Civil Aviation Organization, which requires the State of Design to have carriage of the responsibility for issuing mandatory airworthiness information necessary to ensure safe operation of the aircraft. Upon receipt of this mandatory information, the State of Registry (in Australia's case CASA) is required to adopt the mandatory information directly or to assess the information and take the appropriate action.

Currently CASA reissues State of Design ADs as an instrument under subsection 98(5A) of the *Civil Aviation Act 1988*. Reissuing State of Design ADs is, in most cases, an unnecessary bureaucratic process. Subsection 98(5B) of the Act makes the reissued instruments legislative instruments, and hence subject to parliamentary scrutiny.

State of Design ADs are mandatory safety actions under the requirements of the Chicago Convention. The proposed amendments to CASR Part 39 will mandate acceptance of State of Design ADs through regulation, rather than instrument. CASA has advised me that most national aviation authorities have enacted similar regulations to automatically mandate State of Design ADs.

This is not an arbitrary process. It is totally consistent with numerous other mandatory airworthiness requirements which are made through regulation without parliamentary scrutiny, such as airworthiness limitations, flight manual changes and conditions on foreign type certificates.

In relation to the consultation process, CASA published a Discussion Paper in 2005 and received a favourable response to automatic acceptance of State of Design ADs. CASA published a Notice of Proposed Rule Making (NPRM) on this matter in 2007. Both the Discussion Paper and the NPRM were reviewed by CASA's Standards Consultative Committee (which includes a broad range of industry representation) prior to publication, without adverse comment. The majority of

respondents to the NPRM were in favour of the proposed rule.

I trust this addresses your concerns.

Yours sincerely

Anthony Albanese

Minister for Infrastructure, Transport, Regional Development and Local Government

16 October 2008

The Hon Anthony Albanese MP

Minister for Infrastructure, Transport, Regional Development and Local Government

Suite MG43

Parliament House

CANBERRA ACT 2600

Dear Minister

Thank you for your letter of 13 October responding to the Committee's concerns with Instrument No. CASA 397/08 and Instrument No. CASA 414/08 made under subregulation 38(1) of the *Civil Aviation Regulations 1988*. These interim instruments require compliance by certain airlines with each Airworthiness Directive (AD) that is issued by the National Airworthiness Authority of the particular State of Design for certain aircraft. In general terms, the State of Design AD is to be regarded as if it were an Australian AD.

In your letter you provide detailed advice on the process of reissuing State of Design ADs, noting that, in many cases, it represents an "unnecessary bureaucratic process," and that its reform was supported by the majority of respondents to CASA's Notice of Proposed Rule Making.

Notwithstanding this, from a parliamentary scrutiny point of view, the effect of the proposed change will be that some instruments in a class will be disallowable and other (almost identical) instruments will not – simply on the basis of their State of Origin. Such an inconsistency seems difficult to rationalise and likely to produce unintended consequences, and the Committee would appreciate your advice on how it might be avoided.

The Committee would appreciate your urgent advice on the above matters as soon as possible, but before 7 November 2008, to enable it to final-

ise its consideration of these instruments. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Senator Dana Wortley

Chair

13 November 2008

Senator Dana Wortley

Chair

Standing Committee on Regulations and Ordinances

Parliament House

CANBERRA ACT 2600

Dear Senator Wortley

Thank you for your letter dated 16 October 2008 about the Committee's concern with instruments CASA 397/08 and CASA 414/08.

The Committee has expressed the view that the proposed new approach for mandating direct compliance with foreign State of Design Airworthiness Directives (ADs) seems, from the Parliamentary scrutiny point of view, inconsistent, difficult to rationalise and likely to produce unintended consequences.

Whilst I accept that, from a Parliamentary scrutiny perspective, this may appear to lead to inconsistency in treatment between documents of a substantially similar nature, I do not accept that this inconsistency is difficult to rationalise. Put simply, the amendments proposed to Civil Aviation Safety Regulation (CASR) Part 39 will place foreign State of Design ADs on the same footing as the very large volume of other foreign instruments referred to in the CASRs, which are simply incorporated by reference rather than being re-issued as Australian legislative instruments. Unique Australian ADs will continue to be legislative instruments and will be registered and tabled in Parliament, just as they are currently. Foreign State of Design ADs, on the other hand, which comprise the vast majority of the ADs issued on a worldwide basis, would not be legisla-

tive instruments under the *Legislative Instruments Act 2003*, and therefore not registered and tabled.

It is unclear what 'unintended consequences' the Committee anticipates might flow from the proposed new approach for dealing with foreign State of Design ADs. The proposed change is one of form rather than substance. CASA has effectively been accepting State of Design ADs without alteration or amendment for quite some time and has yet to encounter any unintended consequences of this process. To the extent that some unforeseen outcome might flow from the automatic acceptance of a State of Design AD, CASA has sufficient powers available to it under Part 39 to deal with that eventuality.

Given Australia's international obligations in regard to ADs, the new approach to dealing with foreign State of Design ADs will have both safety and efficiency benefits:

- (a) an operator would only have to refer to one document rather than referring to an Australian AD and a foreign State of Design AD;
- (b) the proposed amendments would facilitate CASA's acceptance of alternate means of compliance (AMOCs) approved by the foreign authority which issued the State of Design AD. The affected operator will no longer need to submit an application to CASA for approval of an exclusion to the AD. This will reduce the costs for industry; and
- (c) most importantly, the proposed amendments will directly enhance aviation safety by removing the delay between (i) the issue of the foreign State of Design AD, and (ii) the issue of an Australian AD by CASA based on the foreign State of Design AD. ADs are issued for safety critical reasons, so any delay in ensuring an Australian aircraft complies with them may prejudice aviation safety.

As indicated in my previous letter, the industry was fully consulted and supports the proposed amendments to CASR Part 39, which are consistent with increasing international reliance on the responsibilities of the State of Design for the continuing airworthiness of aircraft and aeronautical products. Whilst I appreciate that the proposed amendments to CASR Part 39 will have the effect of removing foreign State of Design ADs that

CASA has previously re-issued as Australian ADs from Parliamentary scrutiny, CASA officials have assured me that this proposed new approach for dealing with foreign ADs is motivated purely by safety and efficiency objectives. It is important that Parliament oversees Australian legislative instruments. However, I do not believe that it is necessary for Parliament to scrutinise safety decisions made by foreign manufacturers and overseas national aviation authorities.

I trust this addresses the Committee's concerns.

Yours sincerely

Anthony Albanese

Minister for Infrastructure, Transport, Regional Development and Local Government

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Siewert for today, proposing a reference to the Environment, Communications and the Arts Committee, postponed till 4 December 2008.

General business notice of motion no. 233 standing in the name of Senator Xenophon for today, proposing an order for the production of a document relating to the Productivity Commission, postponed till 3 February 2009.

CHILD LABOUR

Senator HANSON-YOUNG (South Australia) (4.04 pm)—I move:

That the Senate—

- (a) notes the valuable work of World Vision's youth movement, Vision Generation, in actively educating and empowering young Australian students to take action in the fight against global poverty and injustice;
- (b) recognises:
 - (i) that more than 284 000 children are involved in the worst forms of child labour on cocoa farms in West Africa, and

- (ii) Vision Generation's current project 'Trek Against Trafficking', which aims to encourage the Australian chocolate industry to take the lead in eradicating exploited labour from cocoa supply chains; and

(c) calls on the Government to:

- (i) encourage the Australian chocolate industry to commit to a plan of action that will stop child labour and exploitation in cocoa production; and
- (ii) look into the feasibility of ensuring fair trade chocolate is available in Parliament House.

Question agreed to.

WATER AMENDMENT (SAVING THE GOULBURN AND MURRAY RIVERS) BILL 2008

First Reading

Senator BIRMINGHAM (South Australia) (4.05 pm)—I move:

That the following bill be introduced: A Bill for an Act to amend the *Water Act 2007* to save the Goulburn and Murray Rivers, and for related purposes.

Question agreed to.

Senator BIRMINGHAM (South Australia) (4.05 pm)—I present the bill and move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator BIRMINGHAM (South Australia) (4.06 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

WATER AMENDMENT (SAVING THE
GOULBURN AND MURRAY RIVERS)
BILL 2008

Every month new data is released that highlights just how perilous the plight of the Murray Darling Basin is. The Basin was in need of clear assistance to redress years of mismanagement when Malcolm Turnbull started the drive for national water reform in January 2007.

Latest inflow data demonstrates just how much the situation has deteriorated even more since then. November 2008 brought the 38th month in a row of below average inflows into the Basin. The results of the CSIRO Sustainable Yields Project demonstrate the continued pressure the system will face into the future.

It is clear that all of those individuals, businesses and communities that rely on the resources of the Basin, as well as the natural environment and diverse ecology of so many rivers and wetlands, will need every available drop in years to come.

Sustaining the environs and activities that are already reliant on the Basin is going to be hard enough. Any rational person can see that making new communities reliant on the system will only increase the stress on those communities or ecologies already struggling to stretch the finite resources far enough.

Central to Malcolm Turnbull's 'National Plan for Water Security' was a \$6 billion investment into upgrading both on-farm and off-farm infrastructure across the Basin. This re-plumbing of Australia's irrigation communities was intended to ensure we could do more with less; that Australia's food bowl spread across irrigation communities could continue to provide food security, while returning water to the environment through reduced losses due to leakage, evaporation and mismanagement.

The Liberal and National parties proposed a 50-50 split for any savings from infrastructure spending. This was designed to provide significant new environmental flows, but also to provide incentive for irrigators to participate in the program, support it with complementary investment and hopefully increase production.

However, one project stands out as failing to meet any of these objectives. The Victorian Labor Government, through its Food Bowl Modernisation Project, is adding new centres onto the Murray system and, in doing so, is depriving both irrigators and the environment of receiving a fair 50-50 share of savings from infrastructure upgrades.

These new centres include the city of Melbourne. A city of nearly 4 million people will become reliant on water from the Murray Darling Basin for the first time, through construction of a new pipeline from the Goulburn River.

This pipeline is widely and rightly opposed. Adding yet another city to an already stressed resource defies all basic logic. The Liberal and National parties emphatically oppose both its construction and the extraction of water into it.

The Victorian and Federal Labor Governments support it and justify it on the basis of projected water savings to be generated through stage one of the Food Bowl Modernisation Project. The Coalition notes the criticism of this project and its projected water savings by the Victorian Auditor General, who stated that it "did not have a depth of analysis" and that "at the time of the commitment to the project, there was no rigorous analysis to validate the expected level of water savings."

Even if these savings are ultimately achieved, as we hope they will be, we find it totally unacceptable that they are not equally shared between local irrigators and environmental flows, rather than having these two vital interests raided to send a third of all savings (75 gigalitres) to Melbourne.

Piping 75 billion litres of water a year out of the system to a city never previously reliant on it is an act of vandalism on both the environment and the those local communities from where the water is being taken.

This bill seeks to stop that. It will require the new Basin Plan, to be developed by the Murray Darling Basin Authority for application across the whole Basin, to stop construction of this pipeline or anything like it. It will also require the Basin Plan to stop extraction of water for this pipeline or anything like it. Water will not be used for

purposes outside of the Basin that were not already being undertaken prior to the signing of the Inter Governmental Agreement on national management by the Commonwealth and Basin States on 3 July 2008.

Further, it will require Victoria and all other states to honour their commitments made under the Living Murray Initiative in 2004. They will be required to return water savings to the environment until they have met their commitments to provide increased flows, rather than storing it under a sleight of hand or accounting trick to provide the first flows through the pipeline.

Finally, out of an abundance of caution, this bill ensures that these provisions protect other efforts under the Water for Rivers program to save the Snowy River are in no way impacted.

The Liberal and National parties stand for healthier and more sustainable rivers wherever they are. We commenced the process of national water reform, we stand by it and we are determined to see it administered appropriately. Passage of this bill will only strengthen the reform process and better ensure the health of our rivers and our river communities by putting a stop to this unjustified pipeline and its damaging drain on the Goulburn and Murray Rivers.

Senator BIRMINGHAM—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ELUCIDATION OF SECTION 86A OF THE WATER ACT 2007

Senator FISHER (South Australia) (4.07 pm)—I seek leave to amend general business notice of motion No. 315 standing in my name for today before asking that it be taken as formal.

Leave granted.

Senator FISHER—I move the motion, as amended:

That there be laid on the table by the Minister for Climate Change and Water, by 10 March 2009, in relation to section 86A of the *Water Act 2007*, a document containing the following:

- (a) a comprehensive, practical definition of the term, 'critical human water needs'

which identifies categories of users of such water and allowable purposes for the use of such water;

- (b) a definition of the core human consumption requirements which would satisfy paragraph 86A(2)(a);
- (c) a definition of the non-human consumption requirements which would satisfy paragraph 86A(2)(b); and
- (d) clear, transparent and equitable criteria the Murray-Darling Basin Authority will apply:
 - (i) in determining whether the definition in paragraph 86A(2)(a) is met,
 - (ii) in determining whether the definition in paragraph 86A(2)(b) is met,
 - (iii) in determining the volume of conveyance water required to deliver water to meet critical human water needs, and
 - (iv) to monitor the use of such water to ensure it is used for the allowable purposes referred to in paragraph (a) of this resolution.

Question agreed to.

CONTINGENCY PLAN FOR THE PROVISION OF CHILDCARE

Senator HANSON-YOUNG (South Australia) (4.07 pm)—I move:

That the Senate—

- (a) notes:
 - (i) the recent announcement by receiver McGrathNicol that 386 of the ABC Learning's 1042 centres are 'subject to further operational review', with no guarantee that they would remain open in 2009, and
 - (ii) ABC Learning accounts for more than 100 000 long day-care places;
- (b) recognises that there are less than 30 days remaining until the Government's \$22 million 'prop-up' of ABC Learning expires; and
- (c) calls on the Minister for Education (Ms Gillard) to immediately table the

Government's contingency plan for beyond 31 December 2008.

Question agreed to.

THE GOVERNMENT'S ECONOMIC STRATEGY

Senator PARRY (Tasmania) (4.08 pm)—
At the request of Senator McGauran, I move:

That the Senate—

- (a) notes and commends the honesty of the Deputy Prime Minister (Ms Gillard) for saying on ABC TV *Breakfast* on 7 November 2008, 'When we put the Budget together in May, obviously we weren't predicting, and no one was predicting, the global financial crisis which then emerged';
- (b) notes the contradictory statement made by Senator Conroy when during question time of 27 November 2008 he said, 'In the May budget the government was acutely aware of the risks posed by the global financial crisis';
- (c) notes, with concern, the Rudd Labor Government's lack of coherent economic strategy in the face of the global financial crisis; and
- (d) calls on the Government to level with the people of Australia and concentrate on managing the Australian economy instead of managing the 24-hour news cycle.

Question put:

The Senate divided. [4.13 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes.....	32
Noes.....	<u>34</u>
Majority.....	<u>2</u>

AYES

Barnett, G.	Bernardi, C.
Birmingham, S.	Brandis, G.H.
Bushby, D.C.	Cash, M.C.
Colbeck, R.	Coonan, H.L.
Cormann, M.H.P.	Eggleston, A.
Ellison, C.M.	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.
Minchin, N.H.	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.	Bilyk, C.L.
Bishop, T.M.	Brown, B.J.
Brown, C.L.	Cameron, D.N.
Collins, J.	Conroy, S.M.
Crossin, P.M.	Evans, C.V.
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.
Pratt, L.C.	Siewert, R.
Stephens, U.	Sterle, G.
Wortley, D.	Xenophon, N.

PAIRS

Abetz, E.	Sherry, N.J.
Adams, J.	O'Brien, K.W.K.
Boswell, R.L.D.	Wong, P.
Boyce, S.	Carr, K.J.
Johnston, D.	Polley, H.

* denotes teller

Question negatived.

ENVIRONMENT

Senator BOB BROWN (Tasmania—
Leader of the Australian Greens) (4.16 pm)—I move:

That the Senate notes that Australia's native forests and woodlands are a vital carbon bank and biodiversity habitat which should be conserved.

Question put:

The Senate divided. [4.18 pm]
(The President—Senator the Hon. JJ Hogg)

Ayes.....	6
Noes.....	<u>55</u>
Majority.....	<u>49</u>

AYES

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

NOES

Arbib, M.V.	Barnett, G.
Bernardi, C.	Bilyk, C.L.
Birmingham, S.	Bishop, T.M.
Brandis, G.H.	Brown, C.L.
Bushby, D.C.	Cameron, D.N.
Cash, M.C.	Colbeck, R.
Conroy, S.M.	Coonan, H.L.
Cormann, M.H.P.	Crossin, P.M.
Eggleston, A.	Ellison, C.M.
Evans, C.V.	Farrell, D.E.
Faulkner, J.P.	Feeney, D.
Ferguson, A.B.	Fielding, S.
Fierravanti-Wells, C.	Fifield, M.P.
Fisher, M.J.	Forshaw, M.G.
Furner, M.L.	Hogg, J.J.
Humphries, G.	Hurley, A.
Kroger, H.	Ludwig, J.W.
Lundy, K.A.	Marshall, G.
Mason, B.J.	McEwen, A.
McGauran, J.J.J.	McLucas, J.E.
Minchin, N.H.	Moore, C.
Nash, F.	Parry, S. *
Payne, M.A.	Pratt, L.C.
Ronaldson, M.	Ryan, S.M.
Scullion, N.G.	Stephens, U.
Sterle, G.	Troeth, J.M.
Trood, R.B.	Williams, J.R.
Wortley, D.	

* denotes teller

Question negatived.

NATIONAL DISABILITY POLICY

Senator SIEWERT (Western Australia)
(4.21 pm)—I move:

That the Senate—

(a) notes that:

- (i) Wednesday, 3 December 2008 is International Day of People with Disability,
- (ii) the theme for 2008 is the Convention on the Rights of Persons with Disabilities,
- (iii) Australia became a signatory to the Convention on the Rights of Persons with Disabilities in July 2008,
- (iv) the Government is currently developing a national disability strategy, and
- (v) the recent Council of Australian Governments funding round provided a welcome increase in the rate of indexation and the overall level of funding to the states and territories for the provision of disability services and support; and

(b) calls on the Government to ensure that the national disability strategy:

- (i) contains a strong emphasis on human rights, and
- (ii) provides a suitable platform through which to address the current lack of consistency between the states and territories in the provision of services, supported accommodation and aids to people with disability.

Senator BERNARDI (South Australia) (4.22 pm)—by leave—On behalf of the coalition, I would like to make a short statement about our position on that last motion. The coalition's position is that we support in principle the ideas and sentiments behind the motion. However, we do not agree with the increase in the rate of indexation, because the government has simply changed the rate of indexation in regard to disability funding, and, as we are entering into a deflationary environment and a potential Rudd recession in 2009, the actual rate of indexation may indeed be negative. We have grave concerns about the motion for that reason.

Question negatived.

SENATE TEMPORARY ORDERS

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (4.22 pm)—At the request of Senator Ludwig, I move:

That the following operate as temporary orders from the first sitting day in 2009 until the conclusion of the 2009 sittings:

(1) Adjournment debate on Tuesdays

On the question for the adjournment of the Senate on Tuesday, a senator who has spoken once subject to the time limit of 10 minutes may speak again for not more than 10 minutes if no other senator who has not already spoken once wishes to speak, provided that a senator may by leave speak for not more than 20 minutes on one occasion.

(2) Divisions on Thursday

If a division is called for on Thursday after 4.30 pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate.

(3) Substitute members of committees

If a member of a committee appointed under standing order 25 is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader of the party or group on whose nomination the member was appointed to the committee.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.23 pm)—by leave—I am not sure of what this motion is. I wonder if I could have it clarified.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (4.23 pm)—by leave—This is a tem-

porary order that has been put in place at about this time every year for the last couple of years. There are three parts to it. The first part is to reintroduce for next year the adjournment debate on Tuesdays, where there has been agreement—and it tends to work around the chamber—so that we can have an open-ended adjournment where possible on Tuesday nights which allows senators to speak for 10 minutes and then for 20 minutes on one occasion. The second part of it relates to Thursday nights, where there are no divisions and no quorums after 4.30 pm on a Thursday, except at times like tomorrow. That has been in place for some time to allow the Senate to work through for those people who want to—I will not go there. The third part is the substitution of members on committees. That has been there to allow substitution, to ensure that under standing order 25 we can deal with committee appointments and those where there is substitution of members. I am sure, Senator Brown, with those few words, it all floods back!

Question agreed to.

COMMITTEES**Scrutiny of Bills Committee*****Alert Digest***

Senator COONAN (New South Wales) (4.25 pm)—As Chair of the Senate Standing Committee for the Scrutiny of Bills, I lay on the table Scrutiny of Bills *Alert Digest* No. 14 of 2008, dated 3 December 2008, and move:

That the Senate take note of the document.

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

Leave granted.

The statement read as follows—

SENATE STANDING COMMITTEE FOR THE
SCRUTINY OF BILLS TABLING STATEMENT
3 December 2008

In tabling the Committee's final Alert Digest for the year (Alert Digest No. 14 of 2008), I would like to place on record the work of Emeritus Professor Jim Davis who has served as the Committee's legal adviser for the last 25 years. Professor Davis will retire at the end of this month and I would like to formally acknowledge his enormous contribution to the Committee, and to the Australian Parliament, over those 25 years.

Not surprisingly, Professor Davis is the Committee's longest-serving legal adviser. He has been with the Committee since his appointment in 1983, apart from only a 13-month leave of absence in which the Committee was assisted by the late Emeritus Professor Douglas Whalan.

Professor Davis has not only contributed to the scrutiny of bills but also to the scrutiny of delegated legislation, having worked as the legal adviser to the Standing Committee for Regulations and Ordinances for three years, from 1997 to 2000.

Professor Davis commenced his legal career as a lecturer-in-law at Canterbury University, Christchurch, New Zealand in 1965.

He joined the Law Faculty at the Australian National University in 1968 as a Senior Lecturer, was promoted to Reader in 1971, and was appointed a Professor in 1989. He specialised in the areas of Contract, Tort and Conflict of Laws.

Professor Davis retired from the ANU in 2001, and on retirement was appointed an Emeritus Professor, and a Visiting Fellow in the Law Faculty. He still teaches in the areas of Contract, Tort and the Conflict of Laws in the Faculty's post-graduate program.

Professor Davis has written many published journal articles, and has also written texts, namely:

- Greig and Davis, *Law of Contract*; and
- Balkin and Davis, *Law of Torts* (he is currently working on the 4th edition)

He has also worked as an editor and updater of the "Contracts" title of *Laws of Australia* and the

"Torts" title of *Halsbury's Laws of Australia* and has provided intensive courses on contract law for non-lawyers involved in the negotiation and administration of contracts.

The Scrutiny of Bills Committee plays an important role in the scrutiny of legislation and is absolutely vital to the good work of the Senate and the Parliament as a whole. Professor Davis has contributed greatly to the Committee's essential work over the period of his association with it and has consistently provided expert and independent advice. His role in helping to ultimately protect the rights and liberties of the people of Australia must be recognised.

On behalf of members of the Committee, past and present, I acknowledge Professor Davis's contribution over the last 25 years, thank him for his work, and wish he and his wife, Judy, all the very best in retirement.

Question agreed to.

Senators' Interests Committee

Documents

Senator WILLIAMS (New South Wales) (4.26 pm)—On behalf of the Senate Standing Committee of Senators' Interests, I present the following registers for the period 24 September to 1 December 2008:

- (a) gifts to the Senate and the Parliament, incorporating declarations of gifts; and
- (b) senators' interests, incorporating notifications of alterations of interests of senators.

MINISTERIAL STATEMENTS

Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (4.27 pm)—I table a ministerial statement relating to amendments to the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008, together with proposed government amendments to the bill.

Senator RONALDSON (Victoria) (4.27 pm)—by leave—I move:

That the Senate take note of the document.

I will not take much of the chamber's time, and I thank the minister for providing me with a copy of this earlier on. There are just a couple of things I would like to make some comments on. The coalition welcomes the movement of the commencement date to 1 July next year. I will just read from the minister's statement on page 1. It says, 'This time frame will allow the Australian Electoral Commission to implement new reporting systems and provide an opportunity for them to educate and assist key stakeholders.' I must say that this is the first indication that the current reporting standards were inadequate to deal with the change. It is, after all, just a reduction in a dollar amount, and the Australian Electoral Commission, the AEC, appeared on 26 September before the Joint Standing Committee on Electoral Matters inquiry into the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008—which was, I note, introduced some 4½ months prior to that—and there was no mention of any issues at that stage. I ask the minister if he would be happy at some stage to provide copies of correspondence between him and the AEC, in the context of openness and transparency, as to when they first became aware of this, which I assume was only fairly recently.

On that same page, I note that the ministerial statement says, 'The measures contained in this bill are also part of a more extensive review of electoral laws already announced by the government.' With the greatest respect, normally the measures follow the review; in this case the measures are prior to the review. I appreciate that there are obvious domestic reasons for this to be put by the minister in this way in the statement, but I say to him that these measures are not part of

a more extensive review; they are totally separate. If they were part of it, they would have post-dated the outcome of the green paper review. The coalition has said from day one that we believe that this whole matter should be dealt with holistically. We have supported the government's green paper process on the way through. There have been some timing delays with that, on which we have had no issue at all. We want this done properly and we understand that the reason for the delay is to make sure that it is done properly. We look forward to the release of the green paper in due course.

In relation to the \$50 exception to the prohibition on the acceptance of anonymous gifts, I have only had a short period of time to look at this statement but I indicate to the minister that my initial reading is that it is conditional in the way that it does not reflect the committee's views and also seems to be an increasing compliance burden over and above that which was proposed by the committee. I noticed that, at the bottom of the page, there is a provision that any excess funds be returned or paid to the Commonwealth. I think that this may well be a compliance nightmare, but again I will need to have a closer look at that.

There is one other matter, and that is in relation to the disclosure of thresholds and claims of discrimination for any breach of the second paragraph of subsection 37(2) of the bill. The committee, in the full report, which was effectively the all-of-committee report, foresaw the potential for gross infringements of individual rights. It is a pity that the government has not taken up the opportunity to address the committee's views in relation to this. I accept that it would require further expenditure from the AEC, and I am acutely aware that money is tight, but I invite the minister to review this provision again. I thought that the committee's way around this—that is, with a dedicated unit within the

AEC—was, with the greatest respect and with no reflection at all on the minister, a far better way of dealing with this than to leave it in the hands of the government. An independent arbiter, if you like, of these matters via the AEC, as proposed by the committee, would have been far better.

With those very short comments, I again thank the minister for his indulgence in providing me with a copy of this document. Clearly the opposition will have a lot more to say about the matter when the bill comes back after Christmas. But I urge the minister to view this question holistically. We have been at odds with the government in relation to both this bill and the other bill that is listed for tomorrow. We do not believe they should have been done through the green paper type review, but the minister is fully aware of my views on that—we have had some very public debates about it. I thank the minister for his courtesy and I ask that he look at those matters that I have raised during this brief presentation.

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (4.34 pm)—I too will be brief in my comments on this matter. The government has very deliberately provided today this ministerial statement in relation to the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008 and has very deliberately circulated well in advance of the debate in this chamber the proposed government amendments to the bill. The government has responded to the advisory report of the Joint Standing Committee on Electoral Matters and believes that it is appropriate that this response and the amendments that the government proposes to move to the bill in response to the committee's report are in fact available not only to senators in this chamber and member of the House but also to political parties and those involved in the political process. I want to

ensure that there is ample opportunity for these measures to be fully scrutinised before the bill commences, and I want to ensure that all those involved in the political process have fair warning in terms of the approach the government intends to take.

In relation to the issues raised by Senator Ronaldson, I hate to disappoint him but he is not going to find a flow of correspondence between me and the Australian Electoral Commission on the matter that he has raised. One of the measures contained in the bill relates to the reduction in the current time frame for the lodging of returns from the existing 15-, 16- and 20-week periods to a period of eight weeks. There are new obligations on political parties in relation to these returns. I think that it is appropriate that maximum visibility is provided to political parties in relation to those matters.

The issue of the \$50 exception to the prohibition on the acceptance of anonymous gifts is a direct response to the report of the Joint Standing Committee on Electoral Matters. According to my reading of the *Hansard* and understanding of the committee's report, the Joint Standing Committee on Electoral Matters has picked up the recommendation of the Democratic Audit of Australia in this regard. I commend this approach to all involved.

The basis of the recommendation was to remove an onerous record-keeping burden in relation to fundraisers, including recording the name and details of each individual donor where only small amounts of money were donated. A lot of the traditional political party activities—we all know what they are like, the raffles, the trivia nights, the street stalls and the like—are what is contemplated here. I think the spirit of the amendments comes from the recommendation of the Joint Standing Committee on Electoral Matters. Again, the parliament and

the Senate have full visibility and full transparency in relation to the government's proposals in this regard.

The other issue that Senator Ronaldson raised relates to the Joint Standing Committee on Electoral Matters recommendations about section 327(2) of the Electoral Act. I think it is important just to put it on the public record that the Australian Electoral Commission have advised that, while they have received several allegations of discrimination over the past 17 years, at no time have they actually received any evidence at all to substantiate such an allegation or been able to refer a matter to the Australian Federal Police for action. In fact, almost all of the allegations were made by persons who had been contacted by the AEC about failing to lodge a required donor return.

I commend the detail of this ministerial statement to the opposition in relation to this particular matter. I clearly acknowledge the fact that the reduced disclosure threshold contained in the bill may result in more donors being identified, but the government will ensure that any claims of discrimination in breach of the requirements of section 327(2) of the Electoral Act are fully and properly investigated by the appropriate authority. But there is simply no evidence to support the changes recommended to establish a new area within the Australian Electoral Commission to deal with such complaints. There needs to be a substantive basis to do this, and frankly the case is nonexistent.

I commend the government's approach on this to the Senate. There will be ample opportunity over the weeks and months ahead for senators to look closely at the proposed government amendments. It is unusual to have a situation where there is a ministerial statement on such a bill with a change. The other key amendment is a change to the start-

up date of 1 July 2009. This gives the government the opportunity to do this not only for the benefit of those who serve in this parliament but also for the benefit of the political parties, who are all impacted by these significant changes to the Electoral Act, which I stress—and this is the key point—are all measures designed to enhance the integrity of our electoral system. They are critically important measures that do just that. I have commended these measures to the Senate before and I will continue to do so. It is important that we ensure that these critical enhancements to the integrity of the Electoral Act and our electoral processes are agreed to by the Senate in the New Year.

Question agreed to.

Trade

Debate resumed from 26 November, on motion by **Senator Ian Macdonald**:

That the Senate take note of the document.

Senator IAN MACDONALD (Queensland) (4.43 pm)—I seek leave of the Senate to continue my remarks on my motion to take note of a ministerial statement made last week by the Minister representing the Minister for Trade. You might recall that the then minister on duty refused leave but then said, 'Yes, you can have it for three minutes.' The Manager of Government Business, Senator Ludwig, later approached me and said: 'That shouldn't have happened; it was a mistake. You seek leave to finish your 10 minutes and we'll give it.' I am seeking that leave now. I can indicate I will be about five minutes.

Leave granted.

Senator IAN MACDONALD—I did want to comment on the ministerial statement on trade, not directly on the point of the statement that the minister made, but on other matters relating to trade. In the three minutes that I was allowed to have previously, I mentioned the Export Market Devel-

opment Grants Scheme. I did not have the opportunity then to develop the comments that I wanted to make. What I wanted to say then, and I will say it now, is that the Export Market Development Grants Scheme is of enormous interest and assistance to Australian exporters, particularly smaller exporters, who export overseas. It is of particular interest to me because many people in the north of Queensland, where I come from, get EMD grants for tourism related activities, which very much helps our tourism activities in these difficult financial days.

In our last round of estimates committee hearings, I was told by officials that the Minister for Trade, Mr Crean, was going to make a major statement on the EMDG Scheme by the end of November. I surmised at estimates that he might be responding to the Mortimer report into the Export Market Development Grants Scheme. I surmised that he intended to give the government's response to the report. We have established through estimates that, this year, the Export Market Development Grants Scheme is underfunded by about \$50 million. That has all come out at estimates. It was implied to me at estimates that Mr Crean would be addressing this issue, by giving the government's response to the Mortimer report, in the major statement that he was going to make at the end of November. Mr Acting Deputy President, you would be aware that the end of November has come and gone. You may not be aware, however, as I was, that Mr Crean had been booked to give a major address to the National Press Club on 26 November and that, with two or three days notice, that speech to the Press Club was cancelled. I was very concerned about this, because we still do not have a government response to the report from Mr Mortimer on the Export Market Development Grants Scheme.

Recently I have received, on very good authority, confirmation of information I had

previously received that cabinet had considered Mr Crean's submission in relation to the Export Market Development Grants Scheme. I understand, although of course I am not privy to cabinet documents, that Mr Crean was keen to put another \$50 million into the scheme to make sure there would not be a shortfall in this current year. Applications for the EMDG Scheme close very shortly. I understand that Mr Crean's submission to cabinet had been rejected and that he had sought an increase in funding for the Export Market Development Grants Scheme but he had been rolled by the Prime Minister, Mr Rudd, and the Treasurer, Mr Swan, in cabinet. That flat rejection, I am told, was because the proposal involved a spending increase. I hope that my information is incorrect and I hope that at some time one of the Labor ministers might tell me: 'No, that's not true. We're going to fund the EMDG Scheme. Mr Crean wasn't rolled. There's extra money to come for it.' I say that because the scheme is so very vital, so very important, to exporters right throughout Australia.

If it is the case that the government is squibbing on its response to the Mortimer report because Mr Crean has not been able to get a response that is acceptable to cabinet then this is a very dark day—in fact, a very black day—for Australian exporters. Australian exporters have been doing it tough. We are in difficult financial times. The Rudd government is throwing money around willy-nilly in every other way and has made it clear in recent days that the \$22 billion surplus will shortly become a deficit. But there does not seem to have been any money for this scheme, which helps exporters, helps bring in overseas dollars into our economy and helps to employ hundreds of thousands of people in the industries that benefit. As I have said, my particular interest is in the tourism industry of central-north and Far North Queensland, which employs hundreds

of thousands of people. It has a lot of innovative market programs and a lot of proposals to increase exports with the assistance of the EMDG Scheme. I would be desperately sorry—and so would the industry be and so would Australia be—if the Labor Party have axed that program in the same way they have axed the Commercial Ready program and other programs. I desperately await Mr Crean's advice that the Export Market Development Grants Scheme will be continued and will be funded this year so that everyone is able to access it appropriately. I thank the Senate for allowing me to have this additional five minutes to complete my remarks on what I consider to be a very important issue for exporters in our country.

Question agreed to.

DOCUMENTS

Register of Senate Senior Executive Officers' Interests

The ACTING DEPUTY PRESIDENT (Senator Ellison) (4.50 pm)—I present the register of Senate senior executive officers' interests, incorporating notifications of alterations of interests of senior executive officers lodged between 24 September and 1 December 2008.

AUDITOR-GENERAL'S REPORTS

The ACTING DEPUTY PRESIDENT (Senator Ellison) (4.50 pm)—In accordance with the provisions of the Auditor-General Act 1997, I present a report by KPMG on the Australian National Audit Office: *Human resource management: Performance audit*.

FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (FURTHER 2008 BUDGET AND OTHER MEASURES) BILL 2008

Returned from the House of Representatives

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

NATION-BUILDING FUNDS BILL 2008

NATION-BUILDING FUNDS (CONSEQUENTIAL AMENDMENTS) BILL 2008

COAG REFORM FUND BILL 2008

First Reading

Bills received from the House of Representatives.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (4.52 pm)—I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (4.52 pm)—I table a revised explanatory memorandum relating to the COAG Reform Fund Bill 2008 and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

NATION-BUILDING FUNDS BILL 2008

The Nation-building Funds Bill 2008 (the Bill) is part of a package of bills giving effect to the Government's 2008-09 Budget announcement to establish three new nation building Funds that will provide significant investment in transport, communications, energy, water, education, research and health infrastructure to strengthen the economy. These new Funds build Australia's infrastructure needs for the future and will assist in addressing Australia's immediate challenges in response to the global financial crisis, as well as its longer term challenges over the next decade and beyond.

To help shield Australians from the global financial crisis, the Government has announced it will fast track its nation-building agenda. To facilitate this acceleration, this Bill and a consequential amendments bill allow for interim arrangements to begin as early as possible, as investment in critical infrastructure can help secure economic activity in the short term and extend growth potential in the medium to long term.

Contribution to the Funds

The Government is committed to implementing an infrastructure investment program, allocating funds for transport communications, energy, water, education and health. This year, the Government will contribute:

- a total of \$12.6 billion to the Building Australia Fund for transport, communications, energy and water infrastructure, including proceeds from the T3 sale and the balance of the Communications Fund;
- a total of \$8.7 billion to the Education Investment Fund for education and research infrastructure, including the balance of the Higher Education Endowment Fund; and
- \$5 billion to the Health and Hospitals Fund, for health infrastructure.

This is an infrastructure program of historical proportions.

The Government has committed to making future allocations to the Funds as Budget circumstances permit.

Where the Funds are used to finance capital projects in the States and Territories, funding will be distributed through a new Council of Australian Governments (COAG) Reform Fund, which the Treasurer is establishing through the COAG Reform Fund Bill 2008, another component of this package of bills.

Investment of the Funds

The nation-building Funds will utilise the investment framework that has been established for the Future Fund. The Future Fund Board of Guardians will manage the investments of the Funds.

Rigorous evaluation of projects

Spending from the Funds on specific projects will be subject to rigorous evaluation by independent advisory bodies.

In view of the Government's commitment to strengthen the Australian economy in the face of the global financial crisis, this Bill and a consequential amendments bill allow for interim advisory bodies for the Education Investment Fund and the Health and Hospitals Fund to be established as soon as possible. These interim bodies will provide a report to Government in December.

For the Building Australia Fund, the Government has previously indicated that Infrastructure Australia, the independent statutory council headed by Sir Rod Eddington, will produce an interim report in December on a National Infrastructure Priority List.

The advisory bodies will assess projects against evaluation criteria, which are being developed by portfolio Ministers – interim evaluation criteria are also being developed to allow work to commence as soon as possible.

Budget consideration

Consistent with the Government's economic security strategy to strengthen the Australian economy in the face of the global financial crisis, the Bill permits me, as Finance Minister, to determine a drawing rights limit for spending from the Funds covering the period up to 30 June 2009. This will enable work in key infrastructure areas to commence before 1 July 2009. To apply rigor and transparency to spending from the Funds prior to the 2009-10 financial year, the determina-

tion will be made in writing and tabled in the Parliament.

The Funds will be established as 'special accounts' in the Consolidated Revenue Fund, meaning that any amounts credited to the Funds represent amounts that have been appropriated and clearly committed for future expenditure on infrastructure.

From 2009-10, the Government will consider proposals as part of the Budget process. Transparency and scrutiny for payments from the 2009-10 financial year onwards is provided by the Government including a general drawing rights limit in the Appropriation Acts. The general drawing rights limit will restrict the total amount that may be paid out in a financial year to support relevant infrastructure expenditure. This is intended to provide the Parliament with a mechanism by which it may oversight the rate at which the amounts are being expended for investment in infrastructure.

Payments from the Funds

Portfolio Ministers will be responsible and accountable for payments made from the Funds in relation to projects brought forward within their portfolio responsibilities, which is consistent with the usual Commonwealth financial management arrangements. Importantly, it will allow for portfolio Ministers to be responsible for the delivery of projects, including the meeting of project milestones.

Conclusion

With this Bill, we begin a new era of investing in Australia's short, medium and long term needs. These Funds are important to address the challenges Australia faces. The Funds demonstrate the Government's commitment towards building the nation's capabilities.

The Funds provide a crucial financing source for investment in critical nation-building infrastructure needs.

This is a government that responds quickly at a time of global financial crisis. We intend to invest and build for the future.

NATION-BUILDING FUNDS (CONSEQUENTIAL AMENDMENTS) BILL 2008

The Nation-building Funds (Consequential Amendments) Bill 2008 supports the establishment of the new Nation-building Funds: the Building Australia Fund, Education Investment Fund and Health and Hospitals Fund.

As detailed in my earlier speech, the Nation-building Funds build Australia's infrastructure needs for the future.

This consequential amendments Bill will allow for interim arrangements to begin as soon as possible to implement the Government's Nation-building Funds. This will allow the Government to fast track the nation-building agenda in response to the global financial crisis.

The investments of all three Nation-building Funds will be managed by the Future Fund Board of Guardians. The Government will close the Communications Fund and transfer its balance to the Building Australia Fund. The Government will also close the Higher Education Endowment Fund and transfer its balance to the Education Investment Fund.

I will now discuss the material changes in the Bill.

The Bill repeals part 9C of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*, which establishes the Communications Fund, and repeals the *Higher Education Endowment Fund Act 2007*.

The Bill also makes the necessary amendments to the *Future Fund Act 2006*, the *Income Tax Assessment Act 1997* and the *Telstra Corporation Act 1991* reflecting the closure of the Communications Fund and Higher Education Endowment Fund.

Consequential amendments extend the Future Fund Act's operation to deal with the Future Fund Board of Guardians' duties in relation to the Building Australia Fund, Education Investment Fund and Health and Hospitals Fund.

COAG REFORM FUND BILL 2008

The COAG Reform Fund Bill establishes the COAG Reform Fund for the purpose of disbursing funds to the States and Territories. The COAG Reform Fund forms part of this Government's modernisation of federal financial relations and complements the nation-building funds.

Where the Building Australia Fund, the Health and Hospitals Fund or the Education Investment Fund is used to finance projects by the States, money will be channelled from the nation-building fund to the State or Territory via the COAG Reform Fund. The COAG Reform Fund will also be used to disburse funding provided in future budgets to the States and Territories for areas of specific reform.

Payments through the COAG Reform Fund will require a written agreement between the Commonwealth and the recipient jurisdiction, setting out the terms and conditions of the payment. These terms and conditions will include payment amounts and performance benchmarks, the achievement of which, in the case of National Partnership reward payments, will be assessed by the independent COAG Reform Council. Where the COAG Reform Fund is used to disburse grants from one of the nation-building funds, terms and conditions of financial assistance will be contained in written agreements made under the Nation-building Funds Act 2008.

Full details of these measures are contained in the explanatory memorandum.

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

Ordered that the resumption of the debate be made an order of the day for a later hour.

SCHOOLS ASSISTANCE BILL 2008**Consideration of House of Representatives Message**

Message received from the House of Representatives returning the Schools Assistance Bill 2008, informing the Senate that the House has agreed to amendment Nos (1), (2), (3), (5), (6), (7), (8) and (9) made by the Senate; disagreed to amendment No. (4)

made by the Senate and desiring the reconsideration of the amendment.

Ordered that consideration of message No. 225 in Committee of the Whole be made an order of the day for the next day of sitting.

APPROPRIATION (ECONOMIC SECURITY STRATEGY) BILL (No. 1) 2008-2009**APPROPRIATION (ECONOMIC SECURITY STRATEGY) BILL (No. 2) 2008-2009****SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (ECONOMIC SECURITY STRATEGY) BILL 2008****Assent**

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

COMMITTEES**Economics Committee****Report**

Senator FARRELL (South Australia) (4.54 pm)—On behalf of the Chair of the Senate Standing Committee on Economics, Senator Hurley, I present the report entitled, *The need, scope and content of a definition of unconscionable conduct for the purposes of Part IVA of the Trade Practices Act 1974*, together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (4.55 pm)—by leave—I move:

That the Senate take note of the report.

Section 51AC of the Trade Practices Act is very important and is going to be a crucial issue when it comes before this chamber in, I hope, the not too distant future. Section 51AC, and especially 'unconscionable

conduct', is an area of serious concern for small business people around this nation, predominantly those who are dealing with retail tenancies in big shopping malls.

I would like to thank members of the committee for the work that was done through this process, and I see that Senator Cameron is in the chamber. Although members may not have come to a consensus in the report—there being additional comments by coalition senators and Senator Xenophon—there was general agreement that section 51AC needs to be tightened.

In this nation, we have to make sure that we maintain the capacity for those who wish to prevail in business to not be knocked out because they are not good at their job, or because they have a badly priced product or a badly priced service, or because they are being bullied out of the marketplace by terms that have been brought about because one player has excessive market power which is used to completely walk over the other player. To go about this process, and because of the lack of clarity of section 51AC, we need to get a more definitive approach. I stand to be corrected but I think only two cases have been prosecuted successfully by the ACCC under section 51AC in the last 10 years. That needs to be addressed by way of a stronger statutory definition of unconscionable conduct.

Unconscionable conduct has to stand in proxy where market forces have failed. If there were a strong market and ease of entry and exit, with alternative sources of supply and diversity of players, then there would really be no role for the Trade Practices Act, and that would be an idyllic world to live in. But when these forces are not present and we get a centralisation of players, or exploitation by a very strong group of players over a very weak group of players, then we have a role for the Trade Practices Act.

The issues that we looked at in section 51AC were such things as fair dealing, fair trading, fair play, good faith and good conscience. These are definitions which are not peculiar to the Australian people, and they are what a lady who runs a shop in a large shopping mall would be looking to the Senate to provide. In her negotiations with the landlord, she would be looking for fair trading, fair play, good faith and good conscience. Other people, when negotiating with centralised players in the marketplace, will look for the same outcomes. I look forward to giving the ACCC greater powers and, at times, a greater motivation to pursue these issues.

I commend the report to the Senate. I hope in relation to this matter that a reasonable approach is taken and that we see all those things that I have noted—fair trading, fair play, good faith and good conscience. They are the elements exhibited by this chamber when it comes forward with a stronger definition of 51AC so that the Australian people have access to the merchant class and have the capacity to be participants in the wealth of our nation. When the dreams and aspirations of people living in this marvellous nation of ours, Australia, and the economy—which is a manifestation of our nation's benefaction—come forward into our legislation, we can give our citizens a better and fairer economy to enjoy and be part of.

Question agreed to.

Economics Committee

Report

Senator CAMERON (New South Wales) (5.00 pm)—On behalf of the Chair of the Senate Standing Committee on Economics, Senator Hurley, I present the report entitled *Matters relating to the gas explosion at Varanus Island, Western Australia*, together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator CAMERON—by leave—I move:

That the Senate take note of the report.

I draw the Senate's attention to the fact that this inquiry was referred to the Senate Standing Committee on Economics on 28 August 2008. Throughout the course of the inquiry, the committee conducted five public hearings—one in Perth, another in Bunbury in the south-west of Western Australia, and three shorter hearings in Canberra.

The committee was asked to examine the economic impact and government response to the explosions that occurred on Varanus Island on 3 June 2008. The explosions disrupted a third of Western Australia's domestic gas supply. The committee received 32 submissions and heard from a wide variety of people at the five hearings. I would like to thank all those who took the time to write submissions or to appear before the committee at a hearing. I also thank the committee secretariat for their assistance in the conduct of the inquiry.

At the hearings in Bunbury, the committee heard from individuals who had experienced such significant dislocation that their businesses were faced with closure. The committee formed the view that, because industry in the south-west of Western Australia relies so heavily on gas sourced from the Varanus Island facility, there was a disproportionate disruption to that part of Western Australia.

The committee heard some particularly worrying evidence from several contractors in the south-west who were severely affected by the gas shortage. It was reported that Centrelink are limited in the assistance they can provide to independent contractors. The committee suggests that the Department of Human Services should undertake an investigation of these concerns.

In terms of the government response, the committee majority came to the conclusion that the former Western Australian government responded in an adequate manner to the crisis and that their management of the crisis was professional and effective. Some witnesses who gave evidence to the inquiry suggested that the Western Australian government should have invoked emergency powers in the aftermath of the explosions on Varanus Island so that the government could have taken control of the allocation of gas. However, most witnesses, including the Chamber of Commerce and Industry, the Chamber of Minerals and Energy and the DomGas Alliance, were supportive of the decision not to invoke emergency powers.

The committee majority formed the view that, given the circumstances of the incident and the consequences of forcing unaffected energy suppliers to break contracts and arbitrarily take gas away from one user to give to another, the government had limited capacity to invoke emergency powers and, therefore, the steps taken by the Western Australian government were appropriate.

While the committee found that the response by the Western Australian government was professional and effective, the committee recommends that the state government convene a forum of gas producers, suppliers, power companies, industry groups, media outlets and community representatives to discuss and develop a range of standardised emergency responses in the event that another gas crisis is experienced in Western Australia. This is a prudent course of action that should be undertaken in the aftermath of any significant incident, such as the one that occurred at Varanus Island.

For similar reasons, the committee also recommends that the state government should conduct an analysis of the effectiveness and appropriateness of the legislative

framework to deal with periods of energy crisis in Western Australia. The new state government should also conduct the review of gas security, which was originally announced by the former state government on 6 August 2008.

The committee found that energy supplies in Western Australia are prone to serious dislocation due to the lack of a mature, diverse and competitive market. Similarly, the reliance on limited sources of domestic gas production and supply is a significant impediment to the continuity of energy supply for Western Australian consumers and industry. There is no short-term capacity to provide significant amounts of reliable and affordable supplies of alternative energy sufficient to prevent a similar crisis if another major gas failure is experienced.

Based on the evidence the committee received it is clear that, due to the prohibitive cost and technical and environmental challenges, the feasibility of developing emergency storage facilities in depleted reservoirs or other repositories is limited and would not result in continuity of supply during a similar crisis. The committee heard from a number of alternative and sustainable energy groups in Western Australia and recommends that the state government actively engage with the alternative energy industry in order to progress energy diversification through increased alternative energy capacity.

As part of the inquiry, the committee was asked to examine:

... the nature of contractual arrangements forced on business and industry during the gas crisis and their status since the resumption of gas supplies from Varanus Island.

Based on the evidence received, the committee could not reach a definitive conclusion in relation to these matters. A definitive conclusion was not possible due to the decision by Alinta, the major gas retailer in Western Aus-

tralia, not to appear before the committee. I find Alinta's attitude to the inquiry inexplicable. It is necessary to place on the record that Alinta were offered the opportunity to make a confidential submission and to give in camera evidence on a number of occasions. In an email to the secretariat on 27 October 2008, Mr Troy McKelvie, legal counsel to Alinta's parent, Babcock & Brown Power, advised the committee:

After giving due consideration to Alinta's various contractual obligations not to disclose confidential information, we regret to inform the Senate that Alinta respectfully declines the invitation to give evidence.

The committee secretariat yesterday received a specious letter from Alinta in which the company claims that the absence of a subpoena requiring them to give evidence to the committee prevented them from doing so because of a concern that they would not be protected from disclosing matters subject to contractual confidentiality obligations. Alinta's comments attached to the letter have been accepted as a late submission.

Senators would be well aware that the use by committees of inquiry powers through the issuing of summonses is the exception rather than the rule. Committees usually invite witnesses to attend voluntarily and they usually do so. It is the practice of the Senate to require committees to marshal witnesses by way of invitation, unless there are circumstances that warrant the issue of a summons. At no stage of the inquiry did Alinta advance any request or argument for the issue of a summons. In my view, Alinta's after-the-event justification for their nonappearance is disingenuous and reflects poorly on their bona fides. Other senators will, of course, draw their own conclusions.

While there was no direct evidence before the committee on this point, it was clear to the committee that there was a perception of price gouging and unfair contracts among

some witnesses who gave evidence to the inquiry. Given this, the committee majority concluded that it would be in the interests of the industry and government to examine ways to improve transparency and accountability from the gas and energy industry during periods of crisis. One way of doing this would be for the state government to establish a permanent gas bulletin board in Western Australia to support increased competition and to provide the community with improved information in regard to the gas market in Western Australia. It was really this issue—the need for increased transparency, accountability and diversity in the energy industry in Western Australia—that became most prevalent during the inquiry. The majority report provides some important recommendations about how it may be possible to address this need, and I commend it to the Senate.

Senator EGGLESTON (Western Australia) (5.10 pm)—On behalf of the coalition members of the committee, I would also like to make some remarks on the inquiry. The Varanus gas explosion and its sequelae have been a major disaster for Western Australia. The reduction in the supply of gas caused immediate and enormous disruption to industry around the state, particularly in the south-west, which overall, according to the Chamber of Commerce and Industry of Western Australia, lost an estimated \$2.5 billion in income. Coalition senators are of the opinion that, while the state government appeared to move quickly to deal with the gas crisis, setting up both the Gas Supply Coordination Committee and the Gas Supply Disruption Recovery Group, this either disguises or ignores the fact that, despite two previous incidents where gas supplies were compromised, the state government did not have a contingency plan in place to deal with a major disruption in the supply of gas from Dampier such as was caused by the Varanus explo-

sion. Accordingly, coalition senators believe that the state government deserves severe criticism for this omission.

There was evidence that the state government's failure to keep business informed led to a fall in confidence in its ability to handle the crisis, particularly in the south-west. This was highlighted by the government's decision, the coalition senators believe, to leave the distribution of gas to market forces—the bulletin board system—instead of declaring a state of emergency which would have enabled the state government to equitably direct gas to where it was needed. The role of Minister Logan was also a matter of concern to coalition senators. Although Mr Logan sought to defend the government's actions in his answers to questions on various issues from coalition senators, including Senators Johnston, Bushby, Eggleston, and Adams, the coalition senators were not convinced by his answers. Coalition senators are of the view that Mr Logan, as energy minister, should have been aware of the 1998 ESSO Longford gas explosion and its consequences. He should also have been aware that New South Wales has a contingent emergency response plan in readiness for any possible disruptions to its supply of gas. From evidence provided to the committee, coalition senators concluded that Minister Logan understood the potential economic impact on industry, especially in the south-west, from any disruption to the gas flow through the Dampier to Bunbury pipeline. Accordingly, the coalition senators hold the view that his failure to put in place a contingency plan to manage such an event amounts to incompetence on his part for failing, as the minister, to ensure that such a plan was established.

Coalition senators are concerned that insufficient attention appears to have been addressed at government level to the potential danger of Western Australia's heavy depend-

ence on gas from the North West Shelf and believe that, if there is a lesson to be learned from the Varanus incident, it is that there is a need to diversify the sources of energy available to supply the south-west grid and the south-west of Western Australia in general. We concur with the majority report on these matters. While businesses across Western Australia have felt the impact of the Varanus explosion, coalition senators would like to make a special acknowledgement of the south-west region of the state, which suffered severely in the crisis. During the hearings in Bunbury, members of the committee heard firsthand what impact the loss of gas was having on industry. It was made known during the Bunbury hearing that various businesses in the south-west operated with equipment which required a consistent and predictable supply of gas. The operations of such businesses were compromised in this crisis by the intermittent nature of the supply of gas provided to them.

Coalition senators are of the view that the bulletin board which was established as a secondary gas market during the crisis was severely flawed in at least two areas. Firstly, it failed to ensure the provision of gas to essential services, including the food industry, and, secondly, it left small businesses at a disadvantage. Furthermore, it has also been submitted that, as a result of the failure of the state government to intervene, the bulletin board appeared to have allowed price-gouging tactics by energy suppliers. A most concerning feature of the aftermath of the Varanus gas explosion has been that, as the gas supply has been re-established, prices for gas—and, more importantly, electricity—have reportedly been substantially raised.

As a result of this inquiry, coalition senators believe that in the public interest there is an imperative requirement that there should be further investigation to determine whether the management of the crisis by the Western

Australian government was negligent and that the question of compensation to injured parties should be considered. Coalition senators recommend accordingly that the state government be called upon to establish a judicial or other major independent inquiry to investigate the consequences and management of the Varanus gas explosion. I would add that the coalition senators concur with the majority report conclusion that there is a need for a conference of all interested parties to be held to plan for the response to any future such interruption of the gas supply through the Dampier-Bunbury gas pipeline.

Coalition senators also concur with the view that Alinta's late correspondence to the committee, in which they claimed that they did not appear before the committee because they were not subpoenaed, is gratuitous because they were previously invited to appear before the committee and in writing responded saying that they would not do so.

We also agree that there could have been a far better response from the department of social security to assist those workers in various industries in the south-west who found that their employment was not continued due to the consequences of the Varanus gas explosion and its sequelae.

In conclusion, this has been a major disaster for Western Australia and, given the unusual dependence of industry in the south-west of Western Australia on a single gas pipeline, it really is imperative that a plan be put in place to ensure that any future incidents such as this will not have such severe consequences, if that is possible.

Senator LUDLAM (Western Australia) (5.19 pm)—I rise to add some brief comments on the Senate Standing Committee on Economics report entitled *Matters relating to the gas explosion at Varanus Island*. I believe the senators who came before me in this discussion on the report canvassed the issues

that the committee covered fairly well. I want to comment mainly on chapter 5, which dealt with solutions, essentially: energy security, and diversifying sources of energy in Western Australia. Senator Cameron foreshadowed some of the evidence that we took from the renewable energy sector that probably provides some lessons for the whole country, even though the case studies that we were talking about were in Western Australia. This was an inquiry into the vulnerability or the resilience of the Western Australian energy sector, and this accident exposed just how fragile our energy system is, not just in Western Australia but I would suggest right across the country. We heard from the former energy minister, Fran Logan, that effectively there are two pipelines 1,500 kilometres long which bring 95 per cent of the gas from the north-west. That creates a unique vulnerability. What we saw was one accident at one plant which knocked out a substantial proportion of Western Australia's gas supply, with quite severe economic consequences, and the committee heard about those in some detail.

What is not unique is that it is the nature of fossil energy networks that they only come in large centralised plants connected by cables or pipelines thousands of kilometres from the source to the load or the demand. That has an inherent vulnerability to it. So in the bigger picture it is quite important for us to take note of the fact that it is not unique to Western Australia—it is not even unique to Australia—that these fossil grids are actually quite fragile. The common myth is that fossil-fuel generators are reliable and that renewable energy is patchy and unreliable. We heard quite compelling evidence that exactly the opposite is the case. A vibrant renewable energy sector in Australia would look like thousands of small generators scattered around regional areas, particularly at the edge of the grid, which would have an enor-

mous impact on energy security. This goes directly to the aims of the inquiry, which were not just to ascertain what happened but how to prevent this sort of event from happening in future.

We heard evidence from a wonderful and very active group in Western Australia called Sustainable Energy Now, who are dedicated essentially just to promoting solutions and modelling what a renewable energy grid would look like in Western Australia and how we can get there from where we are at the moment. They noted that relying on a few centralised sources for critical energy supply provides poor energy security, and that is what this report was all about. We heard from Dr Ray Wills, the head of the WA Sustainable Energy Association, that the peak demand in the grid—which a lot of gas is used for, for the peak generators that spark up when the load on the grid is greatest—is exceptionally well served by solar because obviously the sun is shining at exactly the time that people are switching on their air-conditioners and so on.

We also heard that renewable energy technology is not inflationary, and I think it is worth pausing to note exactly what that means. Once you have built the generators, the fuel source for most renewable energy technology is free. The way Dr Wills put it to us was:

One of the key advantages of renewables is that you know what your energy price will be in 20 years time because the sun will continue to come up, the waves will continue to wash on our shores and the wind will continue to blow past us. The cost of that energy source will not change. Sure, there will be maintenance costs, staffing costs, there will be other things that do add some inflationary pressures to that energy generation, but the reality is that we will still know the price of the source of the energy itself ...

That is actually quite a profound statement. Once renewable energy architecture has been

built and is in place, the fuel costs essentially are free for all time. In Western Australia the wind energy resource is superb, as I suspect it is in most of the rest of the country. It is also a load-following resource in that it tracks relatively smoothly the pattern of demand, just by pure coincidence. These are all things we should be pursuing.

One of the most compelling cases for a large-scale baseload renewable energy sector was made by Dr Michael Ottaviano of the Carnegie Corporation, who spoke to the fact that the wave energy resource in Australia is spectacular and somewhat unheralded, although I suspect that is all about to change. The Carnegie Corporation is a WA based innovator of wave energy technology. Last year it calculated just how much potential wave energy there is in Australia. In the deep water sense—that is, at a depth of 100 metres or more—there is something like 500,000 megawatts, roughly 10 times Australia's current installed capacity. This is a vast, globally distributed resource which is basically untapped. Wave energy is not an intermittent source of energy. The reality is that in Australia we are incredibly fortunate. We have a constant source of energy. We also have a very long coastline exposed to that energy which, according to the Carnegie Corporation, could make a significant and reliable contribution to the grid as early as 2011.

The committee also heard that the UK government spends \$20 for every \$1 that the Australian government spends on trying to harness its wave energy resource, despite having a resource that is only one-thirtieth the size. So it is really time that Australia caught up with the rest of the world. This inquiry adds another dimension to the fact that a renewable energy network in Australia is not only possible and essential but would add to the resilience of energy security in this country.

Because these are start-up technologies, what they need now is support through both federal and state government processes and a national gross feed-in tariff. It was suggested that what we are facing today is really not that different to the situation at the beginning of the last century, when governments were involved in the public interest, in the creation of our current energy-generation infrastructure. They did not leave it to the market. They built wires, they built power stations, they put in the infrastructure. That is the point we are at now, because we are changing our energy-generation paradigm, not just because it would be a nice thing to do but because we have no choice; we have to undertake these changes.

I particularly commend the committee's recommendation that:

The Western Australian Government should actively engage with the alternative energy industry in Western Australia in order to progress energy diversification through increased alternative energy capacity.

The committee agreed that WA does not necessarily need more expensive contingency options, because that is not necessarily the best response. The best response probably is the development of smaller scale alternative energy—small scale in terms of the size of the actual generators but very, very large scale right across the state, putting the generators where the resource is, whether it be sun, wind, wave, biomass or geothermal energy. Such an energy grid would be resilient; its fuel is non-inflationary; it would reduce our dependence on imports of foreign fuels; it would create thousands of jobs in regional areas; and it would tackle the big one that confronts not only us in this chamber but people right around the planet, which is of course climate change. We were left with the question: why on earth is this not already happening?

Senator PRATT (Western Australia) (5.27 pm)—I rise to speak, in the short time that is available, on the report of the Senate Standing Committee on Economics, entitled *Matters relating to the gas explosion at Varanus Island, Western Australia*. The significant impact of the Varanus Island gas explosion was apparent to senators a long time before we came to this inquiry, and the inquiry indeed substantiated the significant economic impacts.

The committee sought a way to ensure that Western Australia is prepared in the circumstances that the unthinkable happens again, and I think the committee's recommendations set that out very successfully. In terms of market transparency, emergency powers and issues in relation to pricing, our recommendations certainly point a way forward. But I want to challenge senators opposite in relation to the dissenting report. In the parliamentary hearings we had, there were plenty of opportunities to prosecute the former WA Minister for Energy, Fran Logan, but there was no evidence through which senators opposite were able to substantiate their recommendations calling for a judicial or other form of inquiry. That way forward offers very little for the people of Western Australia by way of ensuring that this kind of circumstance does not happen again. We require diversification of the energy markets in Western Australia, which was well established in the majority report; we require greater transparency in relation to those energy markets; we require a permanent gas bulletin board; and we require an examination of emergency powers and the market. These are substantial directions for a way forward, and I am disappointed that the opposition have sought to turn this into a parochial political witchhunt.

Debate interrupted.

VALEDICTORIES

Senator MINCHIN (South Australia) (5.29 pm)—It is both with pleasure and pain that I rise tonight to honour the service of Senator Chris Ellison. It is with great pleasure that I take this opportunity to pay tribute to his contribution to Australia, to the Senate and to the Liberal Party of Australia. But it is also with pain, because I am losing from this place a good friend, an ideological soul mate and an invaluable member of the coalition Senate team.

Chris and I have had parallel careers in this place. We came into the Senate together as members of the very distinguished class of 1993, including as it does Senator Chris Evans and Senator Judith Troeth. Indeed, of the nine senators who first took their places on 1 July 1993, we are the only four still here—soon, regrettably, to be three. Chris and I were both appointed parliamentary secretaries and then junior ministers in the first term of the Howard government. Indeed, given John Howard's remarkable obsession with his ministerial code of conduct in our first term, a number of ministerial opportunities opened up, of which Chris and I were happy beneficiaries. That is probably the only reason we got there.

Senator Chris Evans—There wasn't anyone else left!

Senator MINCHIN—It could be true! Chris actually beat me into the ministry by some three months, which, of course, I think appropriately reflects his superior talents. I served as the first Special Minister of State in our government, and then Chris succeeded me in that role after the 1998 election. It is interesting that between Chris Ellison, Eric Abetz and me, we occupied what is known as the SMOS role collectively for just over eight years as successive special ministers of state. As Senator Faulkner would know, you discover quite a lot about your colleagues as

the SMOS. So Chris, Eric and I have a very special bond born out of service in that particular role.

I was lucky enough to be elevated to cabinet at the end of 1998. It is with great regret that I note that Chris did not join me in the cabinet room until March of 2007. Chris had nearly 10½ years as a minister—a great record—but, very regrettably, only nine months in the actual cabinet. I have to say that, frankly, I could never understand why John Howard was disinclined to recognise Chris's obvious credentials for cabinet despite my repeated advocacy of his merits. Of course, Chris's ultimate elevation was somewhat bittersweet in that it came at the expense of our very good friend Ian Campbell. I never thought Ian should have been forced out of the cabinet, but it was a considerable consolation that John Howard accepted my advice to elevate Chris Ellison in Ian's place. While Chris had a long and successful ministerial career, he has good reason to feel disappointed, I think, that he did not have the opportunity to serve for a much longer period in the cabinet. Indeed, I was, of course, one of the very few genuine federalists in the Howard cabinet and would have loved to have had Chris in there with me for more than the nine months that he was to help me to argue the federalist case with all of those centralists around the cabinet table.

Chris had six different ministries in his 10½ years, which is—I have not checked—probably a record for our government. Again, I think that reflects well on him and reflects both his flexibility and adaptability, which are very important political attributes. The majority of his frontbench service, as I think is well known, was as Minister for Justice and Customs, a position he held for some six years. I can certainly vouch for the affection and respect for Chris throughout the Australian Federal Police, whose minister he was for all of those six years. I certainly

well remember representing Chris in the Solomon Islands and presenting awards to the Federal Police for their service in RAMSI. The very high regard in which Chris was held was very clear to me.

He also served as the Manager of Government Business in the Senate for nearly 2½ years, the latter half of which coincided with my leadership of the government in the Senate. No leader could have wished for a more capable and competent manager. I am extremely grateful to him for making my first year as Leader of the Government in the Senate less stressful than it might otherwise have been. Certainly Chris and I discovered that managing a one-seat government majority in the Senate is actually a hell of a lot harder than managing a minority. We had to make sure the numbers were there every time, which was not always easy.

Not only did Chris and I come in together and serve together in the ministry for a decade, we became very good friends. I think we instantly recognised our shared philosophical disposition. I must confess to having been a little wary of Chris in the early stages, given his then reputation as an acolyte of the infamous Noel Crichton-Browne, whose approach to politics I never found particularly endearing. But I soon discovered that Chris was very much his own man, one with a strong moral and ideological backbone and who was prepared to go to the barricades to defend his beliefs.

Chris's maiden speech, which I just re-read, is one of the most impressive I have heard in my 15½ years in this place. He clearly stated then his strong philosophical principles, and he has held true to them throughout his career. He has been a strong fighter for economic liberalism, for social conservatism, for the great virtues of our Australian Federation, for the advantages of our constitutional monarchy and for the pri-

macy of marriage and family. He and I were in the trenches together in defending our Constitution against the ravages of the republicans during the 1999 referendum. We voted together consistently on the conservative side of all the major conscience issues that have come before this Senate in the time that we have been here together. In fact, I cannot think of a political issue on which we have differed.

He has been a powerful, passionate defender of the interests of the state he is so proud to represent, the state of Western Australia, and a great servant of the Western Australian Liberal Party. I must say that I have nothing but sympathy for those like Chris who represent Western Australia in Canberra. I acknowledge Senator Evans in that capacity. So while I am very disappointed, I am not at all surprised that, after 15½ years of flying backwards and forwards between Perth and Canberra, Chris has chosen now to share in his beautiful young children's growth and play a greater part in their development. The hardest part of being a federal MP is without question the absences that we all experience from our own children. That is, of course, especially so for Western Australians. On this occasion, I do want to thank very sincerely Chris's wife, Caroline, for sharing Chris with us and allowing him to so faithfully and diligently serve his country, his state and his party in this place. On that note, I wish Chris every success in his new life and congratulate him on a magnificent parliamentary career.

The PRESIDENT—Before calling Senator Evans, I should have outlined at the start that informal arrangements are being made to allocate speaking times to individual senators. I know, with the concurrence of the Senate the clerks will be asked to set accordingly. There will be some people who will go a little bit under time, and there may be some

people who go a little bit over time too, but we will be tolerant in these circumstances.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (5.37 pm)—I join with Senator Minchin in offering my congratulations to Senator Ellison on his career and in wishing him the best for the future. I do not want this to sound like an obituary—I sometimes hate these things; they make you sound like you are dead—but I want to make some personal remarks about Chris on behalf of the government but more so on my own behalf. Chris, as Senator Minchin indicated, was in the same class as me—the class of 1993; a couple of migrants from Perth, out of the University of Western Australia—and, being called Chris Evans and Chris Ellison, we occasionally got mixed up. We were both very good looking young blokes at the time, too!

Honourable senators interjecting—

Senator CHRIS EVANS—It was 15 years ago, right! Fifteen years in the Senate takes its toll! He survived better than I, although he is a bit grey. We have had the time in the parliament together and we served on the native title committee early in our careers. We worked quite closely together on those things. When he was Manager of Government Business in the Senate, I had a lot to do with him in various roles. It is worth noting, though, that, whilst Senator Minchin focused on perhaps a disappointment in his career, he should have tried it from this side for that long period before we won government. Chris is one of the few people who spent the vast majority of his time in government and the vast majority of his time in the ministry. While a lot of that is down to his own abilities, there is also in politics always a sense of luck. I think he was very lucky to have had that time. He has had a very distinguished career but has had the

benefit of a career where timing has been good. No-one appreciates that more than those of us who did 12 years in opposition.

Chris has always been a very decent and professional bloke. He is very easy to deal with. Joe Ludwig and I, along with others who have worked with him across the chamber, have high regard for his decency and professionalism and also for being a person of his word and being very good to work with. I am very grateful for that and have enjoyed those interactions—even though they have been testy on occasions in the pursuit of different interests. I was a bit concerned by Senator Minchin's descriptions of Chris as sharing his ideological positions—I know he is conservative, but he cannot be that bad, surely! Having said that, I embarrassed Senator Ellison once by saying that I voted for him in a student election at the University of Western Australia because he was the moderate face of the Liberal club on the campus. And he was regarded as being quite progressive at the time. I think it is fair to say he moved to a more conservative position over the years—obviously by associating with the wrong people, like Senator Minchin! Even then, Senator Ellison had a better reputation than most of the student politicians on campus, but that is probably not a big claim. He always looked to make a positive contribution.

I acknowledge his family, as Senator Minchin did. A lot of platitudes are often spoken on these occasions, sometimes about family, but having known his wife, Caroline, she certainly is the better half. You could not meet a more delightful person. Chris married a bit later in life than most of us, but he has been blessed with three great children, whom I have spent some time with on the planes on occasions. They are full of energy and full of life. They are lovely kids. One of the great things about Chris's decision is that he will get to enjoy them more as they grow.

I have said this before, but I think one of the great things in politics is to go at a time of your own choosing. So few do it; so few do not end up bitter. Our last Prime Minister, Mr Howard, is a classic example. I do not mean this in a political way; we have had more than our fair share as well. Those that go of their own choosing seem to cope with post-politics life much better. Because they have made a decision, they go without regret and they go without bitterness, and I am sure Chris is in that place. I wish him well. I think he can learn a lesson from former senator Ian Campbell, whom I last saw driving around in a sports car in Subiaco, shouting out the window at me and enjoying life immensely. He is terrible to run into, because he is having such a great time. I think he is making a huge quid, having a great time and enjoying life. He is an advertisement for retiring while still young enough to enjoy it and making the decision to go yourself. He and Brenda are obviously enjoying life.

Chris, we do appreciate the contribution you have made. I think you have had a great career. To serve as a minister for that long is a rare experience. If you look back over the history of people who have served in this place, very few have served as a minister for that length of time. I know you have much to be proud of in the portfolios you have served in. I wish you all the best. I think you have made a very wise decision, and I am glad you came to it of your own choosing. You decided to go under your own steam. Senator Minchin and I probably have to examine our own performance, as we are still here and some might say we should have gone with you—

Senator Minchin—Who? Name them!

Senator CHRIS EVANS—Yes. I always find, when you look behind, Senator Minchin, it is never that side that is your problem in politics. But I digress. To Chris

Ellison: all the best, best wishes from the whole of the Labor government and senators, and we look forward to you enjoying your new life.

Senator BOSWELL (Queensland) (5.44 pm)—Today all of us wanted to speak on behalf of the National Party to wish Chris all the best but, because I was the father of the house, I won the privilege of being able to stand up here today as the representative of the National Party to join with Senator Evans and Senator Minchin in speaking about Chris.

You just have to look around and see how many people have turned out; we have Senator Evans and then on the conservative side we have just about a full complement here to wish you all the best, and that says something. And I see a couple more senators coming in now. We are here to wish you all the best and to stand here in solidarity with you.

Chris, you are one of the ball carriers in this place. You are, in the parlance of rugby, one of the people who could take the ball up to the opposition, and you are going to be very sadly missed. People say, 'No-one is irreplaceable,' and that is probably true. But there are some people who are hard to replace—a lot harder than others—and you are one of those. You will go away with all the best wishes from both sides of the parliament and from the crossbenches.

I know that with three children under nine it must be terribly hard to face that five-hour trip from Western Australia backwards and forwards every week. Their victory is our loss. Your family must always come first and we recognise that. I wish you great happiness and joy with all your children. I know that you will take them for walks on the beach around Claremont and you will probably go sailing and play football with them and do all the things that a nine-year-old would expect from their father. Children really need their

father at this stage of their development—when they are in the 10-, 11- and 12-year age group. You will be there for them. How can we say that you did the wrong thing when you made that decision.

I would like to reflect on what you said in your maiden speech. In the last paragraph you said:

Honourable senators, our responsibility is great and our burden heavy but I ask everyone, whether Christian or not, to remember in our deliberations the prayer that we say each day; that is, that the Almighty may direct and prosper our work to the true welfare of the people of Australia.

That was the last sentence in your maiden speech. I repeat it today because it is just as true now as it was the day that you said it.

I sincerely wish you all the best. You are being a good father and you have been a good friend to everyone on this side of parliament. You are one of the great conservatives; we share such values as fighting for the constitutional monarchy, and we went shoulder to shoulder to shoulder with that. All the best, Chris, and all the best to your wife and children.

Senator ABETZ (Tasmania) (5.48 pm)—The Senate this evening farewells a senator, but not an ordinary senator; it farewells a very special senator—a senator who has made a sterling contribution to his country, to his state and to his party. It is a sterling contribution of which you, Chris, can be justifiably proud.

My association with you goes back, I think, some 30 years to the Australian Liberal Students' Federation, and of course that is good and bad: good, because I can vouch for Senator Ellison, but also bad because I know as many bad things about Senator Ellison as he knows about me. He indicated that in this debate he would have the right of reply, so I should go easy. I remind him that I hope that I might have a few years of parlia-

mentary privilege left in me, so go easy on the right of reply.

Senator Ellison came here about 18 months before I did and it seems to be my destiny to follow in his political footsteps. I followed him as the chair of the Senate Legal and Constitutional Committee. I then followed him as Special Minister of State and I then followed him as Manager of Government Business in the Senate. And just in case those opposite get a bit too excited, yes, one day I will follow his steps into retirement, but not quite yet.

When I did follow in Senator Ellison's footsteps in those various roles, I always found that I had very, very big shoes to fill. He had earned a reputation of being hard working, robust, thorough, clear thinking and honest. He was also, and, might I add, still remains, a man of clear values, which he holds dear. He is a conviction politician: someone who knows where he stands and also knows why he stands where he does. In short, if you knew where Senator Ellison stood on an issue, I think you could bet London to a brick you could predict where Senator Abetz stood on that same issue. His values and belief system make us philosophical and political soul mates.

We worked closely together on a number of issues in our ministerial careers. I remember our joint submission to cabinet in relation to illegal fishing. We agreed on our tactics and walked out of cabinet ashen faced and shaking our heads in disgust. As soon as we were out of the cabinet room we did cartwheels back to our offices, not believing our luck in getting the amount of money that we did. Then, in relation to the value type issues, there were matters such as euthanasia, where I took over the chairing of the euthanasia inquiry.

And of course, very importantly, there are the social aspects. I think I can reveal this

evening the real reason for Senator Ellison's retirement: that was when some of us lost the battle for Lee's! When the leader ratted on us, Chris, and changed sides on that very important social justice issue of where we ought to have dinner on a Wednesday evening, I saw that it was a bit tough to bear. I can understand why you are leaving us, but we are all looking forward to another great night at Lee's tonight.

Can I observe, Mr President, that I have never seen the gallery look so beautiful as it does this evening, with both Caroline Ellison and my wife. They say that behind every great man there is a surprised mother-in-law. Can I also say that anybody who is able to make a substantial contribution in this calling of being a parliamentarian, and who has a family, also has an imperative that he or she has a very supportive spouse. There is no doubt, Chris, that you enjoyed a very supportive spouse. Michelle and I enjoy Caroline's company. We enjoyed her support of us, before you had children, looking after our children.

May I briefly recount a story where Caroline Ellison broke the heart of our son John. Caroline used to look after John very well, taking him shopping around Canberra. As one does in the car from time to time, we had a family discussion, and the topic turned to marriage. John was absolutely definite: he was going to marry Caroline Ellison. Then when his older sister told him, 'Don't be so silly, she's already married,' he burst into tears. Later on the Ellisons were in Hobart at a hotel and my wife and John came to pay a visit to Caroline Ellison. It really hit home to my son John that Caroline Ellison was in fact married when Chris Ellison walked into the hotel room. He took one look at him and cried. He then knew that Caroline Ellison was not available for marriage. She is a great mother to their three children and a great support to Chris.

Can I say, Chris, you have impressed me always as a very well-rounded individual—very personable, intelligent, with a great sense of humour and a great turn of phrase, and sincere, with a solid set of values. I hope that you will be able to put all those traits and qualities to good use in your retirement. I wish you, Caroline, Siena, Nicholas and Sebastian all the best for the future. And God bless.

Senator LUDWIG (Queensland—Minister for Human Services) (5.55 pm)—Can I add my words to the farewell this evening. Many of us in this place get to know those on the other side through committees—through a range of committee work and interactions, attending committee hearings, writing reports and arguing each other's respective cases. I can say that none of that took place with respect to myself and Senator Ellison. By the time I happened to join the Senate, Senator Ellison had already moved onto the front bench and took on a range of portfolios that I think have been highlighted this evening. That generally means that you do not get to know someone as well as you might otherwise have liked to. Particularly given the fine words that have been provided tonight, not only would I say I agree with them all; I can add to them as well, as I will shortly.

Entering parliament in 1999 I did find that, having joined the Senate Legal and Constitutional Affairs Committee, there was one joy, in that I could then spend a significant amount of time questioning Senator Ellison during estimates over many years—which unfortunately went on for more years than I would have actually liked! Nonetheless, I can say that during that experience I did get to know the minister through many late nights, sitting until 11 o'clock at night, questioning in a way not only the senator himself but the departments he represented, including in the Justice and Customs portfo-

lio. I came to know him after spending a significant amount of time with him during those years—I think something in the order of seven years. His was a frontbench role spanning something like 10 years.

Of that experience I can say there were high points and low points. I am sure that Senator Ellison is pleased that I am not going to go to any of those tonight! What I can say is that you served in various capacities during that period from 1997 to your last ministry in 2007. A career on the front bench, as I said, spanning something in the order of 10 years is a significant achievement, as Senator Evans mentioned. I think it is probably one of those examples that stands for all of us to admire and look at and say that your achievements during that period were significant. If we look at Justice and Customs as but one area, you oversaw the professionalisation of Customs from a customs organisation to one with a much bigger role, right through to the overseeing of the Australian Federal Police, where you oversaw the doubling of capacity and the enlargement of the Australian Federal Police into a very professional outfit. All of that time was under your leadership and with your input. And Customs was not only a border protection agency; it also expanded into cargo facilitation, together with SmartGate and a range of other innovations that you developed and led.

I have also had a great opportunity to work with you in another capacity, as both the Manager of Opposition Business and the Manager of Government Business. Can I say for the benefit of those listening tonight: no, we never struck any deals in relation to legislation or how we were going to deal with the Senate and get through the legislative program. All those people who would say that we were obviously deep in agreement on certain issues and putting them forward, I can refute that entirely—and Senator Ellison, I am sure, would concur. He dealt with the

opposition and the government in an even-handed and fair manner, and he continues to do that today.

Can I also say, more on a personal note, that you do get to know those on the opposite side only occasionally. But in this instance I can say that, having known Senator Ellison through this place, it would also be a privilege to know him in private life as well, because the way he has addressed the Senate and his work over that period has been exemplary, quite frankly. It is a contribution that many should admire, and many will continue to hold out as being one that is second to none in the time he has been here.

But can I also say—and, given the time that is available, I will condense it—that it has been a privilege to know you and I wish you well in your new career. I know you will take it in the professional way that you have addressed yourself in the Senate. And I know that your family will say ‘Hi’ to you again, because this place does make it difficult to continue to support your family in the way that you might want to. Our families do end up supporting us more and, quite frankly, for those benefits I am sure that you will find a career outside of the parliament, one that can also fit in a much greater role for your family as well. With those few words, I farewell you and thank you for your friendship over the period.

Senator COONAN (New South Wales) (6.00 pm)—In many respects, these are such melancholy occasions where we reflect on the outstanding contributions of our colleagues and hear some very heartfelt and very sincere words from members of the opposition. I think it really talks very much to the collegiality of the Senate and the way in which we form very enduring friendships and associations in the time that we are in this place, particularly if it has been for a long period.

Tonight I want to pay tribute to a true gentleman of this chamber, Chris Ellison, who for 15½ years has very ably and graciously represented the people of the great state of Western Australia. They will miss his determined advocacy for them, as will all of us for all of the issues that he has pursued over the years. But with three children, sitting up there in the gallery, under the age of 10, and having been committed to being away from his home state and, more importantly, from his own home for most of the last 15 years, I think his decision is very understandable. We do wish him great joy and happiness in being able to spend time with Caroline and the children.

I can remember when the twins were born and later, when sitting up in the President’s gallery, you could barely see their heads over the top of the seats, which suggests that Chris has probably been here far too long, because now they are almost grown up. When we see them looking down at us now we can see them so clearly.

When I first started in the Senate I sat beside Chris in question time. He instructed me in the dark arts of question time and other political endeavours, so I have a great affection for Chris. He has always been a great teacher, friend and mentor to me. But I do think, looking back on those early days, that he had to very quickly house-train a new pup and he did that very well. I do not know whether he had a particular role to do that, but he certainly did it very well with me.

He has given, as others have said, much service to this chamber and, as he said as a new senator in his first speech, on 1 September 1993, he followed in some great Western Australian senatorial footsteps in the shape of, for one, the late Senator Peter Durack QC. If the new Senator Ellison was at all concerned, following in those august footsteps, with his list of service to his state,

to his party and to our chamber and its various committees and his ministerial roles that he has always carried out with such distinction, he need not have been.

Senator Ellison has variously served on the Privileges Committee and the Scrutiny of Bills Committee. I keep following him, too, together with Senator Abetz—we all follow Senator Ellison—so I have now, once again, assumed chairmanship of the Scrutiny of Bills Committee, of which he was chair. He has been on the Procedures Committee, as well as on many Senate select committees and their inquiries. In addition, he sat on various joint statutory committees and contributed significantly, as other speakers have said, to all their deliberations. I will not go into all of them.

As a senator for Western Australia he travelled widely. He made many official visits to countries as diverse as France, East Timor, Korea, Nauru, Indonesia, Cyprus, Austria, the United States, as well as many visits to South-East Asia and Pacific island nations, but he could never rival ‘Marco Polo’—Senator Alston.

Many senators will recall Senator Ellison as both diligent and committed as the Minister for Customs and Consumer Affairs, back in 1997; as Special Minister of State and as Minister for Justice and Customs for nearly seven years, amongst his other portfolios, before being promoted to cabinet as Minister for Human Services in March 2007. I certainly remember him in cabinet. I agree with Senator Minchin that his abilities meant that he was qualified to be in cabinet far earlier than he was actually elevated to cabinet. He discharged that role with great distinction. He managed the difficulties or opportunities those various portfolios offered always with grace, determination, great humour, intelligence and perseverance.

More recently, Senator Ellison, as Senator Ludwig has mentioned, was the Manager of Opposition Business in the Senate and, if I marvelled at his stamina before assuming Senator Ellison’s previous role in managing the opposition’s business in the Senate, I doubly marvel at his stamina since taking over this role. It requires enormous energy, discipline, quick thinking, firmness and diplomacy, which he has in spades, to get through a quarter of a day, let alone a whole one, as I have been discovering over these last few months. And were it not for the good humour of Joe Ludwig I think it would be much more difficult.

Chris has certainly set, I think, a very high bar for us all to get over in seeking to match his performance. I should just add one thing. He also has an iron stomach, because there is never enough time to eat, or eat properly, and that is no doubt why Chris has been a stalwart of Lee’s restaurant, that bastion establishment for Liberal senators going back before time—the memory of man runneth not—with the internal fortitude to meet over a meal and enjoy our friendship on Wednesday evenings when the Senate was sitting.

Finally, I salute Senator Ellison for the virtues that make him such a universally popular and much-loved member of this chamber. I commend him on his integrity, honesty, compassion and unfailing courtesy. Those characteristics of Chris Ellison the man and our friend will be sorely missed by us all. I wish him and his family every success for a prosperous and happy future, and don’t be a stranger to us in the future.

Senator FERGUSON (South Australia) (6.07 pm)—I well remember, in early 1993, when I felt very mature having been in this place for nearly 12 months, talking to my good friend Ian Campbell and to former Senator Noel Crichton-Browne and saying, ‘Who’s this bloke that’s going to replace Pe-

ter Durack?' I still remember Ian saying to me, 'Choofer Ellison's a good bloke.' From the day that Chris came into this chamber, I do not think there has been anybody here who would not have agreed that 'Choofer' Ellison is a good bloke.

I had the good fortune to be in this place at that time, when Chris and I were both a lot younger. We were in opposition. We had a bit of time to spare. People have talked about nights at Lee's. I remember the nights at Lee's, but I remember even more the nights at Le Grange, which is a place that is not known to any of the newer people in the Senate. Chris and I and a few others used to occasionally venture to that establishment, which you notice is now closed. I would not want to shock Caroline or the family by detailing the exploits of those times. But can I say that with Chris Ellison we always had a good friend and a good mate.

Chris came into this place with a number of other senators, such as Senator Minchin and Senator Ian Campbell. Who will forget those early days, with the Mabo legislation? I notice Senator Troeth nodding. We sat in this place for hours and hours and hours debating the Mabo legislation. All of you guys who were involved in the legal field were performing a bit of a tag team, trying to make sure that the legislation was well documented and well questioned.

The thing that I remember about Chris the most is his very strong beliefs. Chris came into this place with principles and he never varied from them. His principles always came first. To the newer senators in this place, my only advice is that if you stick to your principles people will always respect you, regardless of what those principles are. Chris, you are to be remembered for that. You made an enormous contribution to government. One of the difficulties about being in government is that you do not get as much

time to spend with your mates. If you are a minister or you have a responsible role, it takes up so much of your time that you do not have time for the relaxation periods that, it is true to say, you get more of in opposition.

I remember that when Chris came into this place he was a bachelor. Caroline, you were the best thing that ever happened to Chris. He knows that and we know that. You have no idea how Chris became the ultimate family man, and it was all due to your influence. Can I say that, on behalf of the spouses of all of us who have been in this place for a long time, there is not one who did not love Caroline and the contribution that she made here. Although your time was curtailed once the children started growing up, Caroline, we remember you. We will always remember you for the support you gave Chris and for the friendship you gave to the other spouses in this place.

Chris, you were a fantastic Manager of Government Business. It is one of the hardest jobs in this place. As Manager of Government Business you never upset your colleagues. There are ways of handling your colleagues. You have to go and say, 'I'm sorry, guys, you can't speak on this bill because we've got to get this legislation through,' and although people might think that they should speak on it, they cannot because business has to be done. I think that is something that needs to be remembered today. Not everybody in this place can expect to speak on every bill. You were a magnificent Manager of Government Business.

I have had the privilege to serve in this Senate over the past 16½ years with 175 senators. A hundred and seventy-five people have come and gone in this place since I came here in May 1992. Chris Back, who is up in the gallery tonight, will be the 176th. I am sure that we will welcome him with open

arms in the same way that we welcomed Chris Ellison. But of those 175 senators, there are none that I respect more than Chris Ellison. To you and your family, Chris, we wish you all the best in the future. I have had the good fortune to call in on Ian Campbell a couple of times in Perth since he retired. Unfortunately, I am a bit old to start another career. You are not, Chris. You are going to have a wonderful time spending the years with Caroline and your family. We wish you well in the future.

Senator PARRY (Tasmania) (6.12 pm)—I first met Senator Chris Ellison at the famous Lee's, before I became a senator. I was a candidate and he was the newly appointed Minister for Justice and Customs. That was the commencement of a great relationship, because I could hear his handcuffs rattling. He had a passion for that particular role. As I am an ex-police officer, we developed a relationship through the justice process. We were both involved in the establishment of the Australian Commission for Law Enforcement Integrity, which was Chris's baby. Chris involved me in that from the very embryonic stages. I appreciated and enjoyed that. Chris, Senator Ferguson indicated that you are looking for a career outside politics. Policing would suit you. You would make a great police officer, a great detective. I think you would be very good there. I am sure there are a few police commissioner vacancies going around the country.

The other aspect about Chris that I really appreciated was getting to know him when he was Manager of Government Business and Manager of Opposition Business. As most people here will know, whips and managers need to relate to each other on a very close and personal basis. Chris and I developed a great relationship through those two roles. We have been able to quickly bounce ideas off each other. When Chris was a minister he used my office as his home base

closer to the chamber rather than do the walk from the ministerial wing back here. When he became Manager of Opposition Business, Chris and I were in each other's offices on a constant basis, as you need to be. Our staff interacted as well with each other as we did in the running of the Senate. I particularly appreciated the wisdom I gained from Chris during that time. Everyone needs a good mentor. I have been fortunate to have a few here, and Chris has been one of them. Chris has really steered me in the right direction in relation to the management of the Senate. I will never forget that, Chris, and I am indebted to you for your perseverance and your guidance.

Finally, I think it is important to acknowledge Chris's passion. In the last few weeks, as most would know, Chris has been in a position where he has known he will not be returning to us, but he has approached his tasks and his duties with more enthusiasm than senators who have just started. I would have thought he was a new senator rather than a senator exiting. Chris has set a great example. What epitomised that, Chris, was your party room performance this Tuesday. I am not going to breach party room confidentiality and indicate what was said, but, when Chris got up, the entire party room was listening. Chris left his mark on the party room that day. There was no doubt about what his views were, and the resounding chorus after he sat down was, 'Don't go; don't go!'

Chris, it is a shame you are going. I completely understand your reasons. Family is far more important than the family you have here, and I know Caroline and your family will enjoy having you back home. Tasmanians and Western Australians—and probably Senator Macdonald, being from Far North Queensland—have that sympathy for each other in having a long distance to travel to get home. Whilst we experience the same time difference, sometimes longer, in travel-

ling home, you have a time change, Chris, which we do not have to endure. That must be unbearable. I do not know how your body handles that on a constant basis. You have always had our sympathy for that reason. As Tasmanians and Western Australians we are also in isolated states, so we tend to stick up for each other more and unite against some of these mainland states. Chris, I look forward to seeing you on a social occasion again. Take care in your retirement; I am sure that you will be prosperous and your family will enjoy it.

Senator IAN MACDONALD (Queensland) (6.16 pm)—Chris Ellison is able, committed, articulate, competent and, above all, a thoroughly decent person. Chris has had a stellar career since joining the Senate in July 1993, with roles as Parliamentary Secretary to the Minister for Health and Family Services and to the Attorney-General; Minister for Customs and Consumer Affairs; Minister Assisting the Attorney-General; Minister for Schools, Vocational Education and Training; Special Minister of State; Minister for Justice and Customs; Minister for Human Services; and, as has been mentioned, an unbelievable Manager of Government Business.

I can remember saying on several occasions to the leader, ‘Is this guy for real?’ I could not quite comprehend how someone could be under such pressure, being approached from all angles about different things in a crisis, and just get through it all with equanimity, good humour, success and ability. It always amazed me. He has always acted in the best interests of Australia while at the same time remaining a very dedicated and vociferous advocate for his beloved home state of Western Australia. Chris is a very deep thinker, with committed views on many issues that reflect his upbringing and his beliefs. The Mabo warnings given in his

maiden speech were prescient but, regrettably, went unheeded at the time.

Chris should be acknowledged for the real impact he has had on the fortunes of the Liberal Party in Western Australia, which has seen magnificent results federally right the way through his career but particularly in the last two federal elections, making gains in the election before last and winning a seat in the last election for the House of Representatives in Western Australia when everywhere else Liberal seats were falling to Labor. His influence has been instrumental in the quite remarkable victory of the Liberal Party at the last state election, earlier this year, when the party won nine electorates in the Western Australian parliament to become the government of that state.

I have worked very closely with Chris, particularly between the years 2001 and 2006, when I as fisheries minister and he as customs minister dealt with the problem of illegal fishing in Australian waters. That culminated in the acquisition of the armed, ice-strengthened vessel the *Oceanic Viking*, followed by the cessation of illegal fishing in the Southern Ocean and a substantial win in the battle against foreign incursions in the north.

Closer work with Chris, however, has occurred not in parliament or in ministerial offices but in the salubrious surroundings of Lee’s Inn Chinese restaurant at Manuka. Even before Chris was sworn in as a senator, he had joined a select group of people at this high-class restaurant working through such weighty matters as which delegates should be elected to the West Australian division of the Liberal Party, which person should be put in charge as branch development secretary in some branch in a small locality up in the far north of Western Australia, which proxies could be obtained from ‘reliable’ people, which of our colleagues should be favoured

for this position or that trip and which leader should receive our support.

Of course, all of this was intertwined with conversations by undoubted culinary connoisseurs of the delights of genuine downtown Manuka Chinese cuisine. I suspect that this group, of which I was an original member and Chris was a very early member, were never quite as successful and influential as we thought we might have been. Nevertheless, our meetings at Lee's on Wednesday nights started a tradition that continues, at least to tonight.

These evenings, throughout those relaxed years of opposition from 1993 to 1996 and in the early, busy days of government, were enjoyable, friendly and non-factional—or perhaps I should say 'broad church'. They were gatherings that had only one rule, and that was that one should not attempt to understand, interfere with or even talk about the internal Liberal Party matters of any state other than one's own.

These dinners were remarkable for their value for money. When Chris started, you could overeat on entrees, main courses and desserts for \$7 a person—and that included quite a substantial tip. They were usually followed by visits to Le Grange, which has been mentioned. It closed after a murder there! The Grange is really where it all happened. We also went to the Kingo occasionally. I remember Senator Ellison and our then leader, Senator Hill—both big, burly men—confronting a doorman at the Kingo one night at about 3 o'clock in the morning, when he was suggesting to us that we should not be entering at that time. We went to those places. We occasionally went to the Hyatt, a favourite haunt of Senator Ellison and Ian Campbell. Sometimes we ended up at my flat at Arthur Circle with, at times, quite difficult results. There was no mention at any of these gatherings of the few altercations

which may have happened during those late-night—or, indeed, early morning, as they were—continuations of those important political discussions we used to have.

Having met with Rod Kemp on this last weekend, I want, at this stage, to express to Chris and Caroline the very best wishes of Rod and Danielle Kemp in their retirement from this place, with an assurance from Kempie that, while it was fun being here, there is certainly a life after parliament. Rod would have been at Lee's tonight but for a very pressing family commitment.

I feel sure that I can, without seeking their concurrence, also associate others with the remarks that have been made. Many of the Lee's originals would want me to convey their best wishes to Chris. These people would, I am sure, want me to thank Chris for his friendship, his good humour, his help and his sensitivity to Lee's secrets. I know that people like Robert Hill, Richard Alston, Ian Campbell, Noel Chrichton-Browne, Grant Chapman, Winston Crane, John Herron, David McGibbon, Senator Parer, Kay Patterson occasionally, when she could put up with the food, Sue Knowles and Grant Tambling would all want to be associated with these good wishes through their early association with you at Lee's.

I think all of us in the Senate—and, indeed, in the parliament—will be poorer for Chris's retirement from this place. I have certainly not always agreed with every view put by Chris, but I have always respected his beliefs and arguments and his genuine contribution to Australia and its governments in his role as a senator. I also greatly respect his role as a distinguished minister, for which Australia is indebted to him. Chris leaves the Senate with the very best wishes of all of us. My wife, Lesley, and I give our very best wishes to him and Caroline and their family. Good luck for the future.

Senator BERNARDI (South Australia) (6.25 pm)—There is a book written by an American politician called *Character Makes a Difference*. When I was reading this book, I was thinking of politicians that it would apply to. Very few so ably fit into the *Character Makes a Difference* mould as Senator Chris Ellison. I say that not because you are a character, Chris, although there are many who would testify that you are—I never stayed out late with him because we are both family men now, aren't we, Chris?—but you are a man of extraordinarily good character. I think that is something that has been recognised and admired by all of your colleagues. You have remained very true to your values, your beliefs and your convictions throughout your parliamentary career. In the 2½ years that I have been here with you, I have admired that very much.

You are a man of great integrity. For the 15 or 16 years you have been here, Chris, I would like to say to Caroline: 'Thank you for sharing him with us. You have shared his service and his distinguished contribution to the country. Your loss has been our gain because we have been able to benefit from it.' You have been a wonderful inspiration. I say to Chris's children, Siena, Nicholas and Sebastian: you will be pleased that your father is going to be at home. You should always be assured that your father is a very good man, and I hope that he will be an inspiration to you like he has been to so many of us. I hope that he will mentor you like he has mentored so many of us—as a father figure—in a slightly different capacity but with no less success.

I say also to Siena, Nicholas and Sebastian: as you grow up, you will realise that fathers and politicians are not always right. But your father, I am happy to say, started right; he stayed right; and I hope he continues to be right for many years to come. Be assured that your father is a man of integrity,

even when you disagree with him, as you will on occasion. It has been a great privilege to have served with you in this place, Chris. I hope that our friendship does not cease here. I hope from the heart that we will have an ongoing dialogue. You have made a great contribution to the Senate and to your country. Your family deserves your attention. I just want to say thank you for all you have done.

Senator RONALDSON (Victoria) (6.27 pm)—My friendship with 'Choofer' Ellison began in 1993. I cannot call him Chris because I have never referred to him as Chris and I will not start tonight. It was Choofer Ellison back in 1993 and we have remained friends since then. I might just say as an aside that I hope we have made a booking for Lee's tonight because, after an hour of free publicity, I think they will be flocking down there. They will only go once but they might interfere with our dinner tonight.

I had the pleasure to be part of the parliamentary secretaries shopping group with Chris Ellison in our first term in government. In those days, there was very little recognition given to parliamentary secretaries. Indeed, we used to joke that our staff would ring up industry groups and say that the parliamentary secretary wanted to meet with someone, and they would say, 'Is your boss too busy to meet with them?' But we have seen some movement on from then, and parliamentary secretaries are now getting appropriate recognition both in government and in opposition. Choofer was very actively involved in that.

I hope, Choofer, when they are talking about the bastions of the right—and there was reference to Rod Kemp, who very much fits that description—that you do not succumb to the same temptations that he clearly has; the last time Ian Macdonald and I saw him—last Saturday night—he was wearing a

skirt. It was at the Melbourne Scots annual dinner, I have to say, so I will spring to his defence.

If you look back at those who have held ministerial responsibilities, there are very few who can boast six ministries and one parliamentary secretary's job—and all of them done with great distinction and great aplomb. Choof, it has been a great pleasure for me, in those early days, of course, in an entirely different role in the other place, and since I have been here to see a continuation of the work that I have admired for a long, long time.

I would just say to Caroline and the kids that, if after three months with him you are sick of him, regrettably, you cannot send him back—so that decision has been made. You deserve this time with Caroline and the kids, Choof. I know it will be time well spent. I thank you for your contribution over many, many years.

Senator BARNETT (Tasmania) (6.30 pm)—I stand to pay tribute to Senator Chris Ellison and, in the few brief moments that I have, to say congratulations and well done on your 15½ years, since July 1993. The words that come to mind when I think of Chris Ellison are as follows: passion, diligence, loyalty and honesty. Those words seem to permeate his presence and everything that he does in his workmanlike manner. He is professional and he is a decent man—and that has been referred to by a whole range of senators tonight in this valedictory debate.

When I joined the Senate in 2002, we were soon to engage in the stem cell debate, and that is when I first got to know Chris. Since then, on a whole range of issues relating to the protection of life, we have been as one. It has been a great pleasure and a great honour working with him and being like-minded on a whole range of social and moral

issues—starting with the stem cell debate and then the cloning debate, RU486 and a whole range of other issues. Chris is a man of conservative values and strong Christian values, and for that I deeply respect and admire him. He is obviously a very strong Western Australian and a strong advocate for the federalist system. We agree on most things and disagree on a few—including the republic.

What an outstanding and distinguished career Chris has had. He has worn half a dozen ministerial caps during his 15½ years, as well as being Manager of Government Business in the Senate and Manager of Opposition Business in the Senate—a very tricky, complex and difficult role. I pay tribute to Chris and say congratulations and well done. I thank him for his friendship. He will be deeply missed in this parliament. Chris, you are now moving on to a new chapter with Caroline and the three children. I know you will relish that greatly. We have talked in the last few days and you have indicated your special interest in spending more time with the family and being involved in the private sector, in the community and volunteer sector and, of course, with your beloved Liberal Party. All I can say to those who have an opportunity to associate themselves with or be involved with Chris in the weeks, months and years ahead is: 'Good on you; you are very, very fortunate indeed.'

We will celebrate tonight not only in the Senate chamber but also at Lee's Inn. We pay tribute to Chris and thank him for his remarkable contribution to the Senate. In particular, we wish Caroline all the best in having her husband back again to spend more time with him. We also say congratulations and God bless.

Senator EGGLESTON (Western Australia) (6.33 pm)—I rise to acknowledge the great contribution that Chris Ellison has

made to the Senate over the years he has been here—since 1993. Chris, as others have said, had a long and distinguished career in the ministry under the Howard government. In fact, he is the third-longest-serving federal minister from Western Australia—after Sir Shane Paltridge, who was the Liberal Party leader in the Senate in the Menzies government, and Sir Gordon Freeth, who was the Liberal member for Forrest and a former Australian foreign minister. Chris has been a true son of the WA Liberal Party, embodying its values and a commitment to federalism.

As Senator Ronaldson said, there are of course two Chris Ellisons: there is ‘Choofer’ and there is the very eminent and respectable Senator Ellison. As Choofer, he was very much involved in the politics of the northern metropolitan divisions in Perth and worked in association with a very famous upper house member for that area, Bob Pike—who, I am sure, was something of a mentor to Chris. Bob used to go around signing up entire bowling clubs, tennis clubs and football teams to ensure that there were a few friendly faces at his preselections, but he was also a person who had a very strong commitment to the Liberal Party’s philosophy. He, like Chris, was a strong Catholic and lived the values of his church in his life and in his commitment to his family.

Over the years, Chris has been a great supporter of the Liberal Party organisation. He was a very welcome and frequent attendee at north divisional conferences, particularly in Broome, for some reason, where he made some significant contributions, if not memorable contributions—and, may I say, not always on the conference floor! We always enjoyed your company, Chris, and we were always pleased that you made the effort to come up to the north-west and come to our conferences.

As others have said, Chris has the honour of having held six different ministries in government. But his greatest contribution, undoubtedly, was during his period as Minister for Customs and Justice. I know that that was a period that Chris enjoyed very much indeed. Without going into too much detail, I note that he really did make a difference in that portfolio.

Lee’s, of course, has been mentioned several times. I must say that, in my time in the Senate, Chris has been the greatest supporter of the Lee’s club and its grand traditions. I am sure that tonight there will be many tales told of events in the past which have occurred at Lee’s.

Chris has always seemed to me to be characterised by commitment and great energy. He is a very hard worker. All of this, importantly, has been combined with a pleasant and friendly manner and a joking sense of humour, which has made Chris a very pleasant person to know and to work with. Chris, I would like to wish you and Caroline and your family all the best for the future in whatever you take up in your post-parliamentary career. Whatever you do, I know you will be a great success at it.

Senator CORMANN (Western Australia) (6.38 pm)—Chris Ellison is a really good bloke. As a senator for Western Australia, he has served our home state, our country and the Liberal cause with distinction. He is loyal, committed, hardworking, conservative, at times cautious and very considered, but always very determined, and he is very, very good company. Chris Ellison is somebody who cares. He cares about what happens, about his constituents, about his state and about making a difference on the issues that matter. He cares about his staff and, more than anything else, he cares about his family—his beautiful wife, Caroline, and their beautiful children, Nicholas, Siena and

Sebastian. I can only begin to imagine how excited they must be to have him back. I certainly know that they will not miss the Sunday afternoons, week after week, when Chris had to leave the family home and embark on the long journey from Perth to Canberra. From a selfish, personal point of view, I will be sad to see Chris leave the Senate, but of course I look forward to the ongoing opportunity of working with Chris within the context of the Western Australian Liberal Party in whatever form that might take in the future. From a family point of view, I very much know and understand the sacrifices that the Ellison family have made over the past 15½ years.

Chris Ellison has had a significant influence on my life. We first met about 12 years ago. I had recently migrated to Australia and was trying to find my feet. My English was even worse then than it is today! Chris gave me a chance to prove myself. In the past 12 years, Chris started off as my boss, became my mentor, and I feel very privileged to be able to say that we have become very close friends. Chris was not on his own in mentoring me either. I still remember the team effort when it all first started. I was very young, very keen—perhaps a bit too keen and too ambitious. Caroline and the other women in Chris's office at the time always found a very Australian way to put me back into my box. I remember a particular incident in Chris's office—on my first trip to Canberra, actually—when Caroline said, 'Look, Mathias, just don't get your knickers in a twist.' It took me a while to understand, but ever since it has provided significant guidance when, at times, I might be known to get my knickers too much into a twist, for want of a better phrase.

Over the years, I have seen firsthand how in everything Chris does he is guided by a clear and consistent framework of personal values and principles. The first job I worked

on with Chris was in relation to Kevin Andrews' private member's bill, the Euthanasia Laws Bill 1996, when Chris was Chair of the Senate Legal and Constitutional Legislation Committee. It was a big job at the time. I cannot remember the number of submissions, but it was a very big job and, dare I say it, had a good outcome. Since that period, Chris and I have talked politics at all hours of the day and night—and, when I say 'all hours of the day and night', I mean all hours of the day and night! Much of it is classified information, and I will claim the 30-year rule—although, listening to Senator Abetz, it sounds to me as though over the next couple of years there will be some rolling revelations, as his history with Chris started more than 30 years ago.

Chris was a federal minister for more than 10 years, and, while there are too many achievements to list here today, I thought I would just touch on a few. As Special Minister of State, Chris was responsible for the conduct of the referendum on whether Australia should become a republic. Of course, another good outcome was achieved on that occasion.

Chris was the Minister for Justice and Customs at the time of both September 11 and the Bali bombings—terrible world events that changed Australia forever. I will never forget the conversations we had on the phone as we watched in disbelief as the events in New York unfolded in front of us on television, or the absolute devastation we felt when we got the terrible news about the Bali bombings. As Minister for Justice and Customs, Chris was on the front line in helping manage Australia's response to those terrible events. It was an incredible privilege to be able to play a small part in assisting him at the time in fulfilling that very important responsibility for Australia. He introduced the air security officers into Australia. He oversaw the establishment of the Austra-

lian Crime Commission. He was a highly respected minister for customs who took a strong stand on border protection, an issue he spoke passionately about as recently as yesterday. He pursued the establishment of a national child sex offender register through CrimTrac, firearms reforms and many, many other important public policy reforms and initiatives.

All throughout those 10 years as a very busy federal minister, he was also—and this might be less known in the Senate—the Prime Minister’s representative in the Western Australian Liberal Party organisation. That is, he spent 10 years representing the Prime Minister at every state council, state executive, state management executive and federal campaign committee meeting. Those of us who understand about organisational politics, be it within the Liberal Party, the Labor Party or any other party, know what a significant commitment to the Liberal Party organisation that has been over the period of time that Chris has been a minister.

By the time Chris arrived in the Senate, he already had a long and distinguished track record of commitments to the Western Australian Liberal Party organisation, starting as an active member of the UWA Liberal Club as far back as 1975 when fighting for voluntary student unionism. Over the years, he has been the president of the Nedlands branch and the Perth division, and chair of our Constitutional and Drafting Committee. He spent 10 years on the state executive and SME as the Prime Minister’s representative. Who knows what other opportunities there may be in the future. I believe that a strong commitment to party organisations is a very good preparation for the job we do as members of parliament, and I certainly admire Chris’s commitment to that. Even when his ministerial job kept him very busy, he still had an ongoing and dedicated commitment to the Liberal Party organisation.

Working for Chris was like being part of a family operation. Many of us who were there along the way continue to be close friends and to stay in touch. A number of us have made it into parliament, thanks in no small part to the coaching, mentoring and guidance we received from Chris Ellison along the way. Two of the people in the Ellison team are now ministers in the Barnett Liberal-National government in Western Australia. That has been very good news, and it is something that I know Chris is exceptionally proud of. However, sadly one member of the family is missing today. Our very good friend Marilyn Benkovic, a well loved member of the Ellison team, the longest-serving, most dedicated and committed member of the Ellison team, very sadly passed away a few months ago after a long battle with cancer. Our thoughts and prayers continue to be with Marilyn and her family.

I think senators will be getting a clear understanding that for me this is quite a personal moment. I am very, very grateful to Chris Ellison for the role that he has played in my life and I look forward to continuing the friendship. I will miss you greatly here in the Senate; I will miss you on the plane. I am very happy and excited for your family. I know that you will now enter into the next phase of your life and that there will be many exciting opportunities. I wish you all the very best in your future endeavours. I know that I speak for all who have ever worked with you in thanking you for the opportunity to do so. We have enjoyed being part of your vision to make a difference. I know that I speak for all members of the WA Liberal Party State Council—in fact, for all Western Australian Liberals—when I say that you have done us proud. Thank you for the job that you have done for us.

Senator CASH (Western Australia) (6.47 pm)—It is with enormous admiration, coupled with much sadness, that I rise to pay

tribute to Senator the Hon. Chris Ellison for the significant contribution he has made to the Parliament of Australia, to the parliamentary Liberal Party and, of course, to the Western Australia Liberal Party during more than 15 years in the Australian Senate. I know from my political association with Chris over many years—in fact, going back to when I was a teenager, when you, Chris were much younger—that you were, as Senator Eggleston stated, known as ‘Choofer’. Back then, Chris, it was not Lee’s but Club Bayview, and you were the president of our Perth division. You have demonstrated professionalism, competence and an extraordinary understanding of parliamentary practice and procedure in your role as a senior minister and Manager of Government Business in the Senate and, of course, in your role as a senator for Western Australia in this chamber.

Chris, all Australians—in particular, all Western Australians—have been beneficiaries of your many political achievements during your time in this place. Throughout your time in the Senate, you have worked diligently and with great distinction. Your retirement is going to be an absolute blessing to Caroline, Siena, Sebastian and Nicholas and, in that respect, I am thrilled for all of you. Nonetheless, it will be, as senators tonight have recognised, a real loss to us in this place. I take solace in the fact that, whilst your service in this place may be coming to an end, your contribution to public life, to the conservative side of politics and indeed to the Western Australia division of the Liberal Party will continue. I think Senator Cormann will agree with me when I say: Chris, you can run but you can’t hide! We will hunt you down and bring you back if required!

For the record, Senator Ellison has had a long and distinguished career in the Australian parliament. He was elected to the Senate

in 1993 and re-elected in 1998 and in 2004. He served for over 10 years as a minister in the Howard government, including as Minister for Customs and Consumer Affairs, Minister Assisting the Attorney-General, Minister for Schools, Vocational Education and Training, Minister for Human Services and Special Minister of State. As Minister for Justice and Customs, Chris, you introduced a number of important reforms in justice and border protection, and strengthened Australia’s continuing struggle against organised crime and terrorism. These are truly achievements of which you can be proud.

For all of us who enter political life, being a member of parliament is not just a job; it is our life—particularly when you come from Western Australia and have such great distances to travel in order to discharge your parliamentary responsibilities for your state. As senators, we could not do that without the love and support of our families. In that respect, Caroline, Sebastian, Nicholas and Siena, I pay tribute to you. Chris, it has been an absolute privilege to serve as a senator for Western Australia with you. I congratulate you on your service to the parliament and to the people of Australia and I look forward to continuing to work with you in the future. I really and truly wish you all the very best in your future endeavours.

Senator FIERRAVANTI-WELLS (New South Wales) (6.52 pm)—It is with sadness this evening that we formally farewell a wonderful colleague and a true gentleman. Since coming to the Senate in May 2005, I have truly enjoyed working with you, Chris, and sharing many of the highs and lows that make up our daily lives in this place. When I first heard you referred to as ‘Choof’, I thought, ‘How appropriate.’ In Italian, ‘ciuffo’ means a tuft of hair. So every time I see your grey hair, I think, ‘It’s so appropriate that you’re called Choof.’ I have not worked out what Choof actually means in

English, but perhaps all might be revealed tonight.

In your maiden speech, you set out your values and beliefs, and in that speech you enunciated your conservative philosophy and your hopes and aspirations for your time in the Senate. You can be truly proud that you have fulfilled your ambitions. In the time that I have known you, I have shared your conservative approach and I have been very proud that we have supported many similar causes. I thank you for the courtesy, the understanding and the guidance that you have given me during my time in this place. Your measured approach and your understanding and willingness to engage your colleagues have been the hallmark of the many roles that you have undertaken.

In particular, I know that you have left a considerable mark on those areas that you took such a passionate interest in. These have been, especially, justice, customs, border security and immigration issues. Rest assured that there will be amongst our ranks those who will continue your legacy. I hope that you will also continue your involvement in the Liberal Party in Western Australia. Under your tutelage, Western Australia has a good history of sending solid citizens to Canberra. I hope that branch development in Western Australia continues to be one of your pastimes. In conclusion, Chris, I wish you, Caroline and all your family all the very, very best for the future.

Senator PARRY (Tasmania) (6.54 pm)—I seek leave to incorporate speeches by Senator Johnston, Senator Mason and Senator Bushby. They have been circulated to the government.

Leave granted.

Senator JOHNSTON (Western Australia) (6.54 pm)—*The incorporated speech read as follows—*

Senator Chris Ellison has made a very significant contribution to Australian politics in his 15 year parliamentary career as a Senator for Western Australia.

Senator Ellison's parliamentary career commenced in 1993 when he replaced the retiring, former Attorney General, Senator Peter Durack. Senator Ellison's talents were quickly recognised when he was promoted in February 1997 by Prime Minister Howard to the position of Parliamentary Secretary to both the Attorney General and Minister for Health. Success in this portfolio was further recognised and he was promoted just four months later to his first ministerial post as Minister for Customs and Consumer Affairs and later that year to the position as Minister for Schools, Vocational Education and Training.

However, it was as the Minister for Justice and Customs that he made his greatest contribution in developing joint national law enforcement initiatives through the combine efforts of the Australian Federal Police and Australian Customs Service. Senator Ellison's efforts have resulted in Australia being a safe and secure place to live thanks to his initiative, foresight and tenacious attention to the administrative detail that was necessary in implementing public safety reforms following the events of September 2001.

As the Senator who was fortunate enough to succeed Senator Ellison as the Minister for Justice and Customs I can faithfully report that in all of my deliberations and discussions with the officials and heads of the departments that he administered he was genuinely held in the highest of regard.

To succeed such a successful Minister was both an honour and a privilege. His efforts in establishing proper and correct processes made my task as a new Minister just that much easier. For this I will always be grateful.

In March 2007 Senator Ellison was deservedly promoted to Cabinet as Minister for Human Service. In Opposition he served in the Shadow Cabinet as the Shadow Minister for Immigration

and Citizenship and Leader of Opposition Business in the Senate.

Senator Chris Ellison has worked tirelessly on a myriad of projects as both a representative of the people of Western Australia and as a Minister who consistently stood up for his home state.

It is with considerable conviction that I say his considerable talents will be greatly missed by his colleagues.

It is often lost by many of my colleagues in the Senate on the rigours of constant travel to and from Canberra from Perth interspersed with travel around my vast home state which can range from several hundred to thousands of kilometres. This often means an eight thousand kilometre round trip lasting for eight or nine hours on at least forty five weeks of any one year.

I wish Senator Ellison all the best with whatever he turns his hand to, and I hope he enjoys the additional time he will now have to spend with his wife Caroline, and his children.

Senator MASON (Queensland) (6.54 pm)—*The incorporated speech read as follows—*

In this big building, teeming with seemingly thousands of people it is still possible to be lonely. When the flush of initial excitement and wonderment fades, some newly arrived Senators can often feel isolated and cloistered.

But I was lucky. When I arrived Senate colleagues were generous with their time and convivial to a fault. And no one more than Senator Chris Ellison. Though he was busy with ministerial duties he took the time to make me welcome, always provided friendly advice (which I sometimes stupidly failed to heed) and has proven to be a constant source of support.

Chris explained to me that he as a Western Australian and me as a Queenslander share a special bond. While he always questioned wise men from the east, and I sophisticates from the south, we both shared a common scepticism of the worldly triangle of Canberra, Melbourne and Sydney. Chris' scepticism has stayed with me.

Chris was always consistent. He was conservative but with a conscience. He would always listen, he was always polite, he was always considered. It is

these personal qualities that have made Chris Ellison one of the most respected figures in the Senate. While many of us (me included) have sadly succumbed to loud invective and sometimes personal abuse, Chris never ever fell for that. He always remained courteous even under great pressure. As Minister for Justice, despite abuse and provocation from the then Opposition, Chris maintained a dignity, politeness and a sense of purpose one could only admire. Above all else, Chris Ellison will be remembered for these personal qualities.

Of course I can't forget what a great dinner companion Chris was. We shared too many wicked nights at Lee's Chinese Restaurant. We perhaps ate too many dim sims and drank too much red wine. But I could not think of better company in which to relax.

I only hold one grudge against Chris. And that is that early in my parliamentary career while we were having a drink somewhere in Manuka the music came on and he forced me to dance (and I have to admit I had had a couple of drinks), with the bopping Member for Mackellar, Ms Bronwyn Bishop MP. Chris laughed with mirth, Bronwyn jived and I failed to swing.

Anyway, Chris, I forgive you for that now.

I wish Chris and his lovely wife Caroline all the very best for their future and I know that Chris will build a full life beyond the confines of the Senate. I respect him for his contribution to Australian public life and thank him for his sincerity, warmth, politeness and generosity. I know I have learnt from his example.

Senator BUSHBY (Tasmania) (6.54 pm)—*The incorporated speech read as follows—*

As a relatively new Senator, I would like to place on record my strongest appreciation for the service to his state and his country that have been delivered by Senator Chris Ellison in his all too brief 15 & 1/2 years in this place.

My 15 months in the Senate alongside him have not allowed me to get to know him as well as I would have liked. However, 15 months has been more than enough for me to recognise his immense compassion for the people he represents and his great capacity to represent them and his

strong and principled approach to difficult and sometimes controversial issues affecting Australians.

I was privileged to spend a short period as a government Senator in the best government this nation has ever seen, the last Coalition Government, and this provided me with an opportunity to observe Senator Ellison in his role as a Minister in that Government.

What I found interesting is that answers to questions without notice by all Ministers other than Senator Ellison, always responded in the traditional raucous behaviour and interjections so often observed during 'Question Time'.

But when a question was being answered by Senator Ellison, the chamber always fell silent as he clearly, calmly and relevantly answered whatever was thrown at him. The obvious respect that even the most uncouth of the then Opposition showed him, was an absolute testament to his character and his capacity and approach to representing Australians in this place.

There have only been some 533 or so Senators who have ever sat in this place. I am sure that Senator Ellison's contribution as a Senator for Western Australia, a Government Minister, as Shadow Minister and manager of both Opposition and Government business in the Senate, will prove him to be one of the most respected and capable of all those 533.

He is a true gentleman and a man of character and conviction. I wish him and Caroline the best in his retirement and am sure that he will enjoy the additional freedom he will have to spend time with his young family.

The ACTING DEPUTY PRESIDENT (Senator Carol Brown) (6.55 pm)—Before I call the man of the hour, I would also like to express my best wishes to you and your family for the future, Senator Ellison. For those of us that have families, particularly young families, our diaries are organised around our political duties and we often miss important family events and social occasions. I hope that, in whatever you choose to do outside this place, your life can now be set by your family diary. I am sure that your

family, who are here today, are embracing with open arms your decision to resign from the Senate.

Senator ELLISON (Western Australia) (6.55 pm)—Thank you, Madam Acting Deputy President. Listening tonight to the comments of other senators, I do not think this valedictory is about me at all; it is about someone else, some mythical person, definitely not me. But I thank you for your very kind comments. Looking at the time that has been taken, as a former manager of business—and Senator Ludwig will know what I am talking about—I think we have averaged about six minutes per speech, which was a little bit more than I had expected, but we had three incorporations which brought it down somewhat, so that is good. But I do not want to take too much of the Senate's time, which is very valuable. We have some very important work to do, so I will not delay it.

It was former Senator Patterson who said that your maiden speech and your valedictory speech are like bookends of your time in this place. At a time such as this, you reflect on the time in between those bookends and look back at the support and cooperation that you have received from people along the way. I have had a fortunate political life in my time here, and this has been in no small measure due to the people who have helped me. After more than 15 years in the Senate, my decision to leave has been made on the basis that I want to spend more time with my young family—and I thank you all for the very kind comments you have made in relation to Caroline, my wife, and my three children.

I have been proud to represent the state of Western Australia. It has been a great honour, and I thank the people of Western Australia for placing their trust in me. I hope I have fulfilled that trust and done what they expected of me. I also want to thank the Liberal

Party. The Liberal Party placed great trust in me and selected me to be its representative. I want to thank all those volunteers who have worked tirelessly in the Liberal Party over the years for their support. I hope too that I have met that trust they placed in me.

I have enjoyed myself immensely whilst in the Senate. Some previous speakers have touched on some of the more social moments, and I will deal with those in a moment, but I would like to just mention the staff who help us so much as senators. I thank the chamber staff and the staff of the Senate, who share the long sitting hours that we have seen over the years; the clerks, for the invaluable advice that they have given me, especially as Manager of Government Business and Manager of Opposition Business; the security staff, who keep this place so safe and secure; and Comcar, who provide us with such a professional service, which makes our job just a little easier.

I want to acknowledge in particular the service of Anne Lynch, our former Deputy Clerk of the Senate. I want to let Anne know that we are all thinking of her as she faces the challenges ahead of her. She was a great source of assistance and inspiration to me in my early years here and I am thinking of her during this time.

Of course, I am not the only one leaving the Senate this week. There is someone else, who has had much longer service than I have, and I refer to the Black Rod, Andrea Griffiths, who leaves after in excess of 26 years of distinguished service. We wish Andrea well in her future endeavours and thank her for her outstanding service to the parliament.

To my friends I say thank you. There is an old saying, and it was put to me when I first came here: no greater love had he than he laid down his friends for his political life. I hope I have not done that. To my friends who

have stood by me for all those years and supported me: if I have not kept in touch as much as I should have I apologise. I value their friendship. It has always been good to go back to Perth and get a dose of reality. One of my old friends gives me 'the hot news flash'. The 'hot news flash', when we were in government, was that we were stuffing it up. Starting at point 1, he said: 'There's too much taxation. You're stuffing it up. You're not doing a good enough job.' It is friends like that that you need in this life because they keep you on terra firma, and I thank them for that.

To my colleagues I say thank you for your support and friendship. Over the years I have been very lucky to have worked with some outstanding people: Robert Hill, Richard Alston and in particular former West Australian colleagues and friends in Ian Campbell and Sue Knowles. It has been a great privilege to serve with the coalition leadership in Nick Minchin, who is an outstanding leader of the coalition in the Senate. Thank you very much, Nick. To Eric Abetz, who goes back a long way with me: Eric, it has been good to have been in the trenches with you because you have always been a good man in a tight spot. To our whip, Stephen Parry: I am not so sure that policing would suit me. I used to always be on the other side of the bar table, if you could put it that way, putting the prosecution to its proof. But nonetheless I came to respect the police services immensely while being their minister. Stephen, it has been great to have worked with you as whip. I think you have carried on that tradition fantastically in the footsteps of Jeannie Ferris, who we still miss and who did such a great job as whip. As Manager of Opposition Business in the Senate Helen Coonan is doing a great job, in addition to so many other roles, and I know how demanding that must be.

It is obligatory to turn to the comments that have been made by one's colleagues. The vast majority of those comments have been much too generous. I start with the opposition's. I agree with Senator Evans in that I have been a very lucky person. Timing is a lot in politics and I have enjoyed the fruits of that timing. I have been a minister for 10½ years, and that is roughly 10 per cent of the political life of this country. As I said, I have had a very politically fortunate life. I think that was more by luck than by design. Senator Evans mentioned our days at university. I remember the commitment and passion that he had for Labor politics, and I respect that.

There is an issue which I still champion: voluntary student unionism. We are to face this issue yet again on the question of voluntary association. It is amazing that it was 1977 when we first raised it at the University of Western Australia Liberal Club. Here we are in 2008 and we are still carrying on the fight, and I am very pleased to be in it. I look around and see many fellow warriors who have been championing that fight over the years. It was Senator Evans who reminded me of those student politics days. It was great fun indeed. Little did I think, though, that that issue would carry on for so long.

To Senator Ludwig: Joe, and this is said in a personal sense, the government is lucky to have you as the Manager of Government Business in the Senate. You are a straight shooter and a competent and decent person to deal with, and you certainly value process. That is, I think, very important in the Senate. It is an area of assurance, when you are dealing with the management of business, that you can take people at their word, and I always could take Joe Ludwig at his word—and I think you cannot say much more about a person than that. Joe, I have enjoyed that relationship, and I certainly wish you well in that role—although for not too long a time in that role, as you would appreciate.

Some mentioned my role in the Western Australian Liberal Party. The Liberal Party has been a passion for me. It is really what enables you to make a difference and to come to this place. As for those people who do not believe in the party system, I say this to them: if there were no party system in this country, if you left the vote to be free and if you left it so there were an indiscriminate vote on each occasion, you would have chaos. It is the party system which brings discipline to the parliament and gives certainty to the people of Australia. Whether it be Labor in power or the coalition in power, Australia at least has that certainty. The Senate is finely balanced, and I do acknowledge the crossbenchers—and I see Senator Fielding here tonight. They have an important part to play. I will touch on that in a moment because Senator Minchin raised a very good point on that aspect of the fine balance in the Senate. But, in relation to the Liberal Party, whenever we went out to sign people up it was to increase our membership, to make it all more broadly based and to have that community base. For any of those who would impute other motives—and I see Don Randall, the member for Canning, grinning broadly—he is one who would aspire to and subscribe to that notion of broad community involvement. Such is the stuff of political parties.

Other comments were made about the times that we have shared socially. Macca, Rono and Fergie—Sprat, as we used to call him—and a few others mentioned those. I think it is important that in this place you take the job seriously but not yourself. That was said to me once by a wise old man, and I think he was dead right. It can be fun or it can be very lonely and disconsolate. This is a job where you should not take yourself seriously. You need that enthusiasm and you need that passion but at the same time, like all things in life, you should have some fun.

That adds a dimension to it which I think adds to your contribution to this place. That passion enabled us to have those late nights, as Macca described, and those political arguments that went on were fuelled by a political conviction—and nothing else, I might add. I say that, of course, tongue in cheek.

There are people who have helped us along the way. I have been very lucky to have had some extremely good staff. Mathias Cormann mentioned Marilyn Benkovic, who was my PA for 15 years. Sadly, we lost Marilyn to breast cancer just a few months ago. We miss her greatly. I could not have asked for more loyalty or service from anyone, and I surely did not deserve it. Lisa Yarwood has been a member of my staff for 12 years, and I have often questioned her sanity in lasting so long. But Lisa has been outstanding and I thank Lisa for the great work she has done. I thank all those staff members that I have had over the years.

Mathias mentioned those who have gone on to political life. It is a very high calling to serve your country, your state or your territory as an elected member of parliament. It is a source of great pride that I have six former staff members who have gone into political life—all on the Liberal side of course. There are two ministers in the state government of Western Australia, one upper house member, a senator, a member of the House of Representatives and also a member of the Brisbane City Council. I take immense pride in that, and they are all doing very well. I wish them every success in their political endeavours and I will follow their careers closely and with great affection.

Mr President, can I thank you for your contribution in your role, and I acknowledge the work you and your predecessor, Senator Ferguson, have done in guiding the Senate. It is fair to say that in both of you the Senate has a solid team at the helm.

Of course, you cannot do this job without the love and support of your family. Here today in the gallery are my wife, Caroline, and our three young children, Nicholas, Siena and Sebastian. I thank you for your love and support and I could not have done this job without you.

There are some unusual aspects to political life and politics. In a more security-conscious role I had some years ago, we had Australian Federal Police patrols go past our house. My son Nicholas told his year 1 teacher that his dad received frequent visits from the police. Needless to say, Caroline and I moved very quickly to stop that story before it grew legs. But you get that in political life with young children. Of course, there your family life and the life you have here are parallel. During the time I have been here, I have seen both my parents pass away, and my wife and I have had three children.

Coming from Western Australia, I will not miss the travel—and I will not pretend to. It was a part of the job that I was not very keen on. Looking around the chamber, I see that my Western Australian colleagues from both the House of Representatives and the Senate are here. I say to them that the travel from Western Australia is a great demand that not many people know about.

When I made the announcement that I was going to leave politics, I said that a lot of people overlook the contribution made by members of parliament. I want to say that again. Across the board, I have seen fantastic work done by members of parliament and senators of all political persuasions. I want to put that on the record because I think that those listening in the broader community should realise the commitment that I have seen from members of parliament and senators. Of course, they spend many hours away from loved ones, and I think that needs to be remembered.

In relation to the Senate, I have said it is important that the Senate have a role of scrutiny in relation to the government of the day. Former Labor Senator Barney Cooney reminded me the other night of Edmund Burke's comment, 'Bad laws lead to tyranny.' I hope that, as minister for justice, when I formulated the guidelines for the framing of criminal and civil Commonwealth penalties and offences, I contributed in some small way to the improvement of the laws passed in this place.

The Senate does offer the Australian people important scrutiny. To this end, the committee system, I think, is essential. I have enjoyed my time working on committees such as the Senate Standing Committee for the Scrutiny of Bills and the Senate Standing Committee on Legal and Constitutional Affairs. I certainly valued the time when I chaired the inquiry into the treaty-making power that led to the Joint Standing Committee on Treaties and in fact changed the whole process of treaty making in this country and made it more transparent.

As a minister, I have received the support and advice of a Public Service who are too often overlooked and too often not noticed for the great work that they do in the service of their country. Whether it be Centrelink during times of emergency, Medicare providing valuable services to the people of Australia or the AFP and Customs keeping Australia safe and secure, I have seen outstanding work. It is great to see that work ongoing, and Tom Anderson from the Customs Service is here today in the chamber as a testament to that.

It has been mentioned that I oversaw the referendum on the republic, which was an interesting experience. As minister for schools, I saw us embark on literacy and numeracy testing and I saw the Simpson Prize, which I am very fond of. It is a na-

tional essay competition amongst high school students across Australia which keeps alive the spirit of ANZAC. Since 1998 we have seen schoolchildren go to Gallipoli on Anzac Day to represent their country and their state, and I have been very pleased to see that the government is continuing that.

As Australia's longest serving minister for justice, it has been a great privilege to work with the Australian Federal Police and the Australian Customs Service. Mick Keelty has done an outstanding job as the Australian Federal Police Commissioner, and together we oversaw what many regard as the greatest period of change in the AFP's history. It was not just the emergence of counterterrorism and 9-11; we saw a variety of other threats and challenges such as cybercrime, predators on the internet—the AFP is now a world leader in that regard—and the enhancement of AFP's international network overseas.

There was also our engagement in South-East Asia and Operation Alliance, which saw Indonesia and Australia break international policing conventions by forming a joint investigation into the Bali bombing. Indeed, it was incredible to have been part of that. The subsequent partnership between Australia and Indonesia, with the Jakarta Centre for Law Enforcement Cooperation, has been an outstanding success in the fight against terrorism, and we have seen a lot of other countries join that.

There are also the AFP's operations in East Timor, Papua New Guinea and the Solomons. We remember as we approach Christmas the personnel who will not be home for Christmas and who are carrying on a great job not only in the interests of Australia but in the interests of the region. Throughout all this, the war on drugs is continuing. It is important that we remember the great work that Mick Keelty and the Austra-

lian Federal Police do in their service to Australia.

Of course I also saw the transition of the National Crime Authority to the Australian Crime Commission, and I think that was a step forward in the fight against crime. I think that Alistair Milroy has done a great job. He will be retiring shortly and I wish him well.

The Australian Customs Service is our foremost border control service and I think it is a world leader. We have seen precedent and measures taken in relation to protecting this island continent. It is essential that we continue to do that and it is essential that we resource both Navy and Customs. While Senator Ludwig is in the chamber, I might just remind him of the coastguard policy. There is no need for a coastguard—we have a Border Protection Command and I think they do a fantastic job for Australia—and I am sure that is a policy that the government will abandon in due course, and I will await that.

At this point I want to acknowledge Philip Ruddock, who is in the chamber, who did such a great job as minister for immigration in the Howard government.

We face challenging times. We see the changing nature of the Australian family and the threat to Australian family life. We must give absolute priority to the protection of the family unit being the basic building block of our society. If we ignore that, we ignore it at our peril. It is essential that we maintain that as a priority.

I mentioned that you needed conviction of belief to do this job. One thing we must remember is that we all come here to do an important job and we do it in the belief that what we are doing is right for Australia. That is a feature of our great democracy. But on the subject of those convictions and beliefs I remember St Augustine's admonition:

Compromise on the incidentals but never on the essentials.

That is not a bad rule to adopt in life.

We also have trying times in relation to the current financial situation. That will require work across the chamber and together in the parliament to overcome. But we have seen all this before. At the time that I gave my maiden speech we had unemployment of around 11 per cent. We had just gone through a recession, which was supposedly the darkest financial time since the Great Depression. We also had SARS and the Asian downturn and the dot com bubble had burst. These things come and go and they come to try to test us. But we have a lot of ability in this country; we have been left with a strong economy by the former government, we have a strong will in the parliament and we have the expertise to get us through it. We as a parliament have to lead the Australian nation through it with confidence and inspire the community with the confidence to get through it. We have too many doomsayers out there saying that all will be lost, we will be financially ruined and there is no hope. If you maintain that, there will be no hope. I say that there is; it will be hard work and it will require all of us to do that.

I say to you all that it is very sad to be leaving, but I look forward to spending more time with my family. The coalition is in great form. I look around and I see immense talent in the Senate. And Malcolm Turnbull and other members of the House of Representatives have joined us here tonight—my Western Australian colleagues. I thank those Western Australian colleagues for their support. I know that the coalition is going to go on to great things. It has immense talent, and you should not for one minute doubt the talent that you have. We have great policies to take to the Australian people, and you will do that very successfully.

I wish you all well. As we approach Christmas I wish you and your families a great Christmas, a great New Year, a safe holiday and a happy time ahead. Keep up the good work. Maintain that conviction that you all have and that commitment to work for Australia. As Senator Boswell said when he quoted from my first speech, we do need to vouchsafe that blessing each morning so that we will carry out what is good for the interests and welfare of this country. I thank the Senate.

Honourable senators—Hear, hear!

ADJOURNMENT

The DEPUTY PRESIDENT—Order! It being 7.19 pm, I propose the question:

That the Senate do now adjourn.

Internet Safety

Senator ARBIB (New South Wales) (7.19 pm)—Tonight I rise to bring to the attention of senators one of the biggest challenges concerning the protection of our children. It is very appropriate, given the valedictory speech from Senator Ellison, that I raise this issue, because I know he has a great interest in it. As a former minister for justice, Senator Ellison played a role in the fight against online predation.

I add my voice to the fine speeches made tonight and I thank Senator Ellison for his contribution to the country and to the state of Western Australia. While Senator Ellison can reflect on his achievements and time as a minister of the Commonwealth, he will make no greater contribution to humanity than the raising of his children—something that he has obviously recognised. I congratulate him for making the decision to spend more time with his family and I wish him and his family well for the future. The Senate has lost a gentleman and will be a lesser place for his departure.

The issue of online safety is one that affects almost every Australian child and teenager. Currently, there are over 2.4 million children between the ages of nine and 15 who use the internet regularly, with over 85 per cent of Australian teenagers using social networks such as Facebook and MySpace. ‘Generation next’ are at home on the internet. In fact, many have mastered it. Worryingly, some have become too comfortable with the net and are undertaking extremely risky behaviour, leaving themselves vulnerable to predators, identity theft and online bullying.

On Monday the bipartisan parliamentary group, Parliamentarians against Child Abuse and Neglect, PACAN, held a forum to view a new program called Smart Online Safe Offline, SOSO, which is designed to safeguard children on the internet. The program is run by the National Association for the Prevention of Child Abuse and Neglect, NAPCAN, in partnership with Profero, a digital marketing company. The Smart Online Safe Offline program helps children by building resilience and giving them the skills and awareness they need to recognise threats online, thus empowering them to make the right decisions and the right choices when communicating with strangers in chat rooms or other online platforms. The seed funding for the program of \$150,000 was provided by the federal government, and I feel it would be an injustice not to acknowledge and congratulate Senator Ellison, who initially approved the funding, and also the current minister, Bob Debus, who has maintained the government’s strong support.

We have previously had great difficulty in getting the online safety message through to our rebellious teenagers, but programs like SOSO offer great hope. The program, which first went live on 1 October 2008, is the first program that engages teenagers directly in their language and images within their social networking environments. Since going live

two months ago it has captured the attention of nearly two million children—indeed, 1.9 million children, or 81 per cent of the target demographic, have viewed the program, and at least 10 per cent of these visitors used the ‘report a creep’ link to report someone online to the authorities. Those are fantastic figures. SOSO provides great hope and warrants further support and investigation by the government.

We should never underestimate how big this problem is and the complexity of the task to keep our children safe online. Digital technology has changed how we live, how we work and how we communicate, and it is evolving constantly. Just look at the explosion in Facebook and MySpace and you can quickly gauge the social revolution that is taking place on the net. As each new platform for communication and social interaction emerges, so too do the threats from online criminals and the difficulties for police and policy makers. Having talked to law enforcement officers from the Australian Federal Police, I have no doubt that the incidence of online crime against our children, in particular cybergrooming and predation, is rising quickly as paedophiles and perverts come to master the net and use it as a tool to extend their activities and to establish foul networks. The problem for parents is that these crimes can be happening at any time, anywhere, and there is very little they can do about it.

It is not an overdramatisation to say that in the net age you can have your doors and windows bolted shut but you can still have a predator in your house—online with your children. The figures back this up. I was shocked and dismayed by a British study quoted at the PACAN forum which showed that at least 70 per cent of children may have been cybergroomed online. For the uninitiated, ‘cybergrooming’ is when older people masquerade as teenagers to coerce informa-

tion out of kids. Information may include details about where they live, where they go to school or even more personal details. Our children are giving too much information because they think they are safe. They are unaware of how many of these criminals are out there and how well organised they are. They are leaving themselves extremely vulnerable.

Programs such as the federal government’s Cybersmart, the Australian Federal Police’s Fireworks and now SOSO go a long way in educating our children about these threats and how to be safe whilst on the internet. As the saying goes, to be forewarned is to be forearmed. In relation to SOSO, Smart Online Safe Offline, I would like to congratulate NAPCAN and Profero for the outstanding work they are doing, and also thank their corporate partners such as Microsoft, Telstra, ninemsn, the Cartoon Network and many others who are confronting this issue head on and providing direct links to SOSO and free advertising to raise awareness. These organisations are showing what corporate responsibility truly means and are taking action to protect the integrity of the internet.

Over the next 10 years we will face many challenges as policy makers in relation to the internet. The criminal activities that are taking place now will require further action, further laws. As a parliament, this is a task on which we must work together. Great thanks should also go to the Australian Federal Police. Senator Ellison raised the fact that they are world leaders in online enforcement—and they are. They have had great success in tracking down and prosecuting online predators and paedophile rings. To the many officers who work in the online enforcement branch: thank you for the work you are doing to protect our children. We respect it and our families require it.

But politicians must also play their part. To that end PACAN has undertaken and will undertake an awareness campaign, urging every member of parliament to put SOSO on their website, Facebook or MySpace site and assist in helping to educate our teenagers and constituents. This is a huge task, but as politicians we have a responsibility. I would like to thank Senator Kroger and all the members of PACAN for the work they are doing on this issue and also again thank Senator Ellison for the work he has done as a minister and as a senator. I know it is something he feels deeply about, and he has been hugely successful. Thank you.

Climate Change

Senator RONALDSON (Victoria) (7.28 pm)—It is a pleasure to speak in the adjournment tonight. In the debate on climate change policy the government has not shown itself to be above the rhetoric of personal demonisation and straw-man argument. The government has not shown itself to be above casting aspersions on the character and motives of anyone who might raise an eyebrow at its Carbon Pollution Reduction Scheme. Anyone who dares question the gospel according to Penny Wong is tarred with the brush of being a climate change denier. Anyone who questions not the essence of the climate challenge but the manner in which the Rudd government addresses it is derided as a ‘flat-earther’. I do not endorse the ‘Chicken Little’ view of climate change—I don’t believe the sky is falling—but I do care about the environment. And I resent the imputations coming from the other side of this chamber that anyone who does not slavishly endorse Labor’s view of climate change is a soulless despoiler of the earth.

The government is engaged in a bit of its own denial by turning a blind eye to the potentially devastating impact of its flawed emissions trading scheme. In her high-

minded focus on the politics of perceived action, Senator Wong has lost sight of places like Geelong and Gippsland where thousands of livelihoods are at stake. The coalition believes that a well-designed emissions trading scheme is an essential element of responsible environmental policy, and I use the adjective ‘well-designed’ very carefully. But the devil is always in the detail. A national ETS is such a sensitive issue that a flawed scheme could have a catastrophic effect on the Australian economy.

In that regard I would like to talk tonight about the emissions trading scheme related concerns of many of my constituents. The people of Geelong and district stand to be the most affected of any Australian community by the adoption of an emissions trading scheme. A number of Geelong area business leaders have felt a growing and a real concern about their city’s vulnerability to the Rudd government’s ETS plan, which is ill conceived and ill considered. Last month these leaders kindly attended a meeting with me and my colleague from the other place the member for Goldstein and shadow minister for emissions trading design, Andrew Robb. In attendance were representatives from the Geelong Chamber of Commerce, the Geelong Manufacturing Council, the Committee for Geelong, Ford and Alcoa. They are worried, and deservedly so. The stakes for them are exceedingly high, and my understanding is that today Alcoa has put off some 38 workers.

A recent study by the National Institute of Economic and Industry Research found that 51 per cent of the Geelong region’s GDP and 41 per cent of its employment is dependent, either directly or indirectly, on the manufacturing sector. And as Mr Robb, from the other place, remarked:

The thing that struck me in my meeting with major industries and Geelong community organisations was the fact that Geelong is the region in

Australia most exposed to an emissions trading scheme. Geelong has the biggest carbon footprint in Australia with aluminium smelters, the Ford production plant, oil refineries, cement works and other energy intensive industries.

In the words of the Committee for Geelong:

The inherent complexity of the proposed scheme presents few “knowns” in terms of how Geelong will be affected, which of our industries will be involved directly or indirectly and how expected flow-on costs burdens will eventuate.

The committee therefore encourages the government to proceed with framing and implementing the Carbon Pollution Reduction Scheme with great caution.

The Geelong Chamber of Commerce expressed similar sentiments in its submission to the Rudd government’s ETS green paper:

The Chamber is seriously concerned at the extreme vulnerability of the Geelong region with the introduction of the Carbon Pollution Reduction Scheme because of the make-up of its main industries and the major effect that the Scheme will have on them.

... ..

So if the Rudd Government gets it wrong, there will quite literally be hell to pay for thousands of Australian working families.

According to Per Capita, a self-described independent, progressive think tank, the Rudd government’s proposed emissions trading plan will cost 650 jobs in Geelong alone. And the Australian Workers Union warned that Labor’s ETS could put at risk ‘the future of the whole aluminium industry’. Even some of the Prime Minister’s own backbenchers have been feeling a little mutinous because they see the economic writing on the wall and they recognise its political implications.

The *Sydney Morning Herald*, reported earlier today that my colleague ALP Senator Hutchins warned about the economic hazard posed by the unilateral adoption of an ETS during an economic downturn. And Labor’s

Senator Sterle was featured in the same article complaining that Western Australia’s liquefied natural gas industry would lose billions in investment capital under the Prime Minister’s emissions trading scheme. So ‘hasten slowly’ should be our watchword where an ETS is involved. It is said that only fools rush in where angels fear to tread. While there is no doubt that we need to act, we must be certain that the something we do will make matters better and not worse. The experience of our neighbours across the Tasman should serve as a cautionary tale of environmental misjudgement and miscalculation.

During the debate on the ratification of the Kyoto protocol in 2002, New Zealand’s Labour government contended that it would actually make money from the deal. The government argued that New Zealand had so much hydroelectric power and so much forest acreage to serve as a carbon sink that the Kiwis would set up the country for the future by selling emissions credits to other nations. ‘Would you burn a cheque for \$500 million?’ asked the then New Zealand Minister Responsible for Climate Change Issues, Peter Hodgson. But after the rhetoric came reality and the reality hit with the impact of a multi-billion-dollar body blow to Wellington’s bottom line. ‘Kyoto bill creates \$1 billion deficit’ blared the front-page headline of the 17 June 2005 edition of the *New Zealand Herald* and the article’s leading paragraph declared, ‘Taxpayers will be at least \$1 billion worse off under revised government estimates of the costs of the Kyoto treaty to combat global warming.’ Since that time, New Zealand’s Kyoto emissions balance sheet has remained consistently in the red.

The example of New Zealand demonstrates the pitfalls of pitfalls that come from a faulty emissions trading strategy. As the waggish 19th century British Prime Minister Lord Melbourne famously quipped: ‘Nobody

ever did anything very foolish except from some strong principle.’ And it is worth reminding the Australian people that the first Australian Prime Minister to propose an ETS was named John Howard. The coalition are in agreement with Labor that climate change is a serious problem, and we are well aware that Australia’s energy production should be largely emissions free by 2050. This is a daunting task, but a task where close international coordination and cooperation are indispensable. In the words of the Leader of the Opposition, Mr Turnbull:

The most heroic efforts in Australia will be of no effect if they are not matched by similar action everywhere including the rapidly industrialising developing economies such as China and India—

Andrew Robb, from the other place, made similar comments, but with a more Victorian focus:

... it is critical to get any emissions trading scheme right or thousands of jobs in Geelong are threatened ... and the Rudd Government must not rush this process.

It should find out whether the rest of world is part of the scheme because there is no Australian solution to climate change, only a global solution.

The coalition are not of the view that being business friendly and environmentally friendly are mutually contradictory propositions. We believe that trade-exposed, emissions-intensive manufacturers must be protected until an international climate change agreement will ensure that carbon is priced comparably throughout the world. Without such protection, our heavy industries would simply move offshore to more economically hospitable climes. Without such protection, tens of thousands of Australian jobs would be lost.

But, in our focus on the here and now, we must not forget the technologies of next year and next decade. We believe that renewable energy should be a focal point of our national

research effort. In the words of our own national anthem:

Our land abounds in nature’s gifts ...

We have a surfeit of sunlight, wind and wave power just waiting to be harnessed for our use. We should have neither illusions nor delusions that the transition to a low-emission economy will be easy; it will not be. But it is a necessity. Our generation is tasked with a unique responsibility and a unique opportunity—the opportunity to make the future better without making the present worse. Let us proceed wisely, ensuring that the generations to come will want not because we have wasted not.

Pacific School Games

Health: Obesity and Diabetes

Senator LUNDY (Australian Capital Territory) (7.38 pm)—This is a big week for Canberra, the host of the 2008 Pacific School Games, from 30 November to 6 December. Sunday’s spectacular welcome event featured a choreographed display and music by more than 1,600 ACT school students. Almost 5,000 school age competitors aged from 10 to 18 years are competing, and these are our coming sports champions. They come from each Australian state and territory and from 19 countries in the Asia-Pacific region. They are competing in five sports—basketball, diving, hockey, swimming and athletics—or track and field, and all sports have international competitors. Students with a disability are competing in basketball, swimming and track and field. As well as the competitors, approximately 10,000 supporters are descending on Canberra, with parents, friends, officials and coaches all here for the event.

The organisation for this event has been carried out over a long, two-year period by a team of dedicated workers, including the general manager, Ron Burns. The manager and organiser of the 2,000 volunteers is Trish

Thomas, who has had a long and impressive involvement with sport and is a life member of School Sport Australia, the ACT Secondary Schools Sports Association and the ACT Veterans Athletic Club. The Volunteer Ambassador for the 2008 Pacific School Games is Margaret Reid, former President of this place, as we would all know, from 1996 to 2002. She was the patron of School Sport ACT from the 1980s through to 2002.

Young sporting ambassadors have been appointed and have been visiting schools and clubs, promoting the games. Some of them, like Lauren Jackson and Patrick Mills of basketball fame, remember participating in their school years in the Pacific School Games and school championships, and they are promoting the message: 'Do your best and have fun.'

Hosting the Pacific School Games may be one way in which Canberra is contributing to the government's focus on encouraging fitness, exercise and healthy living. Largely through preventative health strategies and promoting health, we, the federal Labor government, are seeking to tackle what has been described as our 'growing obesity epidemic'. This year, the Minister for Health and Ageing, Nicola Roxon, established the National Preventative Health Taskforce, chaired by Professor Rob Moodie. The task force's discussion paper released in October highlights our government's aim through its title, *Australia: the healthiest country by 2020*.

Some of the programs we are introducing to tackle the problem of childhood obesity in particular and to encourage healthy lifestyles more generally include health checks for four-year-olds, through the Healthy Kids Check; providing parents with advice on healthy lifestyles for children, through the Get Set 4 Life *Habits for healthy kids guide*; and grants of up to \$60,000 for up to 190 primary schools for the construction of vege-

table gardens and kitchen facilities to allow children to learn about and appreciate the benefits of growing and eating fresh food. This is the Stephanie Alexander Kitchen Garden Program, quite an inspiring and unique program that is, through the federal government's support, spreading a very positive message about healthy eating around the country. The government have also provided \$17.6 million to enable 190 schools and community organisations to run local programs encouraging healthy and active lifestyles. We also have the Active After-school Communities program, promoting after-school physical activity. Finally, there are the early childhood guidelines for healthy eating and physical activity.

It was back in April 2008 that federal, state and territory health ministers agreed that, in recognition of the clear linkages between excess weight and the increased risk of diabetes and other chronic diseases, obesity should become a national health priority, as is diabetes. We know that obesity is a risk factor in the development of type 2 diabetes. We were reminded recently, on World Diabetes Day on 14 November, that the number of Australians diagnosed with diabetes more than doubled between 1989-90 and 2004-05. Diabetes is a significant cause of death and disability in Australia. An estimated one million Australians over 25 years of age have diabetes, and in 2005 it was the cause of death of 3,500 Australians. Direct healthcare expenditure on diabetes in 2004-05 was \$907 million.

Diabetes is, as I said, a national health priority area, and a National Diabetes Strategy has been developed by federal, state and territory governments to coordinate programs for the prevention, early detection and management of diabetes. Diabetes is characterised by a lack of insulin. Type 1 diabetes is not preventable, but type 2 results from a combination of genetic and environmental or

lifestyle factors. The risk of type 2 diabetes is greatly increased with high blood pressure, with being overweight or obese and with little physical activity and poor diet.

A diabetes prevention pilot project, assessed in 2006, found good evidence of the health benefits for people at risk of developing diabetes of increased physical activity, improved diet and achieving a healthy weight. The National Diabetes Strategy aims to improve the health of Australians with, or at risk of, diabetes. Knowing that type 2 diabetes is partly or largely preventable is our incentive to reduce its huge human and economic costs.

In the ACT, there are 10,000 people with type 2 diabetes who have registered with the National Diabetes Services Scheme, or the NDSS, compared with 1,829 people with type 1 diabetes. I should note that not all people with diabetes are registered with the NDSS. Many of those diagnosed with type 1 diabetes have been diagnosed as children. Last month, the Minister for Health and Ageing, Nicola Roxon, announced that the federal Labor government will provide a subsidy to help with the cost of insulin pumps for up to 700 type-1-diagnosed Australians.

For both forms of diabetes, regular physical activity is beneficial in improving blood sugar control, increasing insulin sensitivity and reducing associated cardiovascular risk factors. For type 2, physical activity has a primary prevention role as well. Participation and achievement in sport has proved important in providing a positive focus and role for young people who might otherwise feel that they are defined by the fact that they have diabetes.

Rod Kafer, former Brumbies and international rugby union player, said:

... when my doctor told me I needed to be active and fit, and sport was a good way of maintaining healthy blood sugar levels ... I decided to become

the best rugby player I could. My diagnosis was the catalyst for me ultimately playing for the Wallabies.

... ..

Dealing with diabetes is a challenge in life which can be faced any number of ways. I had an outlet that allowed me to turn that challenge from a negative one to a positive outcome ...

Other sport achievers in the ACT who also have type 1 diabetes include: Warrick Harrington, age 21, who currently holds three Australian Super Welterweight Kickboxing and Thai Boxing titles and who is aiming for international competition next year; Willoughby Axelsen, age 14, who is captain of the ACT Under 14 Rugby Union team, which won the New South Wales State Championships this year; Kelly Arundel, age 15, who represents the ACT in the wonderful sport of hockey; and Fabio Calabria, age 21, who is a professional road-racing cyclist. Races can vary from 100 to 250 kilometres and extend over five to nine days—such is the magnitude of Fabio's personal achievement.

These young people from my home town, the ACT, along with the Pacific School Games ambassadors, are all wonderful role models in our ongoing promotion of the benefits of sport and physical fitness—not just to our local community but to the rest of Australia.

Dame Elizabeth Couchman Scholarship

Senator RYAN (Victoria) (7.47 pm)—I rise this evening to recognise the organisers and the winner of the Dame Elizabeth Couchman scholarship, an initiative of the Centennial Liberal Women's Committee—part of the Liberal Women's Council of the Victorian Division of the Liberal Party.

The purpose of the scholarship is twofold. The first is to provide assistance for women to develop leadership opportunities and to undertake research and study toward the benefit of the Liberal Party and women gen-

erally. The second is to celebrate and honour one of the Liberal Party's founders, and one of the outstanding women in Australian public life. These two aims are intertwined, as the history of the Liberal Party is not complete without telling the story of women emerging into a full role in Australian public life.

Dame Elizabeth Couchman was a key figure in the formation of the Liberal Party in 1944. As Chair of the Australian Women's National League, she led the negotiations with Robert Menzies to form the Liberal Party. She negotiated the deal that saw the Australian Women's National League join the Liberal Party on terms that ensured that there would be equal male and female representation and delegates in all key party positions—a guarantee that exists to this day.

Dame Elizabeth's long and distinguished life—she lived to the age of 106—was one of achievement. She was, in addition to her accomplishments as Chair of the AWNL, a member of the Board of the Australian Broadcasting Commission, a delegate of the League of Nations Assembly and a delegate leader to the Conference of the International Council of Women in Paris. This short list does not include her numerous other instances of distinguished community service in Australia.

It is hard to imagine the culture that Dame Elizabeth Couchman tackled. It was a culture where many women argued against women being in parliament and public life. Dame Elizabeth, however, argued forcefully and persuasively for the opposite view. Her life was dedicated to the welfare of her fellow Australians. However, it is no small tragedy that her field of accomplishment could not be extended to this chamber. Dame Elizabeth ran for Senate preselection three times during the 1930s. At her final attempt, in 1940,

for Senate preselection for the United Australia Party, she lost by a single vote.

Dame Marie Breen, who was senator for Victoria from 1962 to 68, would later remark on Dame Elizabeth's failure to enter parliament as 'tragic, because she could have contributed so very much'. If she had won, she would have been the first woman senator from Victoria—an honour that would be taken by Dame Ivy Wedgwood in 1949, representing the Liberal Party that Couchman had helped create. Despite Dame Elizabeth's failure to secure preselection for the United Australia Party—as I mentioned, she led negotiations with Robert Menzies on behalf of the Australian Women's National League to join the new Liberal Party—eventually 12,000 members of the AWNL would join the Liberal Party. Also, as I mentioned, these negotiations led to the innovation of an equal share of positions within the Liberal Party for men and women—an innovation that was revolutionary at the time and that remains in place to this very day.

As one of the great testaments to these efforts throughout the Menzies era of the Liberal Party, there was a consistent Liberal majority in the female vote, with women holding key positions within the Liberal Party hierarchy. New election campaigns targeting women voters brought women's interests and needs to the forefront of Australian politics for the first time. On one occasion, Dame Elizabeth managed to persuade 200 people at the Malvern Town Hall to join the Liberal Party. The *Argus* suggested, somewhat ironically given what I am talking about this evening, that the male leaders of the Liberal Party 'might well study and emulate the methods adopted by Mrs Claude Couchman'.

Despite her lack of success in entering parliament herself, she would become a guide and mentor to many of the distinguished women who followed her and en-

deavoured to make the experience of politics so much different for women, especially those within Victorian Liberal politics. Some of these women include Dame Ivy Wedgwood, the first woman senator for Victoria; Dame Marie Breen; and Dame Margaret Guilfoyle, who was elected to the Senate in 1970 and was the first ever female cabinet minister with a portfolio.

Dame Elizabeth would also become an elder stateswoman of the party after a distinguished record of service in various official capacities, including being elected to the first state executive of the Victorian Division of the Liberal Party and being elected metropolitan vice-president for six years. Sir Robert Menzies would later say of Dame Elizabeth, 'She would have been the best cabinet minister I could have wished for.' This scholarship is a testament to her efforts, as are those Victorian women who have followed in her footsteps—those I have mentioned earlier as well as former Senator Kay Patterson and my current colleagues Senators Troeth and Kroger.

As well as acknowledging the record of Dame Elizabeth, I would like to congratulate the winner of the first scholarship, Deanne Ryall; the Chairman of the Liberal Women's Council, Norma Wells; and the Chairman of the Scholarship Committee, Cate Dealehr, along with the other committee members, Bronwyn Badham, Sue Mair, Noel Christensen and former members of this place Karen Synon and Dame Margaret Guilfoyle.

Finally, I would like to recognise the efforts of Margaret Fitzherbert, who has brought the contribution of these and other Liberal women to life through her research and writing and from whose works I have drawn many of the details of Dame Elizabeth's contribution. Their efforts in highlighting the contribution of one of the unsung heroes of Australian democracy and the Lib-

eral Party deserve congratulation and recognition by all.

Senate adjourned at 7.52 pm

DOCUMENTS

Tabling

The following government documents were tabled:

Anglo-Australian Telescope Board—Anglo-Australian Observatory (AAO)—Report for 2007-08.

ASC Pty Ltd—Report for 2007-08.

Remuneration Tribunal—Report for 2007-08.

Treaty—*Multilateral*—Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities, New York, 13 December 2006—Text, together with national interest analysis.

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

A New Tax System (Luxury Car Tax) Act—Select Legislative Instrument 2008 No. 239—A New Tax System (Luxury Car Tax) Amendment Regulations 2008 (No. 1) [F2008L04529]*.

Acts Interpretation Act—Statement pursuant to subsection 34C(6) relating to the extension of specified period for presentation of a report—National Rural Advisory Council – Report for 2006-07.

Broadcasting Services Act—Variations to Licence Area Plans for—

Charters Towers Radio – No. 1 of 2008 [F2008L04436]*.

Colac Radio – No. 1 of 2008 [F2008L04435]*.

Townsville Radio – No. 1 of 2008 [F2008L04437]*.

Civil Aviation Act—

Civil Aviation Safety Regulations—
Airworthiness Directives—Part 105—

AD/BELL 412/2 Amdt 1—
Retirement Lives – Fatigue Critical
Components [F2008L04391]*.

AD/BN-2/22—Emergency Exits
Placard [F2008L04392]*.

AD/BN-2/26—Wing Rear Spar – In-
spection [F2008L04393]*.

AD/BN-2/37—Passenger Seats – In-
spection and Modification
[F2008L04394]*.

AD/DO 228/1—Airworthiness Limi-
tations [F2008L04399]*.

AD/ERJ-170/19—Ram Air Turbine
Machined Support [F2008L04405]*.

AD/ERJ-170/20—Engine Pylon
Bulkhead 1 Fasteners
[F2008L04406]*.

Select Legislative Instrument 2008 No.
238—Civil Aviation Regulations 2008
(No. 2) [F2008L04445]*.

Customs Act—Select Legislative Instru-
ment 2008 Nos—

225—Customs Amendment Regulations
2008 (No. 6) [F2008L04419]*.

226—Customs (Prohibited Imports)
Amendment Regulations 2008 (No. 5)
[F2008L04423]*.

Excise Act—Select Legislative Instrument
2008 No. 240—Excise Amendment Regu-
lations 2008 (No. 1) [F2008L04517]*.

Federal Court of Australia Act—Select
Legislative Instrument 2008 No. 244—
Federal Court Amendment Rules 2008
(No. 2) [F2008L04528]*.

Fisheries Management Act—Heard Island
and McDonald Islands Fishery Manage-
ment Plan 2002—HIMIF 2008/2009 TAC
D7 Determination—Total Allowable Catch
Determination – 2008/2009 Season
[F2008L04441]*.

Hazardous Waste (Regulation of Exports
and Imports) Act—Select Legislative In-
strument 2008 No. 231—Hazardous Waste
(Regulation of Exports and Imports)
Amendment Regulations 2008 (No. 1)
[F2008L04513]*.

Health Insurance Act—Select Legislative
Instrument 2008 No. 235—Health Insur-
ance (Diagnostic Imaging Services Table)
Amendment Regulations 2008 (No. 4)
[F2008L04262]*.

International Organisations (Privileges and
Immunities) Act—Select Legislative In-
strument 2008 No. 233—Secretariat to the
Meeting of the Parties to the Agreement on
the Conservation of Albatrosses and Petrels
(Privileges and Immunities) Regulations
2008 [F2008L04489]*.

Migration Act—

Select Legislative Instrument 2008 No.
237—Migration Amendment Regula-
tions 2008 (No. 8) [F2008L04492]*.

Statement under section 91D—
Prescription of the People's Republic of
China as a safe third country.

National Rental Affordability Scheme
Act—Select Legislative Instrument 2008
No. 232—National Rental Affordability
Scheme Regulations 2008
[F2008L04484]*.

Petroleum Excise (Prices) Act—Select
Legislative Instrument 2008 No. 241—
Petroleum Excise (Prices) Amendment
Regulations 2008 (No. 1)
[F2008L04518]*.

Primary Industries (Excise) Levies Act—
Select Legislative Instrument 2008 No.
223—Primary Industries (Excise) Levies
Amendment Regulations 2008 (No. 4)
[F2008L04034]*.

Primary Industries Levies and Charges
Collection Act—Select Legislative Instru-
ment 2008 No. 224—Primary Industries
Levies and Charges Collection Amendment
Regulations 2008 (No. 4)
[F2008L04490]*.

Radiocommunications Act—
Radiocommunications (Foreign Space Objects) Amendment Determination 2008 (No. 2) [F2008L04440]*.

Telecommunications (Consumer Protection and Service Standards) Act—

Universal Service Subsidies (2008-09 Contestable Areas) Determination (No. 1) 2008 [F2008L04449]*.

Universal Service Subsidies (2008-09 Default Area) Determination (No. 1) 2008 [F2008L04448]*.

Trade Practices Act—Select Legislative Instrument 2008 No. 242—Trade Practices (Consumer Product Safety Standard) (Bicycle Helmets) Amendment Regulations 2008 (No. 1) [F2008L04523]*.

Water Act—Select Legislative Instrument 2008 No. 229—Water Amendment Regulations 2008 (No. 2) [F2008L04439]*.

Workplace Relations Act—Select Legislative Instrument 2008 No. 243—Workplace Relations Amendment Regulations 2008 (No. 3) [F2008L04525]*.

*Governor-General's Proclamation—
Commencement of provisions of an Act*

Migration Amendment (Notification Review) Act 2008—Items 1 and 2 of Schedule 1—5 December 2008 [F2008L04521].*

* Explanatory statement tabled with legislative instrument.

QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Uranium Content in Drinking Water
(Question No. 764)**

Senator Ludlam asked the Minister representing the Minister for Health and Ageing, upon notice, on 5 November 2008:

In regard to recent changes by the United States Environmental Protection Agency lowering the maximum amount of uranium allowed in drinking water from 30 to 20 parts per billion (ppb) and the subsequent requirement of municipalities to notify residents of uranium levels more than twice the 20 ppb limit:

- (1) Is there an Australian drinking water standard in regard to uranium content; if so, what is the standard; if not, why not.
- (2) Are records kept for drinking water supplies containing uranium; if not, why not; if so, will the Minister table the latest set of data.
- (3) Are there any requirements for residents to be informed of high levels of uranium content in water; if not, why not.

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

- (1) The 'Australian Drinking Water Guidelines', published by the National Health and Medical Research Council in 2004, provide the Australian community and the water supply industry with guidance on what constitutes good quality drinking water. The Guideline for uranium is 'based on health considerations that the concentration of uranium in drinking water should not exceed 0.02 mg/L'. The level of 0.02 mg/L is equivalent to 20 parts per billion (ppb).
- (2) and (3) The regulation of water supplies is a matter for the states and territories. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) has published a Technical Report entitled 'The Radioactive Content of Some Australian Drinking Waters'. This is available at <http://www.arpansa.gov.au/pubs/technicalreports/tr148.pdf>.