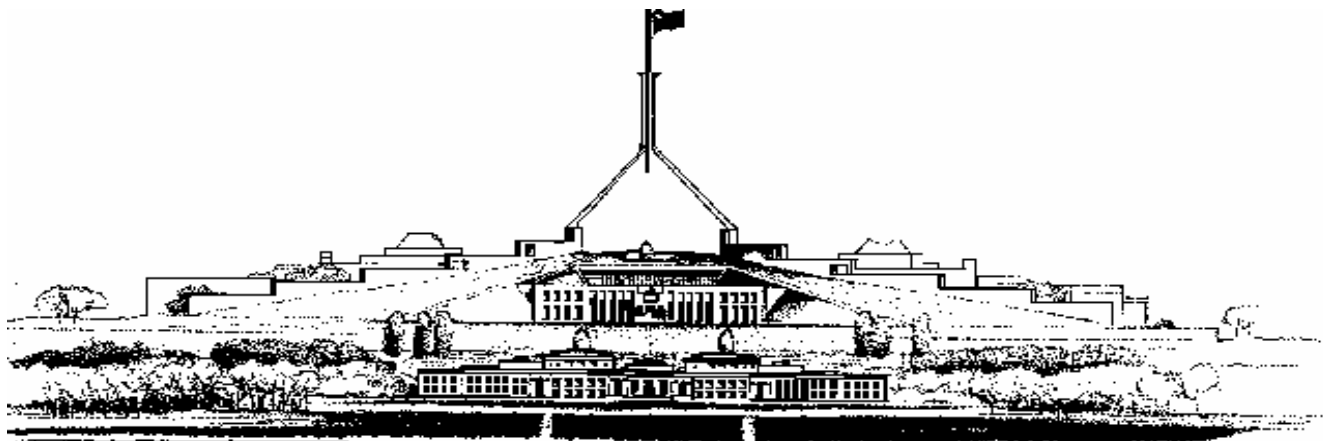




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



Senate

Official Hansard

No. 6, 2009

Thursday, 18 June 2009

FORTY-SECOND PARLIAMENT
FIRST SESSION—FIFTH PERIOD

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SITTING DAYS—2009

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

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

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

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

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

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

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

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

Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans

Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy

Leader of the Opposition in the Senate—Senator Hon. Nicholas Hugh Minchin

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

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

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

Senate Party Leaders and Whips

Leader of the Australian Labor Party—Senator Hon. Christopher Vaughan Evans

Deputy Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy

Leader of the Liberal Party of Australia—Senator Hon. Nicholas Hugh Minchin

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

Leader of the Nationals—Senator Barnaby Thomas Gerard Joyce

Deputy Leader of the Nationals—Senator Fiona Nash

Leader of the Australian Greens—Senator Robert James Brown

Deputy Leader of the Australian Greens—Senator Christine Anne Milne

Leader of the Family First Party—Senator Steve Fielding

Chief Government Whip—Senator Kerry Williams Kelso O'Brien

Deputy Government Whips—Senators Donald Edward Farrell and Anne McEwen

Chief Opposition Whip—Senator Stephen Shane Parry

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

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

- (1) Chosen by the Parliament of South Australia to fill a casual vacancy vice Amanda Eloise Vanstone, resigned.
(2) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Ian Campbell, resigned.
(3) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Christopher Martin Ellison, resigned.
(4) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

PARTY ABBREVIATIONS

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

Heads of Parliamentary Departments

Clerk of the Senate—H Evans

Clerk of the House of Representatives—I C Harris

Secretary, Department of Parliamentary Services—A Thompson

RUDD MINISTRY

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

[The above ministers constitute the cabinet]

RUDD MINISTRY—*continued*

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

SHADOW MINISTRY

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

[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 Mitch Fifield
Shadow Parliamentary Secretary for Water Resources and Conservation	Mr Mark Coulton MP
Shadow Parliamentary Secretary for Health Administration	Senator Mathias Cormann
Shadow Parliamentary Secretary for Defence	The Hon. Peter Lindsay MP
Shadow Parliamentary Secretary for Education	Senator the Hon. Brett Mason
Shadow Parliamentary Secretary for Justice and Public Security	Mr Jason Wood MP
Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry	Senator the Hon. Richard Colbeck
Shadow Parliamentary Secretary for Immigration and Citizenship and Shadow Parliamentary Secretary Assisting the Leader in the Senate	Senator Concetta Fierravanti-Wells

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Thursday, 18 June 2009

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

NOTICES

Presentation

Senator WORTLEY (South Australia) (9.31 am)—On behalf of the Senate Standing Committee on Regulations and Ordinances, I give notice that 15 sitting days after today I shall move:

That the Aviation Transport Security Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 24 and made under the *Aviation Transport Security Act 2004*, be disallowed. [F2009L00695]

I seek leave to incorporate in *Hansard* a short summary of the matter raised by the committee.

Leave granted.

The summary read as follows—

Aviation Transport Security Amendment Regulations 2009 (No. 1), Select Legislative Instrument 2009 No. 24

These Amendment Regulations amend provisions in the principal Regulations to restrict the class of persons who are allowed to enter and remain in the cockpit of an aircraft fitted with a cockpit door, during flight and clarify cockpit offences on aircraft. The Committee has written to the Minister seeking further information on the consultation undertaken during the development of these Regulations.

Senator Abetz to move on the next day of sitting:

That the Senate—

(a) notes:

- (i) the bipartisan commitment to an unconditional reduction in CO₂ emissions of 5 per cent from 2000 levels by 2020, and a reduction of up to 25 per cent in the event of a comprehensive global agreement,

- (ii) the importance of ensuring that the Obama Administration's intentions on an emissions trading scheme are clarified before Australia implements any emissions trading scheme including the Government's proposed Carbon Pollution Reduction Scheme (CPRS), and

- (iii) the importance of awaiting the outcomes of the United Nations (UN) Climate Change Conference in Copenhagen in relation to targets before any scheme is legislated in Australia;

(b) calls on the Government to refer the proposed CPRS to the Productivity Commission so that it may conduct a 6-month review, and make public its findings, before the legislation is finalised to:

- (i) assess the national, regional and industry sectoral impact of the CPRS in light of the global financial crisis,

- (ii) assess the economic impact of the CPRS in light of other countries either not imposing a price on carbon comparable to that proposed in Australia or imposing such a price after different assumed periods of delay, and

- (iii) conceptually and empirically examine the relative costs and benefits (including emissions reductions) of the key alternative scheme designs against the CPRS; and

(c) therefore, calls on the Government to defer further consideration of the following bills until after the conclusion of the UN Climate Change Conference in Copenhagen:

Carbon Pollution Reduction Scheme Bill 2009

Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009

Australian Climate Change Regulatory Authority Bill 2009

Carbon Pollution Reduction Scheme (Charges—Customs) Bill 2009

Carbon Pollution Reduction Scheme (Charges—Excise) Bill 2009

Carbon Pollution Reduction Scheme (Charges—General) Bill 2009

Carbon Pollution Reduction Scheme (CPRS Fuel Credits) Bill 2009

Carbon Pollution Reduction Scheme (CPRS Fuel Credits) (Consequential Amendments) Bill 2009

Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009

Customs Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009

Carbon Pollution Reduction Scheme Amendment (Household Assistance) Bill 2009

or any other related bill or bills to implement the proposed CPRS.

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

That the Government furnish the Senate with a considered response to reports in *The Age* that firms associated with the Reserve Bank of Australia may have been involved in corrupt practices by 25 June 2009.

Senator Fielding to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the *Banking Act 1959* to keep banks accountable in setting mortgage interest rates, and for related purposes. ***Banking Amendment (Keeping Banks Accountable) Bill 2009.***

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

That the Senate—

- (a) supports the call by the Deputy Prime Minister (Ms Gillard) on the Australian Broadcasting Corporation program *Lateline*, 16 June 2009, to support:
 - (i) a two-state solution to the Israel-Palestine conflict, and
 - (ii) a halt to Israel's settlement activity in contested areas; and
- (b) calls on the Australian Government to endorse the speech by the United States President, Mr Barack Obama, given in Cairo on 4 June 2009, specifically:
 - (i) rejecting the legitimacy of continued Israeli settlements, and

- (ii) affirming that continued Israeli settlements in contested areas violate previous agreements and undermine efforts to achieve peace.

COMMITTEES

Selection of Bills Committee

Report

Senator O'BRIEN (Tasmania) (9.33 am)—I present report No. 9 of 2009 of the Selection of Bills Committee and seek leave to have the report incorporated in *Hansard*.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 9 OF 2009

1. The committee met in private session on Thursday, 18 June 2009 at 8.30 am.
2. The committee resolved to recommend—That the *provisions* of the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009 be ***referred immediately*** to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 10 September 2009 (see appendix 1 for a statement of reasons for referral).
3. The committee resolved to recommend—That the Migration Amendment (Abolishing Detention Debt) Bill 2009 ***not*** be referred to committee.

The committee recommends accordingly.

4. The committee also considered a proposal to refer the provisions of the Renewable Energy (Electricity) Amendment Bill 2009 and a related bill to the Economics Legislation Committee but was unable to reach agreement on whether the bills should be referred (see appendix 2 for a statement of reasons for referral).

(Kerry O'Brien)

Chair

18 June 2009

APPENDIX 1**SELECTION OF BILLS COMMITTEE****Proposal to refer a bill to a committee****Name of bill:**

Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009

Reasons for referral/principal issues for consideration:

Review implications of Bill particularly on workers rights & safety

Possible submissions or evidence from:

Unions
Industry Groups
Workers
Employers

Committee to which bill is to be referred:

Education, Employment and Workplace Relations

Possible hearing date(s):

During winter break of August break

Possible reporting date:

10 September 2009

Whip/ Selection of Bills Committee member

(signed)

Rachel Seiwert

APPENDIX 2**SELECTION OF BILLS COMMITTEE****Proposal to refer a bill to a committee****Name of bill:**

Renewable Energy (Electricity) Amendment Bill 2009

Reasons for referral/principal issues for consideration:

This Bill will have ramifications for the renewable energy market and energy intensive businesses. It is important to ensure that any expansion of the Mandatory Renewable Energy Target is carefully considered.

Possible submissions or evidence from:**Committee to which bill is to be referred:**

Economics Legislation Committee

Possible hearing date(s):

TBA

Possible reporting date:

12 August

Whip/ Selection of Bills Committee member

(signed)

Steve Fielding

Senator O'BRIEN—I move:

That the report be adopted.

Senator FIELDING (Victoria—Leader of the Family First Party) (9.33 am)—I wish to move an amendment to the motion for adoption of the Selection of Bills Committee report. I move:

At the end of the motion, add: “but in respect of the Renewable Energy (Electricity) Amendment Bill 2009 and the Renewable Energy (Electricity) (Charge) Amendment Bill 2009, the provision of the bills be referred to the Economics Legislation Committee for inquiry and report by 12 August 2009”.

Senator MILNE (Tasmania) (9.33 am)—I rise to say that I oppose a delay in dealing with this legislation. I support the Selection of Bills Committee report as it currently stands. I would like an indication from you, Mr President, as to whether I have a few minutes to speak on this matter.

The PRESIDENT—Five minutes.

Senator MILNE—The issue here is the renewable energy target. The government went to the 2007 election with a promise to increase the renewable energy target in order to drive the expansion of renewable energy in Australia. It is something that the Greens have campaigned on for a long time, and we would certainly want the government to go further than the 20 per cent renewable energy target that is proposed.

The industry has been calling for this legislation since the day the government was elected at the end of 2007, and the delay in getting it to the parliament has been such that

earlier this year I introduced a private member's bill to bring on the renewable energy target because the government was dithering in getting this legislation to the parliament. Now that it is here, the only reason that people are pushing for delay is that the government played politics with this by linking the renewable energy target legislation with its Carbon Pollution Reduction Scheme legislation.

Interestingly, the focus here is not on helping the renewable energy industry; the focus here is on the energy-intensive trade-exposed industries. The way the government has linked these bills means that, if the RET were to pass next week and the CPRS did not, the energy-intensive trade-exposed industries would not get their exemptions, and they are the ones putting pressure on here for the delay. Meanwhile, the people who will suffer will be the renewable energy businesses. Even in today's papers there is a report of a business in Victoria saying that it is going to have to put people off unless this legislation is passed because the rebate has disappeared. As we know, the government moved on that before 30 June. These businesses are desperately waiting. In one of today's papers it says:

SOLAR panel retailers are preparing to cut jobs and halt expansion plans because of uncertainty over the Government's solar credit program.

That, of course, is the multiplier in the RET.

If we do not deal with this by the end of next week people are going to lose their jobs. Businesses are going to go to the wall—and they are the renewable energy businesses. The people who are pushing for this delay are the big emitters. I am not going to support this being held off over the winter simply because it does not suit the coalition to deal with the Carbon Pollution Reduction Scheme legislation in the next week or so.

I want to see this legislation through. I want to give certainty to the renewable energy industry that they have got their target. I would be prepared to have an inquiry tomorrow or on Monday, but I am not prepared to see this last over the winter, because we are going to see the renewable energy industry further undermined by this kind of delay. The people who vote for delay are people voting for losing jobs and losing businesses in one of the industries that we need to build for a low-carbon or zero-carbon future. There can be no excuse for this kind of delay. It is just more political manoeuvring for the benefit of the big end of town to the detriment of those industries where the jobs-rich growth is.

We have seen the report in the last couple of weeks saying that it is the renewable energy target that will drive jobs. It is not the CPRS; it is the renewable energy target. There was a report saying that some 28,000 jobs can be created. Every month's delay is not only jobs not created; it is jobs lost from existing businesses. So I think we should bring this on, get this legislation through by the end of next week and be pleased to see people putting more people on rather than putting people off.

Senator PARRY (Tasmania) (9.38 am)—I wish to place on the record that the opposition will be supporting Senator Fielding in his amendment to the motion for the adoption of the Selection of Bills Committee report. We believe that the Renewable Energy (Electricity) Amendment Bill deserves proper scrutiny. Senator Milne just indicated that this is a deferral. That is totally incorrect. This is proper scrutiny of a very complex bill. This bill was introduced into the House of Representatives yesterday. There was no examination available until the bill was introduced. The bill is intrinsically linked with the CPRS suite of legislation, and we wish this to be examined in the same way as that was. That was examined by the

Senate Economics Legislation Committee, which had a reasonable amount of time to deal with that. We wish this bill to proceed to that committee to be examined, with the committee reporting back by 12 August, which is not an unreasonable period of time considering the serious implications of this proposed legislation.

Senator BOSWELL (Queensland) (9.39 am)—I totally disagree with the Greens here.

Senator O'Brien—That's a first!

Senator BOSWELL—Well, it is. We were actually coming together on lot of issues, but I suppose we have to part. I support Senator Fielding's proposition. Once the government linked the RET with the CPRS, the game was over. I will tell you why it was over. It was over because the CPRS legislation starts on 1 July, if it gets through, and the RET starts immediately, so that would mean that the really big EITE employers, the aluminium industry, the cement industry, the paper industry, the zinc industry, the steel industry—just about every industry in Australia that would be given permits—would have no permits and would be subject to being out there with no permits at all. The Greens senators have agreed with this. They believe that tying the two bills together was blackmail. What are we expected to do—just roll over and take this? Senator Milne is. She talks about job creation, but I want to talk about job destruction.

The other reason that you cannot go ahead with this without a full Senate inquiry is that the regulations that underpin the EITE industries' targets or certificates are not known. Unless you know what the regulations are going to be, you are flying right in the face of a disaster without knowing where you are going. There are ongoing discussions between the industries now on what EITE activities are and what certificates are going to be given—whether they are 66 per cent or 94

per cent—and even the activities have not been defined. The agenda is whether they are on all the products or only part of the product or only part of the way that they are manufactured. This has not been decided yet. The activities have not been decided. How can you establish a regulation unless you know what the EITE activities are going to be? You cannot. Without establishing what the activities will be, what the regulations will be and whether they will be 60 per cent or 90 per cent or 55 per cent, it is just impossible to move this legislation through. Senator Milne has been in the paper saying that, totally disagreeing—

Senator Milne interjecting—

Senator BOSWELL—Senator Milne says you can split them. You cannot split them if you do not know what the regulations are going to be. The regulations have not been determined because the EITE issue has not been agreed with the high-end electricity users. They were promised certificates. They were promised that they would get some form of relief. The industries are still in negotiations with the government. The cement industry are not aware of what certificates they are going to get. They know they are going to get some certificates; they do not know whether it is on just part of the manufacturing process or the total manufacturing process—and that is just the cement industry. All the other industries are in the same boat.

If the regulations were there, I would say you could go ahead with it, but the regulations are not there and they cannot be there for the reason that the negotiations are still going on with the high-end users of electricity. So I do not know what the rush is, Senator Milne, because you—

Senator Milne interjecting—

Senator BOSWELL—People are going to lose their jobs all right; you are totally

correct about that. But if this goes ahead without protection in the EITE industry part they are going to lose their jobs and they are going to lose— (*Time expired*)

Senator XENOPHON (South Australia) (9.44 am)—I indicate that, with reluctance, I support Senator Fielding's amendment. I say that because I take on board the arguments of Senator Milne that there needs to be certainty for the renewable energy sector. But I do see there is a point in what Senator Boswell is saying in the sense that if we decouple the RET legislation from the CPRS, which appears to be likely, then that poses some policy challenges. I agree with Senator Milne that the way of the future is with jobs in the renewable energy sector. In the absence of knowing what will occur in terms of the links between the RET and the CPRS, we need to look at this closely.

Until now the two schemes have been interlinked and Senator Milne is right to say that they can be decoupled. I think it is mischievous of the government to say that they cannot be, but there are policy challenges and consequences flowing from that which will need to be the subject of an inquiry to see how that can be done. I think that the policy objective here is: how can we further expand our renewable energy sector? Is this target ambitious enough? How can we have triggers there for the renewable energy sector to expand even further?

There is no doubt in my mind that Australia's future is to go from a high-carbon to a low-carbon economy and that can only be done in part with a strong renewable energy target and having the mechanisms in place for the structural adjustment that is necessary. I think we need this time, some seven weeks, in order to do this. I am reluctant to support it, but I think there is no choice given that it is likely that the CPRS legislation in its current form will not pass or will

be substantially amended. Certainly, it will not go through in its current form, given what the coalition, Senator Fielding, the Greens and I have said. Therefore, we need a stand-alone RET scheme that will do the job to transform Australia from a high-carbon to a low-carbon economy. I want to make it clear right now that the RET legislation must be dealt with soon after the committee reports on 12 August, if that is the will of the Senate, and then we need to get on with it. We need to deal with the policy challenges arising out of a decoupling of the two. That is my position and I hope that we get the answers that we need as a result of a Senate inquiry into the RET scheme.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.47 am)—The government does not support delay. The government does not support the amendment moved by Senator Fielding. The referral of the renewable energy target legislation to the Senate Economics Legislation Committee to report on 12 August is delay. There is time within the program over the next fortnight to deal with this bill. It is in the interests of the renewable energy industry to deal with this matter and not to have the consideration of the bill deferred.

The government does believe that an inquiry could be held and report by 24 June. That would allow—and I think Senator Milne mentioned it as well—a committee to be held on Friday and/or Monday and to report by Wednesday. It would ensure that the RET bill could be considered in the Senate in the following week. The government would then list the RET bill for consideration in the Senate next week on the basis of that. However, it is a matter that we now are in the hands of the Senate to deal with. A quick summary of the numbers does look like Senator Fielding's amendment will be agreed to. This is of concern to the government. It would be preferable for the amendment not

to be supported by the Senate. I do ask the Senate to think carefully about this. It is an important bill. I think Senator Milne has outlined the issues around the bill itself.

It is worth saying in brief: this debate is not about the mechanics or the content of the bill. This debate is about whether we have delay in relation to this issue. The government does not support delay. The Selection of Bills Committee could not reach an agreement in respect of this bill. On that basis it does come here for consideration. The government believes that proper consideration and scrutiny could be achieved, even within the short time that is available, with the cooperation of all parties. However, it does not look like that is going to happen. With regret, I will conclude.

Question put:

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

The Senate divided. [9.54 am]

(The President—Senator the Hon. JJ Hogg)

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

AYES

Adams, J.	Back, C.J.
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.	Ferguson, A.B.
Fielding, S.	Fierravanti-Wells, C.
Fifield, M.P.	Fisher, M.J.
Heffernan, W.	Humphries, G.
Johnston, D.	Joyce, B.
Kroger, H.	Macdonald, I.
Mason, B.J.	Nash, F.
Parry, S. *	Payne, M.A.
Ryan, S.M.	Troeth, J.M.
Trood, R.B.	Williams, J.R.
Xenophon, N.	

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.	Farrell, D.E.
Feeney, D.	Forshaw, M.G.
Furner, M.L.	Hanson-Young, S.C.
Hogg, J.J.	Hurley, A.
Hutchins, S.P.	Ludlam, S.
Ludwig, J.W.	Lundy, K.A.
Marshall, G.	McEwen, A.
McLucas, J.E.	Milne, C.
Moore, C.	O'Brien, K.W.K.
Pratt, L.C.	Sherry, N.J.
Siewert, R.	Sterle, G.
Wortley, D.	

PAIRS

Abetz, E.	Carr, K.J.
Barnett, G.	Stephens, U.
McGauran, J.J.J.	Polley, H.
Minchin, N.H.	Faulkner, J.P.
Ronaldson, M.	Wong, P.
Scullion, N.G.	Evans, C.V.

* denotes teller

Question agreed to.

Original question, as amended, agreed to.

NOTICES

Withdrawal

Senator FIELDING (Victoria—Leader of the Family First Party) (9.56 am)—Given that we have just had the debate, I now withdraw business of the Senate notice of motion No. 2 standing in my name.

BUSINESS

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.57 am)—I move:

That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today.

No. 2 Defence Legislation Amendment Bill (No. 1) 2009.

No. 3 Family Assistance Legislation amendment (Child Care) Bill 2009.

No. 4 Social Security and Other Legislation Amendment (Australian Apprentices) Bill 2009.

No. 5 Tax Laws Amendment (2009 Measures No. 3) Bill 2009.

No. 6 Social Security Legislation Amendment (Digital Television Switch-over) Bill 2009.

Question agreed to.

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.58 am)—I move:

That the order of general business for consideration today be as follows:

(a) general business orders of the day:

No. 67—Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008,

No. 76—Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2008, and

No. 63—Building and Construction Industry (Restoring Workplace Rights) Bill 2008; and

(b) orders of the day relating to government documents.

Question agreed to.

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.58 am)—I move:

That government business notice of motion no. 1, standing in my name, relating to the hours of meeting for today, be postponed till a later hour of the day.

That item on the notice paper would indicate that there are extended hours for today and tomorrow. I think we can rule out tomorrow, just so that everyone understands. In respect of the hours for today, that will be considered later on today; we may seek additional hours. I think the opposition understand that, but it is worthwhile to ensure that everyone in the

chamber is aware of that. There are a range of bills that we as a government do need to get through to allow us to complete the program for next week by next week, and therefore I would be seeking agreement later on today to arrange the hours so that we can complete the relevant business for today. There is, I guess, an expectation that we may finish those bills by an early mark today, or at least by a reasonable time. I do not intend to seek late hours tonight; I do expect that we can try to, with cooperation, achieve those bills by a reasonable hour.

Senator PARRY (Tasmania) (9.59 am)—The opposition is aware of what the government's agenda is. The opposition believes that the agenda can be completed within the regular hours of this sitting day. We are under no circumstances giving a commitment at this stage to extend hours, but we will discuss it with the government later in the day if that becomes necessary. We believe that the hours are sufficient for the program that the government has indicated to us.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.00 am)—The Greens are not disposed towards making arrangements like this where there is no certainty at all about the end of the week and no compelling urgency; and where this debate is on—because of the want of more regular sitting hours, which is what we should be having instead of this sort of debate—extended sitting hours for the Senate. We will reserve our opinion until we see how things unfold.

Question agreed to.

NOTICES

Postponement

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today, proposing a reference to the Standing

Committee of Senators' Interests, postponed till 24 June 2009.

LEAVE OF ABSENCE

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (10.01 am)—by leave—I move:

That leave of absence be granted to Senator Barnett from 18 June to 26 June 2009, on account of parliamentary business overseas.

Question agreed to.

WORLD REFUGEE DAY

Senator HANSON-YOUNG (South Australia) (10.01 am)—I seek leave to amend general business notice of motion No. 462 standing in my name for today.

Leave granted.

Senator HANSON-YOUNG—I move the motion as amended:

That the Senate:

- (a) notes that:
 - (i) 20 June 2009 marks World Refugee Day 2009, and
 - (ii) this year's global theme is 'Real People, Real Needs', recognising the lasting sense of security sought by people who have fled from persecution, in search of freedom, security and safety;
- (b) recognises that:
 - (i) over the past century the global community has witnessed increasing numbers of refugees fleeing from their homeland in fear of persecution, and
 - (ii) as a signatory to the 1951 United Nations Geneva Convention on Refugees, Australia is obliged to protect those seeking asylum from persecution;
- (c) acknowledges:
 - (i) the release of the report, *Amnesty International Report 2009: The state of the world's human rights*, and
 - (ii) that this report highlights the concern with housing children and unaccompanied minors in alternative detention facilities on Christmas Island; and

(d) encourages the Government to:

- (i) provide additional support to specialised service delivery agencies who work with refugees and asylum seekers in Australia, and
- (ii) ensure that no child or family is detained in any form of high security accommodation on Christmas Island, while their visa application is being processed.

Question agreed to.

COMMITTEES

Foreign Affairs, Defence and Trade References Committee

Meeting

Senator TROOD (Queensland) (10.02 am)—I move:

That the Foreign Affairs, Defence and Trade References Committee be authorised to hold an in-camera hearing during the sitting of the Senate on Thursday, 18 June 2009 from 3.45 pm, to take evidence for the committee's inquiry into major economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific.

Question agreed to.

Community Affairs Legislation Committee

Extension of Time

Senator O'BRIEN (Tasmania) (10.03 am)—At the request of Senator Moore, I move:

That the time for the presentation of the report of the Community Affairs Legislation Committee on the national registration and accreditation scheme for doctors and other health workers be extended to 6 August 2009.

Question agreed to.

**EMPLOYMENT SERVICES
CONTRACT 2009-12**

Order

Senator FIFIELD (Victoria) (10.03 am)—I move:

That there be laid on the table by the Minister for Employment Participation, no later than 5 pm on Monday, 22 June 2009:

- (a) all communications and logs of communications, including emails, between tenderers for the Employment Services Contract 2009-12 and the former Minister for Employment Participation (Mr O'Connor) and his staff;
- (b) all purchasing related inquiries, including records of phone calls and emails which were made to the former Minister for Employment Participation and his staff and the responses provided;
- (c) all communications and logs of communications between current service providers and tenderers during the probity period for the Employment Services Contract 2009-12 and the former Minister for Employment Participation and his staff; and
- (d) all documentation relating to any meeting with current service providers or tenderers for the Employment Services Contract 2009-12 and the former Minister for Employment Participation and/or his staff.

Question agreed to.

Senator O'BRIEN (Tasmania) (10.04 am)—by leave—I just want to note that the government did not call a division on this motion. The government have opposed it but we recognise that, with the Greens and the opposition voting for it, it would be carried.

COMMITTEES

**Rural and Regional Affairs and Transport
References Committee**

Extension of Time

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (10.04 am)—At the request of Senator Nash, I move:

That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on the natural resource management and conservation challenges be extended to 11 August 2009.

Question agreed to.

Economics References Committee

Meeting

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (10.04 am)—At the request of Senator Eggleston, I move:

That the Economics References Committee be authorised to hold public meetings during the sittings of the Senate on Monday, 22 June 2009 and Tuesday, 23 June 2009, from 7.30 pm, to take evidence for the committee's inquiry into foreign investment in Australia.

Question agreed to.

Economics References Committee

Extension of Time

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (10.04 am)—At the request of Senator Eggleston, I move:

That the time for the presentation of the report of the Economics References Committee on foreign investment in Australia be extended to 17 September 2009.

Question agreed to.

BURMA

Senator LUDLAM (Western Australia) (10.05 am)—I seek leave to amend general business notice of motion No. 461 standing in my name for today.

Leave granted.

Senator LUDLAM—I move the motion as amended:

That the Senate:

- (a) notes that:
 - (i) 19 June 2009 is Aung San Suu Kyi's 64th birthday and also Women of Burma Day,

- (ii) the arrest and trial of Aung San Suu Kyi under the oppressive state protection law has the sole intent of extending her illegal detention,
 - (iii) the United Nations (UN) Working Group on Arbitrary Detention said that her 13 years of detention is illegal under international and Burmese law,
 - (iv) thousands of villagers from eastern Burma fled to Thailand in June 2009 following military attacks on civilians by the Burmese army and allied armed groups, and
 - (v) between 1996 and 2007 thousands of villages were destroyed, abandoned or forcibly relocated in eastern Burma; and
- (b) calls on the Australian Government to:
- (i) increase its diplomatic pressure on its allies for a UN Security Council resolution on Burma and apply pressure in other forums for the release of Aung San Suu Kyi and all 2 100 Burmese political prisoners,
 - (ii) support a universal arms embargo against Burma, and
 - (iii) refuse to endorse the outcomes of the election in 2010 unless the political climate improves in Burma.

Question agreed to.

COMMITTEES

Agricultural and Related Industries Committee

Report

Senator HEFFERNAN (New South Wales) (10.06 am)—I present the interim report of the Senate Select Committee on Agricultural and Related Industries on food production in Australia.

Ordered that the report be printed.

Senator HEFFERNAN—This matter came to our attention from a company called Cuthbertson Brothers in Tasmania, which I am sure Senator O'Brien is familiar with. The committee concluded that, on the evi-

dence presented to us, Cuthbertsons were being unfairly treated by Swift Australia, the takeover company of the abattoir operation on King Island. It appeared on the evidence given to us that the sheepskins from the abattoirs where the service kills had been cancelled—so there was a sole operator—were being tendered through a process through a gentleman in Melbourne who accepted the bids that were made by the various people that needed the skins in a tender system which allowed Swifts, after the tenders were opened, to then top the price of the tender, which I have to say is a unique way of having a tender system, wouldn't you agree, Senator O'Brien?

On the evidence presented we thought that this was unfairly treating Cuthbertsons, an iconic Tasmanian company, and the resultant economic impact and the loss of jobs on the local communities had quite serious implications. Unfortunately and sadly, Swifts declined the invitation to come and give their version of events. So I can only say that on the version of events that were presented to us and on the evidence by both people who have sheepskins to sell and Cuthbertsons it was, as I say, a unique tender system which has been taken up by the ACCC. We will leave it for them to gather evidence. I can say that it was a worthwhile exploration and quite an important report that we dropped today because, if this conduct were allowed to continue, it would be a serious abuse of market power with a very flawed, as it appears on the evidence, tender system which would then set a precedent for other parts of the industry. I commend the report to the Senate. Obviously, the committee will be keeping a watching brief on the progress of the discussions between the ACCC and the affected parties. Thank you very much.

Question agreed to.

NOTICES

Withdrawal

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (10.09 am)—I withdraw government business notice of motion No. 2 relating to the house of meeting for 22 June 2009.

GUARANTEE OF STATE AND TERRITORY BORROWING APPROPRIATION BILL 2009

First Reading

Bill received from the House of Representatives.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (10.10 am)—I 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 LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (10.10 am)—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—

Today I am introducing a Bill to provide a standing appropriation to pay any possible future claims made under the Australian Government's Guarantee of State and Territory Borrowing.

The Guarantee will support jobs and protect infrastructure programs from the ravages of the global recession.

It recognises that now is certainly not the time for governments to pull back on infrastructure investment. Pulling back on infrastructure investment now would mean even slower growth and higher unemployment.

The Government has decided that the quickest and most effective way to implement the Guarantee was to use the Commonwealth's executive power to establish a contractually-based scheme. This follows the practice used for putting the wholesale funding guarantee into place.

Although the Guarantee is a contractually-based scheme, an appropriation is needed in the very unlikely event the Government needs to make a payment of a claim under the Guarantee.

In order for the scheme to be effective in allowing the States and Territories access to the credit markets, ratings agencies and investors need to be confident claims will be paid quickly if a State or Territory were to default on an obligation.

That is why the Government is acting now to put in place this standing appropriation.

The Bill has two substantive measures.

A standing appropriation is established by the Bill to enable claims to be paid in a timely manner, in the unlikely event that claims are made under the Guarantee, and to allow borrowings made under the Bill to be repaid.

A borrowing power is also provided to enable timely payment of claims should there be insufficient funds in the Consolidated Revenue Fund when the claims are to be paid.

Quick passage of this Bill will ensure that the Guarantee will be fully effective once the contractual arrangements are in place.

The Rudd Government has taken decisive action to stimulate the domestic economy, mostly through direct government investments.

But we know that for this stimulus to be effective, it is essential that states continue to maintain their own investment programs to support the economy, and protect jobs.

There has never been a more important time for governments to support jobs today by building the infrastructure we need for tomorrow.

That's why we are nation building for recovery.

And it's why I'm introducing this legislation today.

I commend the bill.

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

Ordered that the resumption of the debate be made an order of the day for a later hour.

AUSCHECK AMENDMENT BILL 2009

Report of the Legal and Constitutional Affairs Legislation Committee

Senator O'BRIEN (Tasmania) (10.11 am)—On behalf of the chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I present the report of the committee on the AusCheck Amendment Bill 2009, together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

FAMILY ASSISTANCE AND OTHER LEGISLATION AMENDMENT (2008 BUDGET AND OTHER MEASURES) BILL 2009

FAMILY ASSISTANCE AMENDMENT (FURTHER 2008 BUDGET MEASURES) BILL 2009

Second Reading

Debate on Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2009 resumed from 15 June and debate on Family Assistance Amendment (Further 2008 Budget Measures) Bill 2009 resumed from 17 June, on motions by **Senator Faulkner** and **Senator Carr**:

That these bills be now read a second time.

Senator SCULLION (Northern Territory) (10.11 am)—I rise today to speak to the Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2009. The bill has three components: one budget measure and two non-budget measures. The opposition will be supporting all three measures.

Firstly, the bill introduces the budget measure designed to streamline the administration of the payment of a family tax pack-

age. From 1 July 2009 it will no longer be possible to claim family tax benefit through the tax office. Currently some Australian families elect to receive their family tax benefit in the form of a reduction in pay-as-you-go tax instalments. While only a small number of people are affected, some seven per cent of all FTB eligible recipients, this preferred method of receiving the payment will no longer be available. While generally supporting choice, in this instance the opposition will support this measure due to the small number of individuals involved and the efficiency savings realised due to the overall simplification of the FTB payment system. The choice of payment options of fortnightly, yearly and annual adjustments where necessary will remain with no changes to be made to payment rates as a result of the provisions contained within this bill.

Secondly, the bill provides amendments to the Social Security (Administration) Act 1999 to enable the Social Security Appeals Tribunal to review decisions made under part 3B of that act relating to a person who is subject to the Northern Territory income management regime. As most people in this place will recall, the original Northern Territory intervention legislation did not allow appeals of decisions to apply to income management. Ideally and personally I would like to see that situation be continued for all new determinations.

We have a lot of difficulty in understanding exactly how this is going to be pursued. On the basis that it appears to affect such a small demographic, we are not going to die in a ditch about it, but we will be watching that area very, very closely. It just seems very difficult to me in a community where much of the feedback is: 'I'm living in the community. Because I've got to shop with my BasicsCard, I feel stigmatised.' When you are starting to say to people, 'Well, you can come up with specific reasons why you don't

think your particular circumstances are such that you would need assistance with your budget,' I think we are getting into a very, very difficult area, where people are having to make highly subjective decisions. But, given the very small numbers, we would certainly be supporting that.

We are certainly seeing more money spent on food, clothing and essentials and obviously much less spent on alcohol. Life in the community seems to be a world away from some of the despair and dysfunction endured up until about 18 months ago. I acknowledge there is much work to be done. I would certainly hate to think that this measure has been inserted in the bill as part of the signal that there is going to be a slow unwinding of any of the intervention measures. I certainly would not like to see a return to the dark days before the intervention. I understand that the measures that I have indicated affect a few new applicants. I am unaware of how many that will be, as it will not affect the 17,000-odd individuals currently on income management.

Thirdly, this bill will mean that new CDEP program—that is, Community Development Employment Program—participants from or after 1 July 2009 will receive income support payments instead of CDEP wages from CDEP providers. Existing CDEP participants will continue to receive CDEP wages until 30 June 2011, at which time they will also transfer to income support. The coalition wanted CDEP jobs turned into real jobs. CDEP was only ever designed to be a training and development program but unfortunately has evolved into a long-term job program. It also supported the state and territory governments by paying participants to do effectively what the state should have been responsible for. For a number of years the Commonwealth also, particularly in the area of child care in communities, enjoyed not

paying people who should have been paid by accessing the CDEP inappropriately.

It was a great tragedy that, when I spoke to young people in many communities over that period of time, I found that their aspiration was to get onto the CDEP. It was certainly seen as an end game; it was a job for ever. It was seen as an end rather than a process of training to prepare them for a job that would be paid as we would all understand that term. So we must continue to build on the platform that has been set up by the previous government to provide jobs with career and advancement opportunities for those in remote communities who seek advancement. There are presently not a whole heap of opportunities out there, but there are never going to be real jobs if the government sits back and relies on the CDEP and the Work for the Dole program alone. As I said, the opposition support this bill. We do so with the full intention to continue to monitor progress of government measures in the Northern Territory to ensure community life has improved, opportunities for work are created and community members are trained and equipped to take advantage of those opportunities as they arrive.

I will now turn briefly to the second bill being debated, the Family Assistance Amendment (Further 2008 Budget Measures) Bill 2009. This legislation implements three measures that are designed to reduce family social security debt. The first measure will allow Centrelink to adjust the rate of family tax benefit paid fortnightly as an individual's income changes. For the majority of family tax benefit recipients in stable full-time work there is not a problem of potential social security debt. But, for those either in casual work or who are self-employed, obviously the income fluctuations make it very difficult to determine exactly what payment should be made, because you are effectively unaware of it until the determination is made

at the end of the financial year. The opposition supports this measure and will monitor with interest its effect on reducing social security debt.

The second measure contained within this legislation will assist in reducing a debt arising from the overpayment of FTB by ceasing payments if an individual fails to lodge a tax return within 18 months of the end of the relevant financial year. As the rate of FTB is linked to income and a tax return is a method to accurately report income, if a return is not lodged then no FTB will be paid. This will ensure that an overpayment is not made and therefore a debt is not accrued if an individual's income exceeds the threshold once it is reported through a tax return. Of course, we welcome the provision that, if a tax return is lodged within two years, the full entitled rate of FTB will be paid. Again, it is a measure that the opposition will monitor closely as it is implemented to ensure that the social security debt that we intend to avoid is avoided without causing any financial strain upon families.

The third measure makes some minor changes to the provisions surrounding the time in which the Australian Taxation Office can provide details of a customer's details for the purposes of family assistance law. The opposition support this measure, as we support the bill in anticipation that this will achieve the government's stated objectives of ensuring that all eligible families receive the family tax benefit and minimising the incidence of social security debt.

Senator SIEWERT (Western Australia) (10.19 am)—I will largely focus my comments on the Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2009 and then touch very briefly on the Family Assistance Amendment (Further 2008 Budget Measures) Bill 2009. As Senator Scullion articu-

lated, this bill has three schedules. I have little comment on the first schedule other than to say that I agree that very few people will be affected by these measures, and the Greens have no objections to them. Schedule 2 relates to the provision of some appeal mechanisms which, quite frankly, make it look as if the government are doing something but in reality do not really affect the lives of people in the NT because most of the decisions that affect people in the NT under the NT intervention are not appealable under this provision. So, while it looks as if the government are providing a mechanism and responding to people's needs in the Northern Territory, they in fact are not. Under the intervention, one of the areas that people are particularly concerned with and would want to appeal is compulsory income quarantining. The two avenues about which people are concerned and may want to appeal are in fact not appealable.

One of them is the declaration of prescribed areas. Under the act, nobody can appeal that. The minister has to take into account certain factors but, regardless of that, if an area is declared, people in that area cannot appeal it. The second area is about being in a prescribed area and being subject to the income quarantine measures. Again, people are not able to appeal that decision. There are a very small amount of exemptions if you were in an area when it was a prescribed area, but if you do not meet one of those exemptions, you cannot appeal. In other words, this is essentially meaningless to people on the ground, and that was certainly the evidence that we received in the Senate Standing Committee on Community Affairs inquiry into the bill. We would support even a small window of opportunity to allow people the right of appeal. This does not cause any further disadvantage to anybody in those prescribed communities or in the Northern Territory who are subject to the income quaran-

ting, so the Greens will not object to this particular amendment, but we very clearly point out that it does not in any way meet the needs of those people who are opposed to income quarantining in the Northern Territory.

There have been many claims made about the success of income quarantining, but to date there is no satisfactory data to prove it one way or the other. There is a lot of anecdotal evidence, and I agree with Senator Scullion that there are people in the Northern Territory saying that they are glad to have income quarantining—I acknowledge that. There are also a large number of people who do not like income quarantining, which is why the Greens have maintained all along that income quarantining should be done on a voluntary basis. We believe that the reason it was exempted from the Racial Discrimination Act is that it is racially discriminatory. It picks on one group of people and subjects them to compulsory income quarantining.

There are, as I acknowledged earlier, some people who do not mind compulsory income quarantining, but there is a large group of people who do not like compulsory income quarantining, and I think the people who do like it, if a voluntary mechanism had been available throughout the Northern Territory, would probably have used that. There were 800 people using voluntary income quarantining under the Tangentyere Council system when the intervention was introduced in the Northern Territory and there were 2,000 people on the books. If there had been discussions with the community, the government may well have been able to come up with a system of voluntary income quarantining that could have been expanded throughout the Northern Territory that did not require the measure to be exempt from the RDA but helped people manage their finances.

If the object of the exercise was to ensure that people had access to fresh fruit and vegetables and spent their money on the wellbeing of the children, which is what the government claimed it was, they could have introduced a much better support and education system with that measure. As I touched on earlier, there are claims that this has increased the sales of fresh fruit and vegetables and other things to the benefit of children. For a start, those claims are based on surveys from the stores that of course are going to want to show that they have been increasing sales of fresh fruit and vegetables.

I have acknowledged there have been some positive elements to the intervention, but they could have been brought in without being exempted from the Racial Discrimination Act. One of those is the better provisioning of stores. Licensing of the stores, in general, has been better. There are still some issues there, but stores have been forced to bring in fresh fruit and vegetables and a better supply of food. If you supply it, people will buy it. If you make sure the stores are providing what the communities want, the people will access those stores. If you look on the website, there are a number of evaluations, but there has not been that level of independent assessment of the provisioning of those stores. Nor has there been a look at what happens when you improve the supplies of these stores, regardless of the intervention. What happens when you tighten up the stores act to ensure that they do supply provisions—and, I have to say, at a reasonable price?

The other point that was brought up during the committee inquiry was the fact that some communities do not have a licensed store. People are having to spend a lot of money to travel to licensed stores. The Senate Select Committee on Regional and Remote Indigenous Communities heard this yet again when we were in Darwin in May. We

heard from the homelands association and from Arnhem Land that people are having to travel great distances to get access to a licensed store and it is costing people a great deal of money. Therefore, when this measure was introduced it caused great hardship to those communities, and those people, under the provisions of schedule 2 of this act, are not able to appeal because they are in a prescribed community.

So the government look as if they are doing something good, but they are not really, because they are not allowing people to appeal against compulsory income quarantining in itself. So, as I said, while the Greens oppose compulsory income quarantining—we have concerns that the government look as if they are doing something or not doing something—we are not going to oppose that particular schedule.

The schedule that we are particularly concerned about is schedule 3, which deals with CDEP. There has been much discussion about CDEP. In fact, there has been much mud slung at CDEP in that it is 'sit-down money', whereas a lot of the facts do not actually justify calling it sit-down money. Yes, there are problems with CDEP—I will absolutely acknowledge that. I do not think you could have a debate about CDEP without acknowledging some of the past issues with it. But, instead of throwing the baby out with the bathwater, why don't we fix CDEP so it can function in the manner in which it was originally envisaged? The government will say, 'We're not throwing the baby out with the bathwater,' that CDEP is continuing and transitioning. Well, it is not doing that properly.

What the government are doing—and let's be quite clear about this—is trying to move away from CDEP so that they accomplish the same thing that the Howard government wanted to accomplish when they brought in

the Northern Territory intervention, which was to cut CDEP completely so they could move people off wages, which it could not quarantine, and onto income support, which can be quarantined. The ALP government then came in and reintroduced CDEP. Now they are changing CDEP. In non-remote areas people will be moving off CDEP as of 1 July, and I will go into the numbers in a minute. In remote areas there is a transition period, but any new people who go onto CDEP will go onto income support rather than wages, because the government can quarantine income support. That is in the Northern Territory. You can quarantine income support; you cannot quarantine wages. So they are essentially now doing what the previous government was doing—that is, subjecting those people to income quarantining.

CDEP, as I indicated, is very important particularly to regional and remote communities where it does provide jobs. I acknowledge that there are anecdotal stories that it is sit-down money and that there are issues, but we should be fixing those issues rather than getting rid of the whole scheme. We think there needs to be a much stronger emphasis in the CDEP scheme on training and skills development to address what is a significant gap between the low levels of education and work experience in a number of communities and actually genuinely meeting people's needs. Studies of the program have found that a high proportion of CDEP residents work much more than the standard 15 hours per week and are much less likely to drink or be arrested. They have higher rates of participation in community and cultural activities than those who are unemployed. There are higher rates of full-time employment in communities that have CDEP schemes, and participants are much more likely to move into paid employment. We believe the most recent focus on CDEP as a labour market program has overlooked the most important

community development role that the program has played in the past in developing community infrastructure and delivering community services.

CDEP has unfortunately also been used by federal governments, territory governments and local governments to essentially cost shift around the need to provide wages and support for properly funded jobs. I divert for a minute, as people keep talking about proper jobs and real jobs. Many people who work on CDEP have real jobs; they are just not paid properly. Saying that we are shifting people to real jobs I think is being really rude to the people working in those jobs. The people who are working in art centres, the people who are working in child care—I will come back to child care in a minute—are doing proper and real jobs; it is just that the federal, territory and local governments—I am talking about the NT here but it does apply to states as well—have used that funding to subsidise what they should be paying for. That is not Aboriginal people's fault; it is government's fault for not actually paying real money, stumping up the money, for the work that needs to be done. When we were in Alice Springs we were talking to a health organisation that was running child care. Senator Scullion was there, and so was Senator Adams. This organisation was running childcare services but was still operating on CDEP money. They had not been transferred to real jobs—and I use that label only because that is what the government has been calling them—but were still on CDEP jobs. They had not been converted to properly funded childcare jobs. That is one of the areas that the federal government had said it would fix, but it has not been fixed.

In the NT at the time of the intervention there were just over 8,000 people on CDEP, and there was a big move at the time, which we supported, to provide funding to convert CDEP jobs to fully paid jobs. But, at the

time, they highlighted the fact that there was money for only around 2,000 fully funded positions. In questioning at the inquiry into this bill, and recently at Senate estimates, we found that the latest figure for fully funded positions, in respect of Australian government and local service delivery in the Northern Territory alone, was 2,014—2,014 jobs. There are 6,000 people still on CDEP in the Northern Territory. So, of 8,000 or so positions that were CDEP, only 2,000 have been converted to jobs. There were 8,000 people employed in CDEP, and a quarter of those have now been provided with properly funded jobs, if I can call them that. Most of the positions in the NT will not be transitioning out of CDEP in June, I acknowledge that, but the figure we got from estimates two weeks ago was that there were a total of 16,291 CDEP positions around Australia. I will not go to the detail now; people can find the breakdown of that in estimates answers in *Hansard*. It is broken down by people in each state, but the figure that is important for this debate right now is that there are about 4,000 people who will be coming out of CDEP and going into mainstream job service providers, although I do acknowledge there will be some specific Indigenous job service providers. At the time of estimates, unfortunately, the department was not able to tell me how many of those 25 Indigenous job service providers would be able to support the 4,000 people who are coming out of CDEP. At the moment it is not clear whether those 4,000 will be able to access the 25 specialised service providers or not.

The point here is that these people are coming out of CDEP and, in most circumstances, going onto income support. In a study done by the Centre for Aboriginal Economic Policy Research at ANU, they were able to identify, although there is a lot of churn, that of the 16,000 people who had previously come out of CDEP around 40 per

cent went onto income support. However they think that, because there has not been too much study done on this, as many as 70 per cent of those people could be going onto income support. When I asked the department during the inquiry about how many of the people that are coming out of CDEP are going onto income support, the department was not able to tell me because that information is not collected. So we actually do not know how many of the 4,000 people who are coming out of CDEP as of two weeks time will be going into jobs or going onto income support. As to the future people who will be transitioned out of CDEP through the transition process, we do not know, again, how many people will be going onto income support or into the properly funded positions.

We do not believe that this is an appropriate approach to dealing with the huge problems that Aboriginal people face in being work ready. It has been acknowledged, and I know the government and the coalition acknowledge this, that there are huge hurdles that need to be overcome to enable Aboriginal people, particularly in rural and remote areas, to be job ready. We also have to look at the type of jobs that we traditionally have seen as being available in rural and remote communities. That is where we need to be looking more broadly, and it is where CAEPR also argues that we need to be looking at funding alternative economic development mechanisms and we need to be putting real money into the sort of land management that is absolutely essential in regional communities.

We need to be providing more funding—and here I will acknowledge that the government has been putting more funding into land and sea rangers and into Caring for Country projects, but it is not enough to provide the level of management that is needed. Very significant natural resource management is required in Australia and it is under-

funded. Our biodiversity loss continues at a very alarming rate. The management of Aboriginal land and the contribution to carbon offsetting is huge. Aboriginal understanding of land management is unparalleled. There is all the expertise there and we need to value it properly and we need to put more money into supporting development and training.

Another issue that the committee identified during the inquiry, when we travelled to local communities to talk to them, is adult education. In all areas in South Australia, the Northern Territory and Queensland, where the committee travelled quite extensively, one of the overriding issues that we encountered is the lack of access to adult education. When we talk about adult education we are not talking about people aged 20, 25 and above. We are talking about, in some communities, ages over 13. Once a young man has gone through men's business, he is regarded as an adult. He cannot go back to school with boys and certainly not with girls. Those young men need another avenue of access to education, and it is not being provided. (*Time expired*)

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (10.39 am)—I thank senators for their contributions to this debate on the Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2009 and the Family Assistance Amendment (Further 2008 Budget Measures) Bill 2009. These are very important bills, which are being handled cognately, and the government is highly committed to them. I must say that it is a great pleasure for me to be involved, because one of the only good things about being in opposition for many years is that, as opposition spokesman, you get to do most jobs. Two of the jobs I got to do were family services and Indigenous affairs. It is good to see many of the things that we advocated and supported being reflected

in government legislation. This obviously picks up the very vexed problem of family tax benefit debt, which has been a huge concern and is something that I had a lot to do with, and the reform of the CDEP, which is also a long overdue and important measure to assist Indigenous people into, if you like, mainstream, fully paid employment. I thank senators for their contributions and for the general support around the chamber. Obviously we will deal with Senator Siewert's amendment in the committee stage.

Question agreed to.

Bills read a second time.

In Committee

Bills—by leave—taken together and as a whole.

Senator SIEWERT (Western Australia) (10.41 am)—I have circulated an amendment in the chamber, as I indicated I would. The Greens oppose schedule 3 and seek to exclude it from the Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2009. As an aside, could I suggest to the government: could you do a bit better naming of some of these bills, because we have the 'further 2008 budget measures' and I am sure that soon we will have the 'other further amendments' and then the 'other, other further amendments'. It does make it easier for us poor legislators if the names are slightly different.

Senator Chris Evans—It is all part of a cunning plan.

Senator SIEWERT—Yes, I suspected as much. The Greens oppose schedule 3 in the following terms:

- (1) Schedule 3, page 7 (lines 2 to 16), **TO BE OPPOSED.**

I think I articulated in my speech on the second reading that we are concerned that this is not the right approach to dealing with CDEP. We acknowledge that changes are needed but

we think that this is not the right way to go. We do not support moving people onto income support, because in Aboriginal communities the very real sense of having a job is very important. I have spoken to a lot of people who articulate that very clearly. They feel that having a job helps their self-esteem and helps their standing in the community. Putting people onto Work for the Dole, into work experience or onto income support undermines that. We do not think this is the right way to go. We think that there should be greater emphasis on addressing the issue I was talking about earlier: adult education and providing more resources for that. That is particularly important because funding is not available through the TAFE system for basic literacy and numeracy, which is absolutely essential before people can take on other training. This is the consistent message around Australia. We need to address that, and states and territories need to address this as well. I am not trying to let them off the hook. They need to be accrediting those courses, providing funding and making sure that education is accessible to all those who want it and not just through what we see as traditional primary or secondary education. That is not working in many communities. Instead of trying to make Aboriginal communities meet the requirements of that strict approach, we need to be much more flexible and provide those resources, education and training support for communities.

I do not want to speak on behalf of the committee, but I know that that is very strongly felt by the members of our committee. We may disagree a little bit on how to go about it, but it is one of the key issues coming out of communities wherever we go. We need to address issues around better directed skills and training. We do not think the changes to CDEP cut the mustard. They do not meet communities' needs. That is why we are opposing schedule 3. We are saying to

the government: please look at this issue again. We do not think it is going to help. We think it is going to make the situation worse. People are feeling undervalued and undermined by the changing of this scheme.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (10.45 am)—I thank Senator Siewert for her contribution. I know she feels very strongly about this and has a very strong commitment to Indigenous people and their welfare and opportunities in our community. But, obviously, the government will be opposing the amendment and insisting on the schedule as proposed. I think we are all aware that reform is needed in the CDEP area. I think the tension that came to exist between the community development objectives and the employment objectives for Indigenous people resulted in a scheme that was not delivering as much as it should and can. This reform is designed to ensure that we continue support for communities, their developments and the services that they need but it is also designed to make a real effort to ensure Indigenous people have opportunities for—I do not want to use the word ‘mainstream’—employment that is fully paid and properly recognised in the mainstream economy, if you like. I think this reform is important in trying to balance those tensions that existed in the CDEP scheme to get the best result for Indigenous people.

There were certainly barriers to people moving into employment opportunities under the way the previous scheme was operating. We all recognise that. Good people and good work were not being recognised, were not being awarded appropriately and were being denied opportunities to move into other employment opportunities. So this is an attempt to get a better balance in the community development objectives but also to make sure that Indigenous people get the proper training, education and employment opportunities

that they deserve and to make sure that there are not barriers or disincentives or false signals in the system that prevent them getting those opportunities. We think this will make a difference. I note Senator Siewert’s contribution and I am sure there will be a lot of effort put into monitoring and assessing the experience in this area. We will obviously be open to feedback, but we think this is an important change and we would appreciate the support of the Senate.

Senator SCULLION (Northern Territory) (10.47 am)—I waited for the government to speak because I was only just provided with the amendment—literally just as you were speaking and sat down, Senator Siewert. So I actually had not seen the amendment. There is no mystery in that. I am just saying that—

Senator Siewert—It was circulated.

Senator SCULLION—Well, I had not seen it, in any event. It has only just been placed in front of me. All of the things Senator Siewert said are right, but the reason I will not be supporting the amendment is that, if we are moving people who are inappropriately placed or who are in a program that is not working, then it is quite clear that we need appropriate programs in those communities. Like you, Senator Siewert, we will be looking very carefully at those, at what the government’s intentions and activities are in that area. I will be as rigorous as you in that direction. The principal reason we will not be supporting the amendment is that it does not deal with introducing any of those things or any of those sorts of programs. The government has put on the record their intent in this area—and I thank the minister for that. We will be monitoring their activities in that regard.

Senator SIEWERT (Western Australia) (10.48 am)—Can I just respond to Senator Scullion briefly. I do not know why Senator Scullion did not receive the amendment. It

was circulated in the chamber earlier in the week, because I did not want to surprise people. So I am not sure what happened there.

I would also like to ask the government if they could ask the department to speed up an answer to a question I asked at estimates—which, I understand, the department took on notice—which was about access to the 25 specialist Indigenous job service providers. It would be very handy to get access to that information. I raised this during my speech in the second reading debate: there are 4,000 people who are about to move off CDEP, and I would like to get an understanding of where the 25 providers are and whether they are going to be able to service those 4,000 people. I am not having a go. I asked this at estimates only two weeks ago. But, if you could speed up that answer, that would be much appreciated.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (10.50 am)—I was just about to be helpful, Senator Siewert, when I was advised that it was a question to DEEWR and is actually their responsibility. But I will still try and be helpful. I will ask Ms Macklin's office to ring DEEWR and ask someone from the department or the minister's office to ring you and, if they cannot give you the answer, at least tell you when you are going to get it.

Senator SIEWERT (Western Australia) (10.50 am)—Thank you. I am not going to prolong this any longer than necessary. I thank the minister for that. I must say that this is one of the issues that we constantly come up against. This is one of the reasons we so like the cross-portfolio estimates process. I acknowledge that this is DEEWR—and I am not having a go about the fact that you cannot answer the question and cannot make a promise on behalf of DEEWR—but the

fact is that this bill deals with DEEWR and FaHCSIA, and it is very difficult trying to debate an issue when there is one department here and not the other when this crosses both portfolios. This is an issue that comes up all the time when we are dealing with Aboriginal issues. I am not having a go. I am just trying to continue to bring up with government the issue that it is very difficult to deal with—when we are talking about CDEP but we cannot get access to answers because it is another department that implements it. Then you bring in Human Services and Centrelink and it is another whole department. It is extremely difficult sometimes to get to the bottom of issues in one go, because we are continually having to go back to another department.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (10.51 am)—Just briefly, I do not share the senator's love of the joint Senate estimates process. In my view, I am not sure that it works. I take her point, but I do make the point that the alternative is for the government to seek to make one agency deliver all services to Indigenous people and see us develop the sorts of problems we developed with ATSIC of underfunded services. I strongly believe in mainstreaming and making all departments deliver to Indigenous people as citizens of this country. As long as we look to do that—which I think is a shared objective—we are going to have the problem about departmental accountability. But the answer still is that we will ask Ms Macklin's office to ring DEEWR and get them to ring you. The answer may well be unsatisfactory, but you will have an answer as to when you are likely to get the information you are seeking.

The TEMPORARY CHAIRMAN (**Senator Crossin**)—The question is that schedule 3 stand as printed.

Question agreed to.

Bills agreed to.

Bills reported without amendment; report adopted.

Third Reading

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (10.53 am)—I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

GUARANTEE OF STATE AND TERRITORY BORROWING APPROPRIATION BILL 2009

Second Reading

Debate resumed.

Senator COONAN (New South Wales) (10.53 am)—I rise to speak on behalf of the opposition in response to the Guarantee of State and Territory Borrowing Appropriation Bill 2009. I will indicate at the outset our support for the legislation but also indicate that I will at an appropriate time be moving an amendment which I will get to a little bit later. The Guarantee of State and Territory Borrowing Appropriation Bill provides for a standing appropriation to pay for any future claims should any state or territory government default on loans that are guaranteed by the Australian government's guarantee of state and territory borrowing. Money is to be appropriated from the consolidated fund and, if there is insufficient money in the fund, the bill provides for authority of the Commonwealth to borrow money to pay claims to creditors.

We are obviously hoping that the prospect of any default would be a very, very unlikely circumstance. In those circumstances, we do appreciate that this bill is more procedural in that it provides substance to the guarantee which has already been announced by the

government and which the market is pricing into the issuance of government bonds. Even though state governments have declared that they will access the government guarantee, with the way in which events have unfolded, it may not in fact occur. I think New South Wales may have said that they will access the guarantee. But, quite understandably and appropriately, the market is already pricing into the cost of semi-government issuance the federal government guarantee.

It is estimated that the states will increase their borrowings from the existing \$100 billion outstanding to about \$160 billion in the next three years. I think one of the reasons is that, when you start to actually delve through the detail of state budgets, you can see the pressures that are already evident, and the windfall payments from the federal government are at the moment, I think, propping up state budgets. The net impact is that the states are in fact in some cases reducing and replacing their own capital expenditure with the money that is provided by the Commonwealth. That, I think, should certainly be looked at. If it is correct, it is alarming, but it also devalues the stimulatory impact of the Commonwealth government's expenditure because it simply substitutes state government expenditure with Commonwealth expenditure.

The thing about this is that the states have traditionally carried—and still do carry—the great bulk of infrastructure expenditure in Australia, as is appropriate. Roads, public transport, schools and hospitals are all, in the main, run by state governments, and not only new capital work programs and the integration of those capital programs into existing infrastructure but also, significantly, the maintenance of those capital works programs are very much the domain of state governments. But obviously that in turn puts pressure on their capacity to actually raise finance.

This bill obviously addresses where there is insufficient funding in the Consolidated Revenue Fund to pay a claim. The bill also allows the minister to borrow money to top up the Consolidated Revenue Fund for the purpose of paying the claim. The borrowing must not be for a period exceeding 24 months and includes raising money or obtaining credit whether by dealing in securities or otherwise. The provision of this guarantee will only cover securities which the states choose to make subject to the proposed guarantee, as I said. Due to the recent economic conditions, and the deterioration in those conditions, we do note that state governments are finding themselves in a position where they are increasingly borrowing more money.

It does appear pretty obvious that state governments have found it increasingly difficult to compete against the federal government when it comes to the issuance of bonds. This is in part due to the attractiveness of the Commonwealth government's AAA credit rating—which, mercifully, we still have—and the lower comparative risk associated with Commonwealth government bonds. It is also worth noting that ratings agencies generally do not allow subordinate governments or companies a credit rating above that of the sovereign. So a downgrading of the national government would likely raise costs for all Australian borrowers. As I have said, thankfully, that does not appear to be the case.

During the inquiry the point was highlighted about the states' attitudes towards debt and the impact of their credit rating on their borrowing capacity. The states are looking to increase their massive amount of borrowings and, when added to the current government mountain of debt, which will peak at about \$315 billion in 2013-14, it must give us all pause for thought as to the appropriateness of this guarantee. But, having said that, I do reiterate that the coalition will not

be opposing this bill. We will, however, be moving an amendment at the committee stage. The amendment will allow for the establishment of a register of government borrowings. There are a number of reasons for this, and they were outlined by the shadow Treasurer, Joe Hockey, in the House. He referred to the fact that it may not have been necessary to have a register of government borrowings when \$55 billion—which is about the average from the Australian government over the last 10 years—was at issue. But as we are now going down the path of some \$315 billion on issue, obviously different considerations apply. It is clear that with semigovernment debt involved—that is, the state governments' issuance—it could, as I said, be looking at least at another extra \$160 billion. In our view Australia should follow the lead of other countries, particularly the United States, and have a full disclosure of who the major lenders to the Australian people are.

We realise that this can be a very complex issue. It might sound pretty complicated because these bonds are traded all the time. But, indeed, so are shares. As Mr Hockey also mentioned in the House, even in parliament we are expected to have full disclosure and we agree with that. There are registers of their shareholders that are run by companies, and the general public can go and check who the shareholders are. There is full disclosure in relation to millions of shareholders who own shares in Australia. On the other hand there are hundreds, and perhaps even thousands, of major entities that own Australian government bonds and that are not currently required to have their details disclosed. Questions were put in the recent estimates to the Australian Office of Financial Management about that and about how feasible it would be to have greater disclosure or to maintain a register. It is a fair summary, I think, to say that they said they obviously did

not know who the ultimate owners of the bonds were but they did have a suspicion about who owned Australian government bonds. They referred those of us sitting on the Senate Economics Legislation Committee to the Australian Bureau of Statistics, saying that it does, in fact, collect data about share ownership. It goes to the custodians, of which there appear to be just six, and it conducts a survey.

Inquiries have been made of the deputy chief statistician as to why the Australian Bureau of Statistics could not disclose the domicile of the ultimate holders. My understanding is that the statistician was to get back to my colleague Mr Hockey but that the matter as to why it might be difficult to collect the data to at least reveal the domicile of the ultimate holders has not yet been resolved. It was put to the chief statistician that certainly there could be disclosure by regions but, as I said, that matter has not yet been resolved. The Australian Bureau of Statistics is obviously an independent entity and we in the coalition certainly hold them in high regard. We do think that it is not beyond their wit and will, if required to do so, to be prepared to work out ways that would allow much more information relating to the ultimate buyers of bonds and perhaps the regions from which they come to be put on a public register. So that is really the thrust of the amendment. There will no doubt be an opportunity to address it when I move it. As to the substance of the bill that we are addressing here, we indicate our support for the legislation.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (11.05 am)—As Senator Coonan has just outlined, the Guarantee of State and Territory Borrowing Appropriation Bill 2009 has the purpose of enabling the Treasurer to provide a guarantee to the states upon request for bonds or debt and if there is a need for it to borrow

money for that purpose. The bill is about guaranteeing funding to the states for infrastructure spending. Bond markets have experienced liquidity problems in the last year or two but data from the Reserve Bank indicates that this is slowly recovering. As with the so-called Ruddbank legislation, we are being asked here to support another major spending program—and this could potentially be a huge spending program—by the Commonwealth on issues where the urgency of the matter seems to have retreated somewhat.

An example of my concerns is over the infrastructure spending by the New South Wales, Queensland and Victorian governments that indicates, in the case of the first two, they may be accessing the loan guarantee scheme. That could lead to Commonwealth guarantees of quite massive loans for such things as coal transport and port infrastructure for increasing export of coal to the rest of the world. Australia is already far and away the world's biggest coal exporter in an age of dangerous climate change. The latest UN reports say that 300,000 people died in the last year as a result of climate change. So here we have the federal government using taxpayers' money to support old, polluting industries but passing up this great opportunity to ensure that there are green bonds that will be supported through this loan mechanism and a green new deal for the economy.

It is notable that the need for this guarantee arises from the guarantee provided to the private sector banks, because the imposition of the bank guarantee certainly made it harder for state governments to obtain debt funding. I foreshadow an amendment from the Greens in the committee stage. I will be asking the government about what guarantees it can give to the Senate and whether indeed there is any limit whatever on the Commonwealth guarantee being offered through this legislation to the states. The

government has stated that this bill will create an unquantifiable liability on the budget, on the basis that it is unlikely that a state government will default on its outstanding loans. One could wonder immediately whether we ought not to be ready to deal with such an exigency when it occurs rather than in the general way in which this legislation offers to back up state governments before any such event of default or potential default has even come into focus.

If called into use, this guarantee could lead to billions of dollars more debt for the Commonwealth. The coalition has been consistently critical of that potential growing government indebtedness yet is apparently going to support the legislation. In that circumstance, the Greens amendment becomes very important. We will be seeking to ensure that any guarantee provided to a state government is supporting projects for infrastructure which is responsible and socially valuable. By 'responsible' I mean environmentally responsible. Our proposed amendment follows on from the concerns I mentioned earlier that the money could be used to fund coal ports, more tollways or more climate-change-unfriendly projects from state governments, which do not have the national responsibility that we have, as we approach Copenhagen, to ensure that this country is on a green trajectory to reduce greenhouse gas emissions and is not potentially, through the mechanism we have in this bill, putting billions into fostering greenhouse gas emissions in this country when there are better alternatives.

We can only speculate on the projects. Another one that would be of great concern to the Greens would be the seawater reverse osmosis desalination plant proposed for the Bass Coast in Victoria. As you may know, Acting Deputy President, the funding model chosen there is a public-private partnership—it was chosen by the Labor govern-

ment in Victoria—which is creating a necessity to profit from water. Veolia, which runs Melbourne's rail network, or another French company, Degremont Suez, will lead a consortium to implement and profit from this plant, I am informed. An internet search reveals that both of these companies have questionable corporate ethical and human rights records—and, indeed, environmental records, although the environmental projection may be something that quite a lot of money has gone into. Internationally, these companies have recently lost sizeable chunks of their business as a result of adverse publicity and boycott campaigns. The Victorian government is about to hand over a third of the water supply in Melbourne to one or the other of those consortia, in effect.

Certainly the Senate and the national parliament ought to be very careful indeed that, if we are going to be offering state governments, including the Brumby government in Victoria, guarantees for potentially billions of dollars for polluting, disruptive, job-losing projects like the desalination project on the Bass Coast—where there are much more prudent and feasible alternatives for the supply of that water through proper use, for example, of the rainfall over the metropolitan area of Melbourne—we should have a debate about that in this parliament. The proposed Greens amendment is aimed at ensuring that there is some environmental record of the projects that the government is proposing to guarantee with billions of dollars of Australian taxpayers' money. I foreshadow an amendment in the committee stage to page 3 of the bill to add clause 7, a schemes rules requirements clause, which will say:

Scheme Rules must include provisions that limit the Deed of Guarantee so that it cannot be applied to borrowings relating to projects that will have a significant negative environmental impact or result in significant greenhouse gas emissions lo-

cally or internationally, and for which there are ... prudent or feasible alternatives.

Senator SHERRY (Tasmania—Assistant Treasurer) (11.14 am)—Firstly, I thank senators who participated in the debate on the Guarantee of State and Territory Borrowing Appropriation Bill 2009. As I have said on many occasions in this chamber, the global financial crisis and the ensuing economic impact—that is, a world recession of a very deep and substantial nature, the worst in 75 years—continue to wreak havoc on economies around the world. Almost every advanced economy is either in recession or recorded a decline in GDP late last year, and the world economy is expected to contract in 2009. Despite all of this, of course, Australia is well placed when compared with economies around the world. However, Australia is not immune from this impact. Whilst Australia's financial markets are strong, they have been affected by the global financial crisis.

The market for state and territory bonds has also been affected, and liquidity in semi-government bonds has been severely constricted. This threatens the capacity of state and territory governments to deliver critical infrastructure projects that will support jobs in the face of this global recession. Again, Australia is not unique. From general observation, I am certainly aware of the impact on state governments in the US, for example, where a number of states are in extraordinarily dire circumstances. California is one that comes to mind.

It is crucial that states and territories are able to access the credit markets, and this guarantee of state and territory borrowing recognises that. Indeed, supporting semigovernment bond markets is critical to maintaining the capacity of state and territory governments to deliver nation-building infrastructure. Reducing such investment would hamper recovery from the global recession. That would, in turn, cause slower growth and

higher unemployment. That is why the government is putting in place this guarantee. It is an initiative that will complement the government's other wide-ranging and decisive initiatives to support the economy and protect jobs. The government's actions have helped maintain confidence in domestic financial markets and enabled lending to continue to provide further support for economic activity.

As well as this guarantee, the government's early and decisive action has provided certainty that bank deposits are safe. This has enabled banks to continue lending to households and businesses, providing vital support to our economy. State and territory government infrastructure spending, as supported by the guarantee, will work hand-in-hand with the government's own infrastructure investment to build a stronger Australia and provide employment opportunities in the short term while providing economy-supporting capacity in the longer term. In particular, the government's Nation Building and Jobs Plan includes a direct investment of \$29.9 billion in schools, housing, energy efficiency, community infrastructure and roads as well as support for small business. This represents the largest annual increase in public investment on record and is very appropriate in the current serious world economic circumstances.

The assistance to states and territories through the provision of the guarantee and the recent reforms of the federal financial relations framework, agreed to by COAG in November 2008, have been vital in enabling the Australian government to work collaboratively with the states and territories to respond to the global financial crisis. Starting from 1 January 2009, the new framework has considerably improved Commonwealth, state and territory government collaboration by increasing flexibility to direct funding at the

state and territory level. It clarifies roles and responsibilities and improves accountability.

Turning to the details of the guarantee, the bill is essential to providing investors with the assurance that state and territory borrowing will be supported by an Australian government guarantee and that potential claims under the guarantee would be paid in a timely manner. To do this, the bill provides a standing appropriation so that, in the very unlikely event that claims were made under the guarantee, they could be paid in a timely manner. A standing appropriation is also put in place to allow any borrowings made under the bill to be repaid. A borrowing power is also provided to allow timely payment of claims should there be insufficient funds in the Consolidated Revenue Fund in the very unlikely event that a claim would need to be paid.

The government is working closely with the states and territories to finalise the guarantee so as to have it in place as soon as possible. I will clarify one thing. My advice is that all states and territories support this approach. I say 'all' because the Western Australian Liberal state government also supports this approach.

With those remarks, I further thank senators for their contributions and urge that the Senate support the legislation.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator COONAN (New South Wales) (11.20 am)—I move opposition amendment (1) on sheet 5821:

Page 3 (after line 2), at the end of the bill, add:

7 Public Register of Government Borrowings

- (1) The Australian Office of Financial Management must establish and update

each month a register to be known as the Public Register of Government Borrowings.

- (2) The register is to be maintained by electronic means.
- (3) The register is to be made available for inspection on the Australian Office of Financial Management's website.
- (4) The register must be in a form prescribed by the regulations and must record the beneficial ownership, by country, of:
 - (a) all securities on issue by the Commonwealth of Australia; and
 - (b) any Commonwealth of Australia guaranteed issuance by any Australian State or Territory.
- (5) As soon as practicable after the end of each quarter the Australian Office of Financial Management must publish on its website the register containing the details that were current as at the end of the quarter.
- (6) The Australian Office of Financial Management must include in the Register each quarter a statement of the Office's opinion as to the domicile of the beneficial owner of securities if nominal ownership is registered in a country other than the actual domicile of the beneficial owner.
- (7) In this section:

quarter means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October.

8 Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

The basis for the amendment is to seek greater transparency in relation to the beneficial ownership of bond investment in Australia.

lia. Our inquiries indicate that both the United States and New Zealand have been able to maintain registers that provide information on the public record to people who wish to ascertain it.

Before addressing exactly what we are seeking in the establishment of a public register of government borrowings, I might mention that what we know is that by the admission of the Treasurer more than 65 per cent of all Australian government bonds are borrowed by people and interests offshore. That, of course, is consistent. It is not surprising, because Australia is a net exporter of capital, but we in the opposition have a concern that our borrowings are now on a scale that Australia has not done before. We are borrowing at a magnitude at which we have never previously borrowed. It is not the private sector at risk but taxpayers more generally, particularly if the buyers are governments offshore. We believe that it is in the interest of transparency—and, indeed, in the interest of the nation and the interest of taxpayers—that we know who is lending all this money to the Australian government. We are not saying that we have a view that there is any underlying inappropriate investor. We have absolutely no reason to believe that. But we think there is a mutual interest—indeed, a national interest—in more transparency.

We think that the establishment of a register and more public information, even if you were able to identify by regions the beneficial owners or the buyers of bonds, given that a lot of bonds are bought on behalf of nominees for ultimately beneficial owners, would enable much better targeting for the government. The government is going to be out in the market, issuing an extraordinary amount of debt, and we have seen instances—yesterday was one—where, for example, it was very difficult for the Queensland government to get their issue away in

competition with the Commonwealth. It is not a good thing commercially for governments to be falling over their feet in the sequencing of how the bond issues proceed, and we thought that it would provide much better information for officials assisting the government to be able to properly place future bond issuances. We think that on two grounds there is a clear public interest in greater transparency, but it is also very difficult to see that there would be any risk to anyone by having greater information about who is actually lending all this money to the Australian government.

In the last 12 months, we saw the Chinese government, for example, naturally and understandably express concerns about the risk of their massive investment in the United States, particularly in US sovereign bonds. There is a risk not only to Chinese wealth from the devaluation of the US dollar but also to Australians if those bonds become far more expensive or if they are mispriced in the interests and protection of the Chinese investors. We think it is appropriate for us to find out what is happening in Australia. We need to know, for example, the extent to which major superannuation or fund management firms from, say, Japan are the investors. Is it countries that have investment vehicles domiciled in Bermuda? Is it just general investors from the United Kingdom? We think we need to find out and are interested to know who the major holder of Australian government bonds is. It may be the Chinese government. In saying all this, I want to stress that it is not our contention that any of this investment is inappropriate. The basis for our concern is that we think that there needs to be much greater transparency and that it has not been beyond the wit and capacity of other countries—I mentioned the United States and New Zealand—to provide much more information than the absolute wall of silence that we are greeted with when

we actually seek this information from the Australian Bureau of Statistics or the Australian Office of Financial Management.

In this amendment we are asking that some best endeavours be made here and that the Australian Office of Financial Management establish and update each month a register to be known as the public register of government borrowings, that it be maintained electronically and that it be made available for inspection on the AOFM website. It will contain and record the beneficial ownership by country of all securities on issue by the Commonwealth and any Commonwealth of Australia guaranteed issuance by any Australian state or territory, that being potentially much more relevant as a result of the legislation we are supporting. As soon as practicable, the Australian Office of Financial Management will publish on its website the register containing the details that were current as of the end of the quarter. The details included in the register each quarter are also to have a statement of the office's opinion as to the domicile of the beneficial owner of securities if nominees are involved and if nominal ownership is registered in a country other than the actual domicile of the beneficial owner.

We think that that is achievable. It is doable. It is eminently reasonable. It does not pose a risk to anyone and, indeed, it has the great advantage of shining a bit of light on who owns all this investment in Australia. We think that that is overwhelmingly information that is in the public interest. For those reasons we move the amendment.

Senator SHERRY (Tasmania—Assistant Treasurer) (11.29 am)—The government will not be supporting the amendment moved by the opposition, and I will outline the reasons why. Firstly, as to process, this amendment was circulated in the Senate chamber only some five minutes ago. I understand it was

foreshadowed in the House of Representatives debate, but the amendment did not turn up. The government and I understand Treasury offered to provide a briefing to the opposition because they expressed an interest and concern in regard to the issue on which they have now produced an amendment, but I am advised they did not take up the offer. If they had, at least the advice I am provided with could have been outlined to them.

The government already maintains a register of all holders of Commonwealth government securities, CGS, and the Reserve Bank of Australia provides this service. The ABS releases the data that it can, based on the legislative and governance framework it operates within and confidentiality assurances provided to the companies it surveys. Senator Coonan referred to a wall of silence, which I think was a touch misleading. There are legislative requirements on the ABS in terms of data collection and the public provision of the identities of individuals who provide that data. Secrecy provisions and confidentiality provisions apply not just in this area but right across the ABS in respect of the surveys that take place. Those arrangements for confidentiality and the secrecy provisions have existed for many years and go back under previous federal governments. Let us assume the secrecy provisions were varied in terms of the ABS. What would be the response of industry which ABS surveys? I would be surprised if it did not have somewhat less accurate information, to the extent it is accurate in terms of the detail that the opposition is seeking. I will come to the issue of the level of detail and accuracy of data that is provided to the ABS, even if it were publicly released.

Senator Coonan mentioned that the US release this data. However, the opposition amendment goes far beyond that which is released in the US, as I am advised. Further, this does not necessarily, by the opposition's

own admission, show the true owners of the bonds. If you go to the release of the information in the US, it does not give you the true owners of the bonds but shows the custodians. There are probably about 15 to 20 custodian entities in Australia. I am not sure of the precise number, but there would be a relatively small number that operate in Australia. If you provided, for example, information on custodians, you would not know who the true owners are, because the custodians are exercising an authority on behalf of literally thousands of investors both from in Australia and certainly from overseas. So the US release of data of custodian entities is not comparable, and the level of detail sought via this amendment is not provided in the US. In fact, the US Federal Reserve Board has said in respect of the register that Senator Coonan has referred to:

... the involvement of chains of intermediaries in the custody or management of securities frequently makes accurate identification of the actual owners of U.S. securities impossible.

So, according to US Federal Reserve Board, it is impossible to find the actual owners of the securities on this register in the US.

Similarly, the proposed amendment would not provide reliable information on the ultimate beneficial owner of Australian government securities. Senator Coonan referred to jurisdictions such as the Cayman Islands. I am not sure what the total economy and population size of the Cayman Islands or Bermuda are, but I am advised those two jurisdictions hold 10 per cent of the ownership of world bonds. Ten per cent is an extraordinary figure given the very small size of their economies. I suggest that is for the reason that they are effectively tax minimisation, tax shelter centres. Who owns these bonds that are held very significantly by the Cayman Islands and Bermuda? The great difficulty is—and it is unfortunate, I would agree—we do not know. If you have this

register that says, ‘This particular proportion of bonds issued by Australian governments is owned by an entity in the Cayman Islands or Bermuda,’ you cannot actually find out who owns the bonds. It is of extraordinarily limited use just being able to tell us the Cayman Islands and Bermuda own 10 per cent of the world’s bonds, because we do not actually know who the owners are behind them.

The opposition have asked the AOFM to carry this out. This would impose additional costs on the AOFM, as it does not currently provide the service. In turn, of course, the amendment asks the AOFM to provide this service for the states’ and territories’ securities, and that is not something it carries out at the moment. Treasury have advised that this reduction in confidentiality—to the extent you could actually have transparency, which is very limited—may also reduce demand for Australian bonds by wholesale and retail investors. That would obviously have some implications for the cost of borrowing. So the proposal, in turn, would impose additional costs on the taxpayer for information that would distort rather than provide additional clarity and information, if in fact it could be obtained, and in most cases it is actually very difficult, if not impossible, to obtain who the true owner is. So we do not see the necessity for this amendment.

As I have mentioned, the US register, as it is referred to, is not comparable to what the opposition is seeking here and just the practicalities of identifying true owners mean that it would be very difficult. I think it would be desirable to find the true ownership, but under current world financial arrangements it is impossible to identify accurately who the true owners are. I wish it were otherwise, but there is nothing we can do with this legislation via an amendment on disclosure, which is practically not going to work and would impose additional regulatory costs, to change this situation. So why

take this approach if you cannot obtain the information? What would be imposed is the AOFM attempting to find the information, most of which it could not find or would be very limited, and that would have to be done at significant additional cost. They have got to do it for the state and territory governments. So those are the practical reasons.

I note that Senator Coonan says, 'We want the AOFM to use best endeavours.' I have outlined why best endeavours are not going to provide us with any significant level of detail, so best endeavours impose an additional cost on the AOFM to try and do a worldwide search for true bond ownership. Is that best endeavours, that we have AOFM officers scouring the world trying to find out the true owners of these bonds, taking a trip over to Bermuda and the Cayman Islands? Frankly, you would have to put the financial entities under some sort of surveillance to see who is going in or out. You would have to get AUSTRAC to be tracking through Bermuda, the Cayman Islands and Switzerland. It is just not possible; they do not allow that to happen. As I say, I wish it were otherwise. So this is an impractical suggestion that imposes additional costs for no outcome that we can see and that would not create any greater transparency. Comparisons with the US are not correct. As I have said, the US Federal Reserve Board has admitted that the actual owner identification of US securities is impossible. I do not have any brief on New Zealand. I will endeavour to obtain it. Again, we would be very surprised if what is being proposed by the opposition is in any way, shape or form being produced by the New Zealand government at the level of detail that is being sought here. So we do not support the amendment.

Senator COONAN (New South Wales) (11.40 am)—I have listened very carefully to Senator Sherry's comments, and what we appear to be discussing here with this

amendment is an agreement on the part of the government that this would be very desirable if in fact there could be greater transparency but it is just too difficult and not practical to do it. That seems to be the thrust of what Senator Sherry was saying, that the practical difficulties or the process difficulties would be the main inhibitors or main barriers to it as well as the fact that it is too difficult to do and it would not actually achieve the outcome being sought.

I want to address those points, but first of all I should just put on record that this has been a matter where, it having been foreshadowed that the opposition was interested in getting greater transparency in moving an amendment to this bill, it is very unfortunate indeed that there has not been an opportunity to have a meeting of minds or a briefing or a discussion. Senator Sherry did mention that the government had offered a briefing. The great pity about that was that the briefing was offered for four o'clock this afternoon, which is not very helpful to anyone getting a better understanding of the government's position in relation to this bill. It was introduced yesterday and came to the Senate this morning and the amendment was circulated in the way it had been drafted without the benefit of this briefing. That is the amendment that we are moving and the amendment that I am still speaking to.

Senator Sherry did mention the fact that the legislative requirement on data is also a register. The problem with that is that he talked at great length about the ABS surveys and the information compiled and the data made available by surveys. This is not in fact what we are talking about here. We are talking about what can be done to identify and compile an actual register of actual owners. We do know that more information is available in other jurisdictions. Whether or not it is different to this particular amendment that is being put up by the opposition is immate-

rial because we do know that you can in fact get better information available if this information is compiled in a more effective way. It is passing strange indeed that no-one appears to know, at least so the minister said, who the owners of all of this investment in Australia are. The difficulty we have is that the Reserve Bank must be writing out interest cheques to someone; the interest does not go into the ether. It does appear that much more information and better information should be able to be made available and that much more information should be made available if not about the actual owners then certainly about the regions, the countries from which these investors come. We think it is entirely reasonable to want that as part of the arrangements that are being agreed to as part of this bill.

Senator Sherry also mentioned the fact that there can be other jurisdictions that own vast percentages of bonds—the Caymans or the Bahamas. I mentioned the Bahamas. In fact, we do not know that detail either. We think it is entirely appropriate that the details of the jurisdictions of even the nominees who may be purchasing bonds on behalf of beneficial owners should be available. We do not even know that in Australia, and we think that is certainly something that is reasonable to ask for.

The government seems to be advancing a slightly conflicting argument in opposing the amendment. On the one hand the minister says it would be desirable if we knew who the owners of the bonds are, but then he talks about the fact that another barrier would be a reduction in confidentiality. But if we do not know who they are, we do not know how their confidentiality is in any way going to be impacted and how that would somehow or other impede investment in Australia.

All this money floating around the world belongs to someone. We think that in Australia

it is entirely appropriate that more information be made available about who the investors in the Australian bond market are and who is lending all this money to the Australian government. I want to say again, because I do not want to be taken out of context, that we are not suggesting that any investors in Australia are investing inappropriately. That is not the purpose of the amendment that we are seeking to advance here. But there will be borrowing on a scale that we have not seen in Australia before. We know it is going to be in the order of \$315 billion, and it would be extraordinary if it does not go higher than that. So we believe we would not be doing our job if we did not hold the government to account to do a lot better than they are currently doing to identify to the Australian public more information about who is investing in Australia. We note that having more information available in the United States does not seem to have seriously curtailed investment in US bonds. This investment is no doubt legitimate—and we certainly hope it is. It is a nonsense to suggest that it would in any way deter any investor if more information of a statistical nature were available to identify where the money is coming from.

It is not beyond the wit of authorities to devise a system with better information about buying bonds. I refer to the Reserve Bank's website, which has some helpful information that they want everyone to know. It says that from 2 September 2007 all new stockholders must complete an identification reference form—that sounds like something you could ask for, doesn't it? It also says that, following the introduction of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006, attorneys acting on behalf of stockholders should also complete the identification reference form—what would there be, for example, to prevent an identification reference form from being completed

in relation to the application to buy bonds? It goes on to say that the purchase form and the identification reference form, together with certified copies of identity documents, should be lodged in person at either the Sydney or Canberra office of the Reserve Bank of Australia—so there we have the information being lodged. Alternatively, the documents can be posted to the registry of a prescribed stock that has been mentioned. The registry is already there to provide assistance. There is a mechanism which enables identification for a particular purpose. The Reserve Bank seems to be right across how you would identify someone who wants to buy Australian government bonds. So we simply are not persuaded by the minister's arguments. In fact, we do not think that any of the arguments hold much water. It is entirely appropriate to have a bit of sunlight shone on who are the investors in Australian bonds and we will continue to press for our amendment.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (11.49 am)—I have been listening carefully to the argument here. This amendment from the opposition is a constructive amendment. It seeks information that Australians should have available to them. I say to the minister if 10 per cent of the investment in Australian bonds is coming from tax havens like the Cayman Islands and Bermuda, should we not know that? I think we absolutely should. If memory serves me correctly, a very senior treasury official in China called on the United States a couple of months back to take measures to guarantee that investment from China in the United States was safe. We are in a situation where we are seeing a big inflow of investment from overseas and the likelihood of it increasing—as Senator Coonan has outlined—and there is also the potential for governments and entities overseas to seek assurances like that which we

saw from the Chinese government to the United States quite recently. So I think a bit of scrutiny about where the investment is coming from is very much in order.

I was in South Korea a couple of years ago looking at the 30-kilometre long Saemangeum sea dyke that was being built into the sea by one of the Hyundai chaebols. It destroyed extensive mudflats and, as a result, one-tenth of the migratory birds from Australia going to Siberia and Alaska each year. In talking with people involved there was clear concern then in Korea about the outflow of money, particularly going to the United States. I think it is actually good for the countries of origin of the money to know where their money is going to. I suspect that some of those countries have a much better register of where the flow is than we do as the recipients. It is very reasonable in an open and transparent democracy that we do get more information. So the Greens will be supporting this amendment.

Senator XENOPHON (South Australia) (11.52 am)—I support this legislation. I had a brief but constructive discussion with South Australian Treasurer, Kevin Foley, about this. I see the need for this legislation, but I also see the need for the transparency provisions that have been moved by the opposition in relation to this.

I understand the government's arguments, but I do not accept that this is unworkable. I think that it is not unprecedented in other jurisdictions to have transparency mechanisms such as this, and I believe that this enhances the legislation and that Australians have a right to know in broad terms where the money is coming from. I think it is in our interest to know that and to have that level of transparency and accountability.

Senator SHERRY (Tasmania—Assistant Treasurer) (11.53 am)—I have just a couple of responses. In terms of process, Senator

Coonan, my advice is that the offer was made to bring forward the initial 4 o'clock this afternoon briefing.

I have some further information on New Zealand, where apparently they have some transparency. Apparently the New Zealand register, which is publicly available, reveals that most of the bond issuance comes from the Benelux countries, which are the Netherlands, Belgium and Luxembourg. It is clearly not right that the owners of the bonds come through those jurisdictions. Clearly—while ownership is not clear—those three countries are being used as a cover without revealing the true owners of the bonds. To suggest that in the case of New Zealand most of the owners of those bonds come from those three countries is just clearly not right—but that is what the publicly available information does. There are clearly lots of individuals and entities—financial and otherwise, right around the globe—who are using those three countries as the jurisdictions which the publicly available custodian data is being channelled through. To the extent that Senator Coonan believes New Zealand is useful, that is the extent of the use. But it does not identify who the true owner is.

Senator Coonan has suggested that she would like to know what proportion is coming from China. I do not think it would be too hard if you were from China and you wanted to buy bonds. You would not do it directly in Australia if you did not want it known that you were a Chinese-based institution. You would simply go to the Benelux countries in this case and purchase them through a custodian in the Benelux countries. You would not know, in fact, that the investment was coming from China, or anywhere else for that matter, if that was what your intention was. We do not believe the amendment is practical.

It is not just the practicality issue, it is the cost issue. The amendment requires significant additional work by the AOFM and that involves expense. Senator Coonan said 'best endeavours'. What does 'best endeavours' mean for the AOFM in any practical way in identifying who the real owners of the bonds are? The die is cast on this amendment; I am not going to make any further contribution. For an opposition to move an amendment that is not practical, and will cost extra money in order to try and obtain the information that we know is largely unobtainable, and to then express concern about debt I just think is a touch hypocritical.

I conclude on the issue of government debt because Senator Coonan has made some comments about that. I want to make this point: the predominant reason the Australian government has budget deficits in the next six years or so—I do not have the precise projections in front of me—is the collapse in revenue because of the world financial and economic crisis. The collapse in revenue over the forward estimates is estimated to be, I think, \$210 billion plus. That collapse in revenue has occurred, and would have occurred whether we were in government or you were in government. You would be in deficit and issuing bonds just as we are because of the world financial and economic crisis.

Then we get claims from the Liberal opposition that they would deliver a lower budget deficit. Tell us where you would cut spending going forward? Senator Coonan is the shadow finance minister and I know she heads the ERC; I look forward to this list of cuts—presumably in billions of dollars to government programs—to be released by the opposition, the alternative government, in the next 18 months. Where is it? You want a lower budget deficit—show us your cuts! As the alternative government and as a responsible opposition I would have thought it in-

cumbent on you to show us where you will cut billions of dollars. It would be tens of billions of dollars if you wanted to move the budget to a surplus in the current circumstances. Show us where you would cut. Let's see the evidence of fiscal responsibility from the Liberal opposition about where they would cut, given the financial and economic circumstances we are faced with. We will not be supporting the amendment.

Senator COONAN (New South Wales) (12.00 pm)—I wanted to make some comments in response to Senator Sherry because he did open up on some issues about debt. I was referring, of course, to peak debt, a maximum figure, the gross debt figure that we finally got out of the Treasurer at a media interview in Adelaide, if my memory serves me correctly. My point was that it is unlikely in the current circumstances that it will only be \$315 billion gross debt because we know that some very significant cost and debt simply was not included in the budget. I refer of course to the \$43 billion broadband rollout, the farcical broadband plan, that certainly is not in the budget. It is on some sort of never-never, with the hope that some private sector investment will magically drop through the ceiling—but it will require the government to guarantee it; there is no doubt about that. We voted against Ruddbank yesterday because it would have also potentially risked another \$26 billion debt to the taxpayer.

I did not seek to make this point; Senator Sherry raised the matter. I will also say that, yes, there has been a collapse of revenue but if the Labor government thinks it can get away with the charade that it has not done anything about increasing debt, that will not wash. There is \$124 billion of new spending—\$124 billion in new spending since this Labor government hit the treasury bench. It is not a bad figure, is it? That is about two-thirds of the net debt in the budget of \$188 billion—and that we now know is more in

the order of the \$203 billion, which I think is the figure we finally got out of the Treasurer, although he had great trouble saying the 'billion' word.

I do not appreciate being lectured about debt just because we wish to have some transparency in relation to who the investors are in this country. It is a reasonable proposition being put forward by the opposition, and we think it is entirely reasonable to have the information. If nominees own all these bonds and they are all in other countries, the Caymans and whatever other countries might be tax havens, it is important that Australian taxpayers know that. I do not believe anybody knows at this stage—somebody might, though I do not believe Senator Sherry knows; I certainly do not know—who the beneficial owners of these investments are, but I would like to know at least if they are all nominees and they are all in tax havens. I think it is a relevant piece of information. I will not go on at tedious length, and I am not going to continue to make political points about this because I do not think it is called for in this debate. It is a reasonable amendment, and I am grateful for the support of the Greens and Senator Xenophon for its passage.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (12.03 pm)—This really concerns me, and I just want to know: what is the total amount of subprefecture debt—the debt of the states? What is it currently? Where are we kicking off from with this?

Senator SHERRY (Tasmania—Assistant Treasurer) (12.04 pm)—I do not have that up-to-date accurate information.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (12.04 pm)—As a little old bush accountant, do we have any range, any sort of rough idea, about what the debt is? Is it \$100 billion, is it \$150 billion,

is it \$200 billion? Do we have any sort of vague idea how much we are underwriting here? This is real money owed to real people, and they will really want it paid back if the states cannot pay it back.

Senator SHERRY (Tasmania—Assistant Treasurer) (12.04 pm)—I can provide some information. I am advised that there is approximately \$120 billion in state and territory bonds on issue—that is not net debt, though.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (12.05 pm)—I had \$150 billion, to be honest. So we are saying it is \$120 billion, and is it heading up or heading down or static? Did they pay off some in the budget papers the other day?

Senator SHERRY (Tasmania—Assistant Treasurer) (12.05 pm)—I am advised that that the current stock is \$120 billion.

Question agreed to.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12.05 pm)—I wish to move the Australian Greens amendment circulated but amend it by removing the word ‘no’ before the phrase ‘prudent or feasible alternatives’ at the end of the amendment. I move:

- (1) Page 3 (after line 2), at the end of the bill, add:

7 Scheme Rules requirements

Scheme Rules must include provisions that limit the Deed of Guarantee so that it cannot be applied to borrowings relating to projects that will have a significant negative environmental impact or result in significant greenhouse gas emissions locally or internationally, and for which there are prudent or feasible alternatives.

This amendment simply provides for this parliament, which has environmental responsibility for the national and global climate, the assurance that this guarantee is not going

to extend to unnecessary and massively polluting projects put forward by the states, which do not have that responsibility.

You will note that I am not saying that the polluting projects cannot proceed; I am saying that there must be no feasible or prudent alternative. I cited the Bass Coast desalination plant in Victoria, which the state Labor government is intending to proceed with as a public-private partnership. Two overseas based companies will be involved there. I raise the issue: why should we be, effectively, underwriting potential borrowings by the Victorian government to put into this project when it is manifestly unnecessary? There are prudent and feasible alternatives. The Brumby government ought to be into a project to collect the rainwater falling over Melbourne and to ensure that there is much better stormwater reticulation and wastewater recycling. That aside, we are looking here at a single project which could produce a million tonnes—plus or minus a small amount—of greenhouse gases per annum.

Across the way in Tasmania is Gunns pulp mill. The state government there says that it is not going to offer further financing. There is an election next year, and after that election the current state Labor government in Tasmania could well be potentially disposed to breaking its promise on not having further financing of Gunns pulp mill—as it broke its promise at the last election that the Ralphs Bay mega canal development would not proceed. Straight after the election it went into negotiations with Walker Brothers for that very destructive and unpopular development on the eastern shore in Hobart.

Let us have a little bit of quality control here, and let us make sure that this guarantee is not extending to maverick state government projects which will have massive pollution consequences and where there are better alternatives. It is a very reasonable guaran-

tee; it is very unspecified, but it is a very reasonable guarantee for this parliament to be putting to a federal government which effectively wants to put a blank cheque, in terms of guarantee, across to state and territory governments around the Commonwealth. We have a responsibility to be more prudent than that.

Senator SHERRY (Tasmania—Assistant Treasurer) (12.10 pm)—The government will be opposing the amendment. Senator Brown, you sound so reasonable about what I would consider and argue is such an unreasonable amendment in terms of the application of it. The amendment says:

Scheme Rules must include provisions that limit the Deed of Guarantee so that it cannot be applied to borrowings relating to projects that will have a significant negative environmental impact or result in significant greenhouse gas emissions locally or internationally, and for which there are prudent or feasible alternatives.

That is what it says. We are not supporting the amendment. I argued that the previous amendment from the Liberal opposition was impractical. If this amendment were to pass and if there were to be a serious attempt to follow what you suggest in this amendment, the AOFM, presumably—which is not equipped but presumably it would have to go and equip itself—would have to examine every project that a state government seeks borrowings for in order to fund. That would be for every project. I just do not see how that is practical in any sense.

Secondly, you have legitimate concerns. I do not necessarily agree with you, but you have concerns about a range of proposed state government investments. You mentioned the desalination plant proposed to be built in Victoria. I do not know the detail of Victorian legislation, but I am sure that the desalination plant project will be subject to state environmental legislation and other legislation—planning legislation at Victorian

state level—in its assessment and that it will be subject to whatever relevant federal legislation may apply. The desalination plant would be subject to assessment under a whole range of other legislation—state and possibly federal. So why would we add a further assessment process of a particular project, in this case the desalination plant, by, presumably, the AOFM? Why would we add another layer of examination of these issues? Once all of the assessments have been gone through at the state level for this project, it would then be over to the AOFM to carry out further assessments before it said to the state government, ‘You can be covered by a deed of guarantee.’ If in fact they did need to borrow to carry out the project, there would be a whole range of new assessments.

So we do not believe that this is the appropriate place to impose such a significant guarantee. You refer to it being very general, reasonable and unspecified. The very nature of the generality means that it would impose very significant assessment requirements to carry out the meaning of the amendment, should it be passed. You referred, I think, to ‘a little bit of quality control’. It sounded so reasonable, Senator Brown, but this would have significant additional quality control assessment requirements over and above that which are currently required under state and federal law.

You may agree or disagree with current assessment processes on environmental impacts and greenhouse gas emissions that take place at the state government level and/or the federal government level, but, at least with respect to the federal parliament, there will be legislation that will deal with the issue of greenhouse gas emissions quite directly. The government believes that it is inappropriate to attempt to impose significant new compliance and assessment processes that will add to costs and time delays, as this particular mechanism would.

The guarantee being offered by the government is to provide certainty to investors. What you are suggesting would not provide certainty. It is to provide certainty to investors once a particular project has gone through the current state and/or federal legislative requirements for planning, environmental impact et cetera that exist in different laws. The guarantee allows the states and territories to access the credit market, maintaining the discipline by paying a market price for their securities. That is what this legislation is about. So the government will not support the amendment.

Senator COONAN (New South Wales) (12.17 pm)—I listened very carefully to Senator Bob Brown's reasons for moving this amendment and I must say I do understand—I think I understand—the genuine sentiments behind the amendment. It has been framed in such a way as to limit, hopefully, negative environmental impacts and to have some control over the guarantee being provided in circumstances where some assessment could be made that it would add to significant greenhouse gas emissions locally or internationally. I think that sooner or later we have to get our heads around infrastructure investment that is not going to have negative environmental impacts and get our heads around being mindful one way or another of what we do with greenhouse gas emissions. But I do not think that this amendment in this particular piece of legislation quite gets there. I agree with Senator Sherry's comments that it would be extremely difficult to make this work. The kinds of assessments, procedures and barriers to timeliness that would be involved would, I think, be very significant. We do, of course, have to make sure that the sorts of infrastructure that will be beneficial to Australia and the economy more broadly will continue to be built. So, whilst I appreciate Senator Brown's motivation in bringing for-

ward this amendment, I agree that it imposes impractical requirements and compliance issues. In those circumstances the coalition will not support it.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12.19 pm)—I thank the government and the opposition for their comments. This is an extremely serious amendment. It is put forward very seriously. The absence of strictures in it is because we would expect it to be administered by the minister, who would take responsibility. I think that is at the heart of what we do here. We expect governments to take responsibility when handling vast amounts of public money—as is inherently the case with this bill, which is about guaranteeing state and territory borrowings of, potentially, billions of dollars. The responsibility for ensuring that there are no feasible or prudent alternatives to a greatly polluting project would rest with the state governments. If they wanted the guarantee they would have to provide that, and any minister worth their salt would say: 'Well, here is amendment (1)7 in this legislation. You fulfil the requirements if you want a guarantee for those borrowings.'

The term 'prudent and feasible' comes out of the previous national environment legislation. The impact of proposals requirements until 2000 or 1999 was that every matter that involved the Commonwealth had to be subject to an environmental impact assessment, if it was a significant matter, to see if there were prudent and feasible alternatives. So, far from being radical, this is established wording and relates to a very reasonable requirement being put back to the states if they want to borrow. Indeed, I wonder if this legislation would be before the chamber at all if it were not that seven out of the eight jurisdictions to benefit from it are Labor governments. I think there is a huge responsibility on government to be ensuring, where mas-

sive public guarantees are involved, that the projects are reasonable, in an age of climate change and enormous public concern about the environment. This is an important amendment, to the degree that the Greens will not support this legislation without it.

Question negatived.

Bill, as amended, agreed to.

Bill reported with an amendment; report adopted.

Third Reading

Senator SHERRY (Tasmania—Assistant Treasurer) (12.22 pm)—I move:

That this bill be now read a third time.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12.22 pm)—For the reasons I just gave in committee, the Greens will not support this legislation.

Question put:

That this bill be now read a third time.

The Senate divided. [12.27 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes.....	37
Noes.....	<u>5</u>
Majority.....	<u>32</u>

AYES

Adams, J.	Bilyk, C.L.
Bishop, T.M.	Boswell, R.L.D.
Brown, C.L.	Cameron, D.N.
Colbeck, R.	Collins, J.
Coonan, H.L.	Cormann, M.H.P.
Crossin, P.M.	Evans, C.V.
Farrell, D.E.	Feeney, D.
Fielding, S.	Forshaw, M.G.
Furner, M.L.	Hogg, J.J.
Humphries, G.	Hurley, A.
Hutchins, S.P.	Johnston, D.
Marshall, G.	McEwen, A. *
McLucas, J.E.	Moore, C.
Nash, F.	O'Brien, K.W.K.
Parry, S.	Payne, M.A.

Pratt, L.C.	Ryan, S.M.
Sherry, N.J.	Sterle, G.
Williams, J.R.	Wortley, D.
Xenophon, N.	

NOES

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

* denotes teller

Question agreed to.

Bill read a third time.

DEFENCE LEGISLATION AMENDMENT BILL (No. 1) 2009

Second Reading

Debate resumed from 17 June, on motion by **Senator Carr**:

That this bill be now read a second time.

Senator MARK BISHOP (Western Australia) (12.30 pm)—There are two aspects to the Defence Legislation Amendment Bill (No. 1) 2009 which are worthy of brief mention. The first concerns the payment of compensation to those who suffer unintended collateral damage and loss as a result of action against enemy forces, especially where those affected are local people whose support is so important in areas of engagement by Australian forces. Discussions on the merits of such a policy as provided by the Parliamentary Library are quite useful in this context and it is not worthy at this stage of further comment on my part. Suffice to say that the government's preference to pay compensation as recognition that the loss caused should not have to fall on innocents is a most serious stricture in modern warfare. But where winning hearts and minds is so important, history tells us that it is vital in stemming the shifting allegiance to the insurgents. If Vietnam taught us anything, it taught us at least that much.

The point here though is not about the policy but about the technicalities of how the compensation is paid. Clearly, the system of

act of grace payments is designed for ad hoc losses, losses that are not anticipated, but where it is considered that there is some public responsibility in the absence of any other means of compensation for innocent victims. In situations such as our military engagement in Iraq and where we are currently involved in Afghanistan there is some certainty, indeed it is almost forecast, that these circumstances will arise. We therefore need a more ready response than the cumbersome procedures in the act of grace scheme. This is simply a pragmatic amendment worthy of support.

With respect to the amendments to the home loan subsidy scheme it is of course natural that upon implementation some matters would arise which were not foreseen at the time of drafting and which require attention to make sure that the intention of the act remains consistent. Clearly, with this bill there have been some unintended consequences, especially in relation to eligibility where there has been a break in service and, naturally, ADF members have been quite confused. The act has not been clear enough and some windfalls have occurred which were not foreseen. These amendments close those loopholes and therefore are also quite worthy of support.

However, this particular program retains some problematic characteristics. As we know the scheme had its origins in the previous government as it sought to introduce additional incentives to retain ADF members in service. I should note, however, that the cost of the original subsidy, which stood at a maximum of \$705 per month for those with over 12 years of service on the maximum loan, is now, as a result of the cut in interest rates, much reduced, indeed dramatically reduced, at that level by in excess of \$300 per month. The subsidy remains valuable in relative terms but at a much reduced cost to the taxpayer.

I make one comment on this particular scheme—that is, while the ADF personnel should be assisted in homeownership like any other Australian and we accept initiatives such as this are important in retaining experienced people in the ADF, there is still a sense of a lack of equity in the totality of the design of the scheme. The reason for that is simply that a large portion of ADF personnel are not in a position to take advantage of the scheme as currently designed. This is not just because of the four-year qualifying period but also because the opportunity to purchase a home might not exist, particularly of course in the remote areas of our large continent. This then begs the question of the fairness and equity of defence housing support programs and allowances, particularly between those who have a rental subsidy and those who opt to buy their own home.

This is in fact a serious question for ADF personnel who must find themselves faced with exactly this choice. On the one hand, if you buy, there is a subsidy available and, on the other hand, if you choose to rent because purchase is not an option, there is no subsidy. I am not sure how they are advised on the financial implications of such a choice nor am I aware of any modelling done on which that advice can be given. Perhaps we might find out in due course along with an analysis which shows the taxpayer in the long term which is the preferred model having due regard to considerations of equity. Moreover, it is important for serving ADF personnel to know as well and hence my particular interest. With those comments, clearly, the bill is worthy of support.

Senator JOHNSTON (Western Australia) (12.35 pm)—From the outset the opposition does support these two very important measures for ADF personnel in the Defence Legislation Amendment Bill (No. 1) 2009. Firstly, there is the tactical payments scheme in schedule 1, which I will come back to in a

moment, and, secondly, there is the Defence Home Ownership Assistance Scheme and the amendments to deal with unintended anomalies arising from the scheme. I do to some extent adopt the words and detail of the speech which Senator Bishop just made.

The most important part of the bill is the introduction of the tactical payments scheme. These provisions provide a mechanism for making expeditious no-liability payments to persons adversely affected by Australian Defence Force operations outside of Australia. The scheme acknowledges that in many areas in which the ADF operates financial compensation for collateral damage to property, for injury and for loss of life is often a common expectation of local cultures. Indeed our allies in both Iraq and Afghanistan have for some long time been availed of a capability of being able to settle such matters virtually instantaneously. This legislation will be a great boon to our soldiers, who will similarly now be able to settle such issues of damage to property, injury, loss of life and other matters related thereto at the time of the incident as opposed to relying upon the act of grace mechanism which is often cumbersome, very lengthy in its time to resolve issues and essentially, at the end of the day, has its effectiveness eroded by the effluxion of time between the payment and the occurrence of the event.

The tactical payment scheme is a defence-specific discretionary mechanism. It will still be possible for defence to have recourse to act of grace provisions in the Financial Management and Accountability Act. Guidance for TPS payments for each operation will take into account the cultural and socioeconomic circumstances of the local people and will be benchmarked against similar policies, as I have already mentioned, applied by coalition partners in theatre. In special circumstances where such claims exceed the financial delegation or fall outside the guidelines,

such cases may be referred to the secretary, the CDF or the minister for approval.

The opposition did have some concerns as to the reporting of such matters. Can I say that those concerns have been satisfied. Whilst there is no specific mention in the legislation of the accountability and reporting provisions, the Financial Management and Accountability Act 1997 sets out that there is an obligation to report in the defence annual report. This is similar to other equivalent schemes such as the act of grace payments and special circumstances payments made pursuant to section 73 of the Public Service Act 1999. Specifically, section 48 of the Financial Management and Accountability Act, together with the finance minister's orders, mandate that such tactical payments must be reported in the defence annual report. Tactical payments paid pursuant to this scheme will be subject to audit by the Australian National Audit Office.

I am very pleased to say, with the assistance of the former minister, that the opposition's concerns regarding accountability and reporting of these payments have been met, and I commend the legislation to the Senate.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (12.39 pm)—I thank Senator Bishop and Senator Johnston for their contributions, and the Senate for its support for the bill.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

**FAMILY ASSISTANCE LEGISLATION
AMENDMENT (CHILD CARE) BILL
2009**

Second Reading

Debate resumed from 15 June, on motion by **Senator Faulkner**:

That this bill be now read a second time.

Senator PAYNE (New South Wales) (12.40 pm)—I rise today to speak on the government's Family Assistance Legislation Amendment (Child Care) Bill 2009, and to indicate to the chamber the coalition's general support for the bill. The bill makes a range of amendments. Some of those appear to be in response to problems which arose as a result of the recent and disturbing collapse of ABC Learning, and a number are what would be described as general housekeeping amendments to the existing legislation in the A New Tax System (Family Assistance) (Administration) Act 1999.

The bill makes changes to allow the final quarterly payment of the childcare tax rebate to be withheld until a parent's taxable income is determined for that financial year. It will align the operation of the childcare rebate provisions with the childcare benefits provisions in the case of a deceased individual. This will mean that where an individual who has received childcare rebate payments dies, but their child in that instance continues to attend approved care, the childcare rebate payments for that child can continue to be received by another approved adult who takes over guardianship of the child in question. It will also allow for those people who have been assessed at a zero rate for the childcare benefit to request a review of their entitlements within two years of the year that they received the zero rating. Where a variation to the childcare benefit is made as a result of the review, an automatic review will be done in relation to the childcare rebate payments as well. The bill will also rename

the childcare tax rebate as the childcare rebate, to reflect the fact that payment is now actually made as a quarterly payment through family assistance legislation rather than as a tax offset under taxation legislation.

Finally, the bill will impose civil penalties on childcare operators who breach their obligations in relation to when and how they notify their intention to cease operations. That is when childcare operators breach the rule that requires 30 days notice to be given before a centre can close. I want to spend a moment to focus on that amendment in particular. It was clear from the uncertainty and distress that was experienced by thousands of parents, carers, children and staff following the collapse of ABC Learning just how important this amendment is. The sudden closure of a childcare centre is more than just a business decision; it can mean unemployment for the centre's workers, stress and work difficulties for both parents and carers, and of course instability for the children, who are disrupted in that process. All of that is made worse by ongoing uncertainty.

In the case of ABC Learning, for months many of the centres have been standing on the brink of closure with parents, carers and staff waiting for information—any information, in fact—that might tell them once and for all what was going to happen. After months of waiting, it is unacceptable for people in those circumstances to be told that a centre will close within days. A recent case of exactly this circumstance has been highlighted by my colleague the shadow minister for early childhood education, child care, women and youth, Mrs Mirabella, and I explored it myself in estimates. Mrs Mirabella was contacted by parents from the ABC Learning centre at Altona North in Victoria, which was one of those deemed unviable under the ABC Learning business model. It was also one of the centres controlled by the government appointed receivers, PPB, for

which a buyer was being sought. The chronology is that on 15 April this year, the receivers announced that Altona North was one of the 210 former ABC Learning centres for which a buyer had been found. Then on 5 May, the Sydenham Preschool Trust was announced as the new operator. Three days later, on 8 May, a new announcement informed parents that the centre would close as of 15 May, which gave them just seven days notice to make alternative care arrangements for their children. I explored this matter at estimates. Notwithstanding the explanations that were given, for parents placed in those circumstances it was really an unacceptable situation. Some families were quite clearly in a great degree of difficulty as a result of this decision.

In fact, in the wake of the collapse of ABC Learning, the Minister for Education, Ms Gillard, has repeatedly said that childcare centres could not just close down overnight, leaving parents stranded and without any care for their children, precisely because the law requires centres to provide 30 days notice to the government that they will close. Clearly, in a circumstance such as this, this is a provision which has failed. The current bill will, we hope, strengthen it by imposing these civil penalties on centres that do not comply with the 30-day notice requirement.

As I have indicated, the coalition supports this amendment. But there is another area which we also believe deserves attention, and that is the need for a provision to ensure that childcare operators also provide 30 days notice to parents of children attending a centre which, for whatever reason, will cease to operate. A provision of that nature would go a long way to easing the burden on families affected by childcare centre closures.

I note that, in the discussions of such an amendment between the shadow minister and the then Parliamentary Secretary for

Early Childhood Development and Child Care, Ms McKew, the parliamentary secretary provided assurances that the department already had the power to specify the form and manner in which childcare service providers must give notification that they are ceasing operations. The then parliamentary secretary in fact said: 'The department has a standardised notice of cessation form which will ensure parents receive at least 30 days notice.' As a result of those assurances given by the parliamentary secretary, we do not intend to move an amendment on this matter, and we hope that the new minister in this area, Ms Kate Ellis, honours the commitment that has been made.

There are a number of other issues in the childcare area where much was promised but in reality little has been delivered to date. The lack of enforcement of the requirement that childcare services provide at least 30 days notice before they close is an example for starters. In 2007, we had the much-vaunted announcement of the plan for a Labor government to build an additional 260 childcare centres around Australia. Notwithstanding extensive discussions at estimates in the last 18 months, not one has been completed. We have half-a-dozen or so in the planning stage, but, really, given the strength of the promise, we had expected to see more and better by now.

Of course, we had partial clarification on budget night in the ministerial statement on education, which said that the remaining—up to 222—early learning and childcare centres will be considered when the childcare market has settled and based on the experience of the priority centres. But— notwithstanding efforts to discern what it really means, in discussions with the minister and in estimates—that does not give us a great deal of clarity about where the commitment is going. We have also been pursuing questions about a lack of childcare va-

cancy data, and those questions are on the record in estimates as well.

So, despite these gaps, these holes, if you like, in the childcare policy area, we do support these amendments in the Family Assistance Legislation Amendment (Child Care) Bill 2009, and we do hope that it foreshadows a more effective and responsible approach by the government to child care in Australia. I commend the bill to the Senate.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (12.47 pm)—I thank Senator Payne for her contribution and the support for the legislation. In reply I would only make one point: I think there has been enormous turmoil in the sector as a result of the collapse of ABC childcare services, and that has had a huge impact, I think, on planning in and management of the sector. I think that highlights the foolishness of allowing one provider to get such a share of the market over the last 10 years. An argument I used to have with Senator Newman when she was the minister and I was the shadow minister for this area was that allowing that market domination meant that when that company collapsed the impact on the industry would be huge. Particularly given that child care is almost wholly subsidised by Commonwealth government revenues in one form or another, I think it is important that that market structure be closely measured. But I do appreciate Senator Payne's contribution and the support of the chamber for the bill.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (AUSTRALIAN APPRENTICES) BILL 2009

Second Reading

Debate resumed from 17 June, on motion by **Senator Carr**:

That this bill be now read a second time.

Senator FIFIELD (Victoria) (12.49 pm)—I rise today to speak on the Social Security and Other Legislation Amendment (Australian Apprentices) Bill 2009 and indicate that the opposition will be supporting this legislation. This bill seeks to exempt apprenticeship incentives paid to apprentices from treatment as assessable income for taxation, social security and veterans affairs purposes. These amendments ensure that apprentices retain the entire amount of the financial incentives paid to them, and this brings these new payments into line with the taxation treatment afforded to previous incentives, which we support.

The first of these payments is the Skills for Sustainability for Australian Apprentices. This is a pilot program which is welcomed by the opposition. It is aimed at encouraging apprentices to undertake sustainability related training. At the completion of a required level of training, a payment of \$1,000 will be granted. As a pilot program touching on an area of training that has been discussed for some time, its introduction is welcomed by the opposition. We are very keen to see how it develops.

The second payment is the Tools for Your Trade incentive. This is not a new incentive as such; it simply combines three existing incentives into one. There may be some merit, indeed, in combining the three incentives. However, these particular payments under this new incentive are not set to be payable until 1 January 2010. What happens to apprentices who commence between 12

May 2009 and 1 January 2010? Will they be eligible for the new Tools for Your Trade incentive? Or will they simply fall through the gaps and miss out? We have had no clarification from the government; they have indeed failed to provide certainty for apprenticeship incentives over this period of time.

We need to be encouraging and supporting apprentices to remain in their apprenticeships, and to be encouraging and supporting employers in that. The opposition has been vocal in its support for small business and apprentices during this time of economic downturn. The opposition leader in his budget-in-reply speech put a proposal to bring forward the incentives for employers for traditional trades into the first two years of the apprenticeship—a move that would help cash flows at a time when employers need that assistance most. But unfortunately the government has made the situation for businesses and apprentices even more uncertain by abolishing the apprenticeship training vouchers—vouchers worth up to \$1,000; vouchers the coalition government introduced in the 2007 federal budget to help apprentices pay for their training. Clearly the Rudd government has broken its 2007 election policy commitment to retain all existing subsidies and payments to apprentices.

Whilst the coalition supports this bill and the exemption of these payments from assessable income for taxation purposes, not commencing the Tools for Your Trade incentive until 1 January 2010 is potentially excluding a large group of apprentices. The situation of this group of apprentices is a concern for the coalition. Across the board we have seen this year's federal budget do little to directly support employers and their apprentices. There is no extra money for apprentices. The merger of current incentives is, we believe, just an attempt to make people believe there is a new incentive. At a time of unemployment uncertainty and eco-

nomie downturn, the opposition are disappointed that the government has taken \$197 million from the pockets of apprentices. The government is giving with one hand and taking back with the other. Although the opposition do have a number of concerns, we will be supporting this legislation.

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Minister, good of you to join us.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (12.54 pm)—Sorry, Mr Acting Deputy President. I was actually trying to get an answer to Senator Fifield's main question—putting aside the rhetorical contribution at the end. I am pleased to inform the Senate that there are transitional arrangements being put in place that will not disadvantage those persons who come on between May and the start of the new combined system in January. I am advised that those transitional arrangements will take care of their interests and ensure that they get the advantage of the new arrangements. With that, I thank Senator Fifield and the Senate for their support for the bill and express my thanks for the contributions to this debate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

TAX LAWS AMENDMENT (2009 MEASURES No. 3) BILL 2009

Second Reading

Debate resumed from 15 June, on motion by **Senator Faulkner**:

That this bill be now read a second time.

Senator COONAN (New South Wales) (12.56 pm)—I rise to speak on the Tax Laws Amendment (2009 Measures No. 3) Bill

2009. This bill was introduced on 14 May and contains various technical aspects amending the tax law. It consists of four schedules. The opposition will be supporting its passage through the Senate. I will briefly mention the schedules.

Schedule 1 will set the GST adjustment factor for the 2009-10 income year at two per cent. Earlier this year the government legislated for a reduction of that factor in light of the global financial crisis. The schedule we are looking at today merely continues this reduction for the 2009-10 income year. Under the PAYG instalment system certain taxpayers calculate the PAYG instalment amounts according to the GDP adjustment factor. The factor is determined using the nominal rate of GDP growth between the last two years. It would have been nine per cent for the 2009-10 income year. That means taxpayers would be required to pay PAYG amounts that are nine per cent above their income from the previous year. So this schedule sets the GDP adjustment factor for income year 2009-10 at two per cent, reflecting the forecast increase in the CPI. Of course we welcome this schedule but do believe that much more can be done to help small businesses.

Schedule 2 will allow entities that voluntarily register for GST to align their reporting of PAYG with their GST reporting. This measure was announced by the previous coalition government to reduce compliance costs for eligible taxpayers, so I am very pleased that the government has decided to legislate this measure. It will reduce the compliance burden on entities that voluntarily register for GST by allowing them to report GST and PAYG together on an annual basis, which will allow for greater administrative efficiency.

Schedule 3 makes some technical amendments to the petroleum resource rent

tax regime. The measures in schedule 3 were announced by the previous coalition government in 2007-08. In last year's budget the current government announced that it would proceed with the measures, with an effective date of 1 July 2008. So, technically speaking, schedule 3 will introduce a functional currency rule into the petroleum resource rent tax regime along similar lines to the functional currency rule used for income tax.

Schedule 4 is similar to those seen in many tax laws amendment bills. It amends the Income Tax Assessment Act 1997 to update the deductible gift recipient list to include three new entities: the Royal Institution of Australia, Diplomacy Training Program Ltd and the Leeuwin Ocean Adventure Foundation Ltd. We are very pleased to support efficiencies and amendments to the tax system that deal with the administration of tax. It assists taxpayers and it assists the administration of the tax system more broadly. With those words I commend this bill to the Senate.

Senator LUDLAM (Western Australia) (12.59 pm)—I do not propose to speak for all that long on the Tax Laws Amendment (2009 Measures No. 3) Bill 2009, but I would like to address a couple of comments to schedule 3 of the bill, which deals with petroleum oil and gas resources, which obviously have quite a degree of significance in Western Australia and for the nation as a whole. The amendments that I wish to address are the ones that are specifically targeted at giving oil and gas explorers tax concessions, enabling them to get into deeper water and to get into smaller and more marginal oil and gas deposits, which is essentially what it is starting to look like in the North West Shelf and certainly in the Browse Basin. The explorers have proved up most of the large gas resources in that part of the world and are now essentially heading into deep water to look

for the smaller and more marginal oil and gas reservoirs.

The comments that I want to make really go to why exactly these amendments are being proposed. I should say at the outset that the Greens will be supporting this bill but want to put some comments very clearly on the record as to what the bill indicates is actually going on, because it is the tip of a pretty serious iceberg. Why would we want to encourage, through tax concessions—which have impacts on the broader economy—getting into deeper water to explore for smaller and more marginal oil and gas reserves? The reason is that we are running out of those resources not just in the North West Shelf, not just in Australia or Bass Strait but around the world. These reserves are running out. We have had a pretty good idea since the 1950s and 1960s of the planet's oil reserves, and we are starting to get a much clearer idea now of the finite nature of gas reserves as well. It is not that we are getting down to the last barrel or the last drop of oil and gas, but we are reaching the point where growth will be unable to continue and we will need to deal with depletion, with less every year instead of more every year. We have built the kind of economy that does not handle that sort of thing very well.

What we are seeing here and what this bill reflects is really a symptom of the worldwide scramble to chase ever-smaller and more marginal oil and gas fields. There are two separate issues here that arise from the same cause but that are about to catch Australia in a very serious vice. They both rest on the economic model that dominates thinking on this issue, which is that we must liquidate our hydrocarbon assets as rapidly as possible as cheaply as possible, that we must get them out of the ground, sold and dumped into the sky just as rapidly as technology and tax breaks will allow and essentially that we

must liquidate or asset-strip Australia's reservoirs of hydrocarbons as quickly as we can.

There are two consequences that flow from this; most obviously, the first one is climate change. My dear friend and colleague in the Western Australian parliament, Robin Chapple, in his inaugural speech about a fortnight ago, totalled up the consequences for Western Australia of the scramble for gas resources in the North West Shelf and across to the Browse Basin off the Kimberley. He said:

If we tabulated the projected—
greenhouse gas—

emissions from the two new Woodside Pluto trains, the Woodside Browse Basin project, the Dyno Nobel explosives plant, the current Gorgon two-train proposal, the Yarra Holdings explosive plant, the Apache Reindeer proposal and the BHP Scarborough gas development ... emissions would rise by at least a further 21.5 million tonnes per annum, lifting Western Australian emissions to around 110.5 million tonnes per annum. This—

just on the rough calculations, based on publicly reported data by the companies themselves—

would increase WA's greenhouse gas emissions to 90 per cent of our 1990 emissions.

This is while the country is meant to be trending down. He continues:

This does not include any of the proposed expansions articulated by Don Voelte, chief executive officer of Woodside, in yesterday's *Western Australian Business News*.

So Australia is committing to a maximum increase under Kyoto, which was very strongly fought at those negotiations, of eight per cent above our 1990 levels, but apparently this does not seem to apply to Western Australia. The scramble to get the gas out of the ground and burn it as rapidly as we possibly can is leading to those very steep pro-

jections of greenhouse gas emissions. Apart from trying to undermine and weaken the government's Carbon Pollution Reduction Scheme as radically as they can before it is put to a vote, I do not think the oil and gas companies have any idea at all how to address those emissions. So that is the first greenhouse gas consequence of this rather innocuous looking amendment, which seeks to enable and further push the boundaries of what is going on around the country.

The second consequence of course is peak oil, which was debated briefly on Tuesday and again by Senator Milne yesterday. We are starting to run out of these reserves. There are some very interesting corporate tactics going on in Western Australia at the moment about where the gas plants will be located, which reservoirs they will tap and where the pipelines will go. This really is part of the end game, because I think the companies have realised that this resource is not going to last for ever.

It is arguable at least that the parliament is starting to come to grips with climate change—20 years too late and with a mixture of genuine intent, reluctance, compromise and outright denial, but at least the parliament has begun that work of grappling with climate change. But I do not think we are even at first base with fossil fuel depletion. A debate that we had in here on Tuesday was around a fairly simple amendment—and I am glad Senator Conroy has joined us in the chamber—to just put in a little bit of scrutiny by the minister when signing off on large-scale national infrastructure projects that would have bearing on oil vulnerability, on fossil fuel vulnerability. Of course, that was defeated. I think we went down six votes against the rest of the chamber. I think that is something that we will probably come to regret, and I hope we do not see too many more of those votes in the near future. We

are simply not facing up to and addressing this issue yet in this parliament.

There was a degree of interest in Western Australia, partly because of the hard work, again, that my Western Australian Greens colleagues have put in in state parliament over many years. We also had a planning minister, Alannah McTiernan, who was awake to the issues of peak oil and who did quite a bit of work within the Western Australian government in trying to shift the priorities—the spending priorities and the planning priorities—to at least begin to address the issue that fossil fuels, on which our economies are based, are finite and will eventually and perhaps in the very short term become extraordinarily expensive. So we did see some moves in Western Australia, but effectively they have been snuffed out, and there has been no such work done in the Australian parliament, as far as I am aware. A couple of years ago the Standing Committee on Rural and Regional Affairs and Transport handed down a very good report, with strong involvement by Senators Milne and Siewert, but nothing has arisen from that as far as I have been able to tell.

The Australian Association for the Study of Peak Oil and Gas, which is an offshoot of a large and reputable international organisation based in Sweden, points out that a growing number of estimates of the date of peak oil—that is, the halfway point where the economy needs to deal with less every year rather than more—cluster around 2010 to 2015, and there are actually estimates that say that the age of global cheap oil reserves has in fact passed already and that the only thing that is masking that price signal is what is going on in the world economy at the moment; those things, I suspect we all hope, will pass.

There are a couple of pretty sensible recommendations in the paper that I am reading

from here, which is an appendix to a study that was done by Bruce Robinson and Sherry Mayo for the Association for the Study of Peak Oil and Gas. They made several pretty common-sense recommendations about what governments could be doing, and I would ask any people in here today whether they can identify whether the government is doing any of these things at all:

Issue repeated credible warnings that oil shortages are approaching us. Advise the community openly of the various estimates of the timing and—

probable—

impacts of peak oil.

If that has been going on, I have clearly missed it.

Engage the community, through participatory democracy, to create practical, equitable options and countermeasures, and to select preferred steps.

None of that is occurring.

Dismantle the many “perverse policies” that subsidise heavy car use ...

We are embedding these perverse policies—or, at least, the government is seeking to embed or entrench some of these policies—in the CPRS, which will favour private motor transport over public transport for three years.

Instigate policies, taxes and pricing regimes that encourage frugal use of fuel ...

There is not a great deal of that going on either.

... Smart-Card personal fuel allocation system.

That is not under any kind of active consideration.

... nationwide “individualised marketing” travel demand management campaigns—

for both urban and rural regions. I would like to point out that TravelSmart, which originated in Western Australia, has been rolled out to a limited extent around the country,

but it is getting by on the smell of an oily rag. It is doing incredibly important work to complement the work that non-government organisations do, but it is the kind of thing that would need to be scaled up quite rapidly.

Divert infrastructure funding to less oil-dependent urban structure and transport options.

I think the government would probably argue that we saw the first hint of that in the last budget, where we have started to see some Commonwealth investment in public transport options, which we have obviously been pushing for for a long time, and we saw investment in the stimulus package owing to negotiations with the Greens on cycle paths and public transport, so there are the beginnings of some of these turning points, but it is not systematic. It is haphazard and it is driven, I think, more by the media cycle than by any deep understanding of just how vulnerable we are to an oil shock.

One of the other points Bruce Robinson and Sherry Mayo raise is about prioritising access to remaining oil and gas supplies and quarantining them, because our food at the moment is entirely dependent on cheap fossil fuel. So they suggest:

Priority access to remaining oil and gas supplies must—

be—

provided for food production and distribution and other essential services.

People working in priority jobs where public transport is impractical, such as night shifts at hospitals and crucial infrastructure roles, should receive special consideration. If the Commonwealth government is undertaking this sort of analysis of priority access to remaining oil and gas supplies, I would be delighted to hear about it, but I suspect that this work is not really going on. I asked Defence about this in estimates hearings in February, and they told us that they are an enormous consumer of oil and gas but that they were

not actually aware of whether they will have any special call on these resources in the event of an oil shock, which I thought was interesting. The paper says:

Remote indigenous communities will have special needs.

Reviewing the oil vulnerability of our communities, sector by sector and industry by industry, is not occurring. The last point that Bruce Robinson and Sherry Mayo raise is the idea of an oil depletion protocol, and I do not know that that has had a great deal of debate in here. Unless the Greens raise it, it just seems to be falling on deaf ears. An oil depletion protocol would establish a small levy, which would escalate, to account for the transition away from fossil fuel dependence as oil depletion hits.

I do not think we are seeing any of these sorts of things. The lead minister on this issue, I was told earlier in the week, is Minister Martin Ferguson. I think it is really high time that we heard from this minister what exactly the Commonwealth government's strategy for oil depletion and vulnerability to oil shocks actually is. It is very easy to come to the conclusion that we are flying blind and that there is nobody really paying close attention to this issue in such a way that you could at least argue that climate change is now being dealt with.

We will be supporting the bill with those comments on the record, but just with an eye to the fact that what we are doing here is enabling the brief extension of the age of cheap fossil fuels. One day, I suggest, we will be looking back and wondering why we did not have our eyes open to this issue, which has been pretty clearly coming down the line for a long period now.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (1.12 pm)—I thank all of those who have contributed to debate on the

Tax Laws Amendment (2009 Measures No. 3) Bill 2009. A number of issues have been raised by Senator Ludlam, and I would like to address them as best I can. The policy rationale for the offshore exploration incentive is to encourage firms to explore in high-cost, high-risk frontier areas. Without this incentive, firms will place even greater emphasis on exploring around existing discoveries or more accessible areas. The offshore exploration incentive is a modest concession for two reasons. First, the incentive is confined to the petroleum resource rent tax. This means that firms only benefit from the incentive if they have an existing offshore petroleum project paying PRRT or develop a new petroleum project which is subject to PRRT sometime in the future. Second, the exploration permit areas eligible for the incentive may only constitute a maximum of 20 per cent of exploration permit areas released in a year. For the 2009 offshore acreage release, the proposed number of exploration permits eligible for the incentive is six, compared with the total number of permits released, 33. I hope that answers many of your questions, Senator Ludlam. I thank the chamber for its indulgence.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

PRIVATE HEALTH INSURANCE (NATIONAL JOINT REPLACEMENT REGISTER LEVY) BILL 2009

First Reading

Bill received from the House of Representatives.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (1.15 pm)—I 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 CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (1.15 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—

The Private Health Insurance (National Joint Replacement Register Levy) Bill 2009 will impose a levy on joint replacement prostheses sponsors in order to fund the National Joint Replacement Registry.

The registry collects information about joint replacement surgeries, such as hip, knee, ankle, shoulder, wrist and spinal disc replacement procedures, and reports on the safety and quality of these procedures and devices used in the operations.

The work of the registry is critical to improving health outcomes for many Australians. Around 70,000 people had joint replacement surgery in the last 12 months.

The registry estimates that the information it has provided has improved surgical practice, reducing the number of unnecessary revision surgeries by 1,200 Australians per year.

In addition to improved patient outcomes, the registry estimates that it has saved the health sector and consumers around \$44.6 million, based on reductions in the level of hip and knee revision procedures while the registry has been operating.

The average costs for revision procedures are much higher than for standard joint replacements, and the registry helps in minimising revisions by collecting data indicating which devices are linked to higher revision rates. This assists orthopaedic surgeons in selecting better performing prostheses.

Expenditure on hip and knee prostheses represents around 30 per cent of total expenditure by health insurers on prostheses. Insurers paid over \$1 billion in benefits for prostheses in 2007-08, out of a total of \$7.4 billion spent on hospital benefits in that year. This means that prostheses expenditure represents around 15 per cent of privately insured hospital benefit outlays.

The registry assists in ensuring this funding, and public hospital expenditure, is directed to better performing products with lower revision rates.

Taxpayers have met the operating costs of the registry for over 10 years, which are now around \$1.6 million a year.

It is appropriate that manufacturers and importers of medical devices used in joint replacement surgery now fund the costs of the registry. The new cost recovery arrangements will be similar to the funding arrangements for the United Kingdom's National Joint Registry, which is funded through a levy on joint replacement products.

The Australian registry provides invaluable post-market surveillance of joint replacement prostheses, and this monitoring of the safety and quality of devices provides considerable benefit to the industry by improving consumer confidence in the safety and efficacy of joint replacement devices. Any devices showing high failure rates can be identified quickly and promptly removed from the market.

The data produced by the registry also assists the industry by informing the development of new prostheses, allowing manufacturers to draw on reliable performance information for existing products and designs.

The introduction of cost recovery arrangements will also produce \$5 million in budget savings over four years.

Legislated cost recovery arrangements will ensure continuing and stable funding for the critical work of the registry, and ensure that it can continue to provide data to improve patient outcomes.

The proposed arrangement will preserve the independence of the registry. As levies will be imposed under legislation, and collected by the government on behalf of the registry, there will be no possibility of funding being withdrawn from the

registry by medical devices sponsors who are not happy with its findings.

Joint Replacement Prostheses Sponsors

The bill imposes a levy on sponsors of joint replacement prostheses. A joint replacement prosthesis is a prosthesis that is listed on the Commonwealth Prostheses List and which is used in joint replacement surgery. The person who made the application to have the joint replacement prosthesis listed on the Prostheses List will be the sponsor for the purposes of the new levy.

The levy

The bill requires the levy to be paid on days to be specified in the Private Health Insurance (National Joint Replacement Register Levy) Rules and on additional days, if any, determined by the minister.

The bill restricts the numbers of times a levy can be imposed to a maximum of six levies in any financial year.

Sponsors will be levied on each day specified in the rules, to be known as national joint replacement register levy days. A maximum of four levy days per financial year are permitted by this method.

Also, the minister can determine supplementary levy days. A maximum of two supplementary levy days per financial year are permitted.

Sponsors will be levied according to the number of joint replacement prostheses they sponsor, and the levies will only be used to fund the operating costs of the registry. The bill provides that there may be different rates of levy for one or more kinds of joint replacement prostheses, that the levy rate may be set at zero, and that there will be a maximum levy rate of \$5,000 per listing. This range of levies is appropriate, as there is a very wide range of products included in the registry, from screws and bolts that have prices of less than \$50 each, to specialised knee replacement systems, which can have prices of more than \$67,000.

The government will determine the amount of levies through rules made under the legislation following consultation with the registry and the medical devices industry.

Senator CORMANN (Western Australia) (1.15 pm)—The opposition will not oppose the Private Health Insurance (National Joint Replacement Register Levy) Bill 2009. The purpose of this bill is to establish a levy to fund the ongoing operation of the National Joint Replacement Registry. The National Joint Replacement Registry was a great initiative of the Australian Orthopaedic Association with the support, at the time, of the Howard government. Indeed, on 6 July 1998, the then health minister, Dr Michael Wooldridge, announced funding for the Australian Orthopaedic Association to establish that particular register. Its purpose is to define, improve and maintain the quality of care of patients receiving joint replacement surgery. The information collected provides an accurate measure of the success or otherwise of a procedure. That information is then used to inform surgeons, other healthcare professionals, governments, sponsors of joint replacement products and patients.

The National Joint Replacement Registry also provides post-market surveillance of joint replacement prostheses. The real benefit of this is that it has helped to reduce the incidence of revision surgery. That is certainly one of its objectives. It provides information about the types of joints available and surgical techniques and collects a whole series of other information. The great thing is that all hospitals which undertake joint surgery—around 300 across Australia—do participate in the registry, which of course enables very comprehensive information about joint replacement surgery to be collected. I think that the registry has already been successful and a very effective measure over the past 10 years.

I do think that there is scope to take the use of the information that is collated one step further. One of the key cost drivers of health care—in particular, in the private system, but across the whole health system—is

the increasing cost of prostheses. There is a great variety of prosthetic items, including in the orthopaedic area. There is great variety in quality and in cost. A lot of information can be obtained through this register about which are the most effective orthopaedic items, as well as other information. If we have got a particular product that is cheaper and more effective, why would we not channel all of our limited healthcare resources that way?

There is a lot of scope for us to become more cost effective and to continue to follow the lead of what has happened through the Pharmaceutical Benefits Scheme process, where we have a very rigorous process of assessing both the clinical effectiveness and the cost-effectiveness of a particular product before it is listed on the PBS. There have been attempts by the previous government, which I am sure are continuing under the current government, to go down a similar path with prosthetic items. Certainly, with this particular initiative and, with the data available through the National Joint Replacement Registry, I think that there is much more that we can do in terms of comparative analysis and assessing the cost-effectiveness of particular products that are funded either through the public system or through private health insurance funds and patients.

While we will not be opposing this bill, we are concerned that this is yet another one of the many hidden revenue grabs, one of the many cost recovery measures, that have been introduced by the government under the radar, really, in this budget. When there is a cost recovery measure, there ought to be genuine engagement with all affected stakeholders. There ought to be consultation, and that has not happened on this occasion. There is no denying that there is a significant benefit that has been derived from the Joint Replacement Registry, and it is important that the good work continues to be funded appro-

priately. Up until this point, it has been funded by the government. The Rudd government has now made a decision that it has to be cost recovered.

The industry would acknowledge that as sponsors they do derive a benefit from the registry, but they are by no means the sole beneficiaries and the government, in our view, should adequately justify the reason for cost recovery measures such as this. We do not believe that this has happened in an adequate fashion. The information collated by the registry is of benefit to many stakeholders, including surgeons, government and private health insurance. The levies proposed in this legislation are in addition to the application and ongoing listing fees already incurred by sponsors of joint replacement prostheses. As I have mentioned, there has been a complete lack of consultation on this measure and a lack of evidence presented by this government on what other funding mechanisms were considered. Have they essentially just gone, as they have on other occasions, for the easy revenue grab, ignoring any of the flow-on consequences?

Whilst this bill acknowledges the differing benefits applicable to prostheses, there is a reasonable expectation that consideration must also be given to the frequency of utilisation of prostheses in procedures in determining appropriate levels. We understand that the government has decided to continue to fund this very, very important initiative through a cost recovery measure. It is not something that we are very excited about, but we have come to the view that we will on this occasion not oppose the bill. With those few comments, I place the opposition's position on record.

Senator BOYCE (Queensland) (1.22 pm)—I would like to support the comments of Senator Cormann. Any changes that could be made to develop the joint replacement

register so that it becomes even more useful than it has been must certainly be applauded but, once again, the method and the process leave a lot of questions. Firstly, as a member of the Senate Community Affairs Legislation Committee, which oversees the Department of Health and Ageing, I think we almost need a recording now that says the department did not consult. Every inquiry we have we hear about consultation which has not actually listened to the people consulted. Perhaps we need new definitions of what consultation is. Time and time again we are told that whilst the key stakeholders were told what the department thought the department would do, they were not asked for input. If they were asked for input, it was not accepted and the practicality of suggestions put was often completely ignored. We had evidence of this during the inquiry we held around this bill. Lifehealthcare Distribution noted:

Certainly this kind of proposal should follow appropriate consultation to achieve a result fairly across the spectrum of stakeholders, and there has been no consultation so far from the Department of Health and Ageing with the industry on this matter.

Further, the Medical Technology Association of Australia, which represents all the manufacturers and suppliers of prostheses, who are referred to as sponsors, commented:

... there has been no exchange of views on how best to implement this legislation through the rules. Although the Department intends that the levy on listings could be as low as zero, they conceded that they do not have accurate utilisation data on which they will presumably base exemptions. This is a process which should be understood as being practical and achievable before the legislation is passed.

So once again we have the situation of the cart being put before the horse. Let us hope that the system the government has developed is workable and that it does not lead to skewing within the market.

We were given evidence during our hearing that if there are costs involved, there is the possibility that prostheses manufacturers and suppliers might choose not to list products that they hold in reserve for replacements when they are needed and lesser used products. The UK system, which the Department of Health and Ageing tells us was closely examined before this system was put in place, in fact works on a utilisation basis, not on a levy on prostheses manufacturers and suppliers simply for holding prostheses. So we have that concern about this. I am also concerned that there has been little examination, it would appear, from the Department of Health and Ageing about the fact that the Australian Orthopaedic Association are the only group involved in running and having control over the register. I think it is quite excellent that this register has given us the chance already to examine faulty products and remove them from the market. It has brought about the need for a lot fewer replacements, and many fewer revisions of replacements need to be done. It is giving us a much, much better picture of the costs and benefits of good surgery and good products. But, as has been pointed out by the Medical Technology Association, it is not just faulty products that can lead to faulty operations and faulty performance of prostheses. It can also be that particular surgeons or particular ways of undertaking surgery, even particular postoperative procedures, can affect the way a replacement operation works and the level of success it has.

So these are also issues that need to be looked at. Medtronic Australasia commented:

When any single group that is involved runs the entire process there is the potential for a conflict of interest. We do not suggest that the Orthopaedic Association has a particular conflict of interest. However, if data being collected that involves multiple stakeholders and only one stakeholder

group owns the data and directs the design of the registry, there is always the potential for a conflict of interest.

So this is an area that I think needs to be watched closely. It is not just the prostheses themselves that can lead to failures in operations. There are many other reasons as to why this can occur. The register, used properly, will give us a wonderful opportunity to look at this but we need to be concerned that the governance of this register is undertaken in such a way that all aspects of legislation are looked at. I would certainly hope that there will be a review by government within 12 months to two years of the way the register is working with this levy.

Senator ADAMS (Western Australia) (1.28 pm)—I certainly agree with my colleagues' comments and I rise to add further to those. Industry comments during our Senate Community Affairs Legislation Committee's inquiry relating to this bill were ones of concern relating to consultation with industry and about possible conflicts of interest. There was also concern about the mechanism being used to set the levy rate. As you have already heard from my colleague Senator Boyce, many of the submissions and the witnesses at the inquiry commented on the lack of consultation between themselves and the Department of Health and Ageing. During the Senate inquiry, I asked the department how and when industry had been consulted and they admitted that there had been no consultation prior to the budget announcement. Therefore, until a month ago, the industry was not aware of this levying process. The lack of consultation results in no feedback from industry regarding the implementation of this legislation. One witness even commented that the first time they had become aware of the levy was when reading the inquiry advertisements.

I would like to quote from Device Technologies Australia, who questioned the logic

of the timing of the bill, given that the review of health technology assessment, HTA, is currently underway. In light of the lack of consultation with industry, Device Technologies stated:

It is disappointing to note that despite the consultative progress being made through the current HTA Review and previous Productivity Commission reports, industry has not been consulted and appears not to be considered as an integral stakeholder in the passage of the Bill, despite the proposed tax being directed specifically and exclusively towards sponsors of orthopaedic prostheses. Industry would have a conflict of interest in self funding a registry of orthopaedic devices supplied by it to the Australian healthcare system.

Another area of concern at the recent inquiry was the lack of industry representation on the registry management board, as the two seats for industry body representatives had been removed. When I asked the department for the reasons behind their removal, the response was that it was purely advisory. I am assuming, then, that if advice is given but not acknowledged or even used by the board, industry representation is not required. I will just read from our report. Medtronic Australasia raised similar concerns:

At present, with regard to the NJRR, industry does not hold any positions on the NJRR Management Committee. A position is held on the subordinate Advisory Committee. Should industry seek data from the NJRR, then it is only available on a payment basis. We are unclear as to what representation and access to data industry may have if the proposed legislation is enacted.

That is certainly another area of concern. Regarding the conflict of interest, currently the data on the registry is managed by the Australian Orthopaedic Association, and although none of the witnesses felt that there was any particular conflict of interest I would like to state that one organisation having complete control of the registry should be noted as something of concern. If the Or-

thopaedic Association has control of data input as well as releasing information to other organisations, this must be seen as a conflict of interest and should be reassessed, and therefore more consultation must be done with industry to assess the best process regarding access to registry data.

The committee also heard from a number of witnesses, as well as receiving submissions, that stressed the concerns relating to the levy rate setting mechanism. The department's proposal relates to the prosthesis list, when instead the department should have consulted with industry and perhaps looked at the option of utilisation. For example, some prostheses can cost as much as \$67,000. However, these may only be used once or twice a year, compared to other items which are constantly used. Most submissions highlighted this, noting that an item such as the \$67,000 prosthesis would more than likely be used in paediatric orthopaedic operations and are therefore very rarely used compared to a knee or hip replacement prosthesis.

It is clear that in countries where there is a levy rate for joint replacements—for example, the United Kingdom—it has worked well and is considered successful. However, the United Kingdom's levy is different in that it looks at utilisation, while the department's levy does not relate to utilisation and therefore would not have the same success rate. I support the bill to introduce a national joint registry levy. However, it is clear that more industry consultation needs to be done and it is important that there be a review that would this time involve industry feedback. Therefore, I hope that the government will consider the coalition's recommendation that the levy system and the funding of the registry be reviewed in 12 months time.

Senator CONROY (Victoria—Minister for Broadband, Communications and the

Digital Economy) (1.34 pm)—in reply—I thank senators for their contributions to this debate. I note the concerns regarding consultation, and the Department of Health and Ageing, I can assure you, will be consulting with stakeholders on implementation. The Private Health Insurance (National Joint Replacement Register Levy) Bill 2009 will impose a levy on sponsors of joint replacement prostheses in order to fund the National Joint Replacement Registry. The registry provides invaluable post-market surveillance of joint replacement prostheses and also assists the industry by informing the development of new prostheses. As the industry derives considerable benefit from the registry, it is appropriate that its costs are now recovered from industry. The introduction of cost recovery arrangements will also produce \$5 million in budget savings over four years.

Legislated cost recovery arrangements will ensure continuing and stable funding for the critical work of the registry and ensure that it can continue to provide data to improve patient outcomes. The government will determine the amount of levies through rules made under the legislation following consultation with the registry and the medical devices industry.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

SOCIAL SECURITY LEGISLATION AMENDMENT (DIGITAL TELEVISION SWITCH-OVER) BILL 2009

Second Reading

Debate resumed from 15 June, on motion by **Senator Faulkner**:

That this bill be now read a second time.

Senator MINCHIN (South Australia) (1.36 pm)—The coalition supports this

amendment to the Social Security Act to assist with the transition to digital television for households eligible for assistance. The measure was announced as part of the recent budget in a package of measures targeted at regional areas in Victoria, South Australia and Queensland. These of course will be the first regions where the analog signal will be switched off under the government switch-over timetable, commencing in Mildura in the first six months of next year.

The Social Security Legislation Amendment (Digital Television Switch-over) Bill 2009 amends the Social Security Act to allow for eligible households to be identified for the purposes of the proposed assistance measures. These households include those where one or more residents are in receipt of the maximum rate of the age pension, disability support pension, carer payment, DVA service pension or income support supplement. The assistance is described as 'practical, in-home assistance'.

Though no detail is provided in the bill, the department confirmed during budget estimates that the assistance would include a high-definition digital set-top box, delivered and installed; any necessary cabling in the home; and some instruction on how to use the set-top box. During questioning at Senate estimates, the department advised that they are currently putting together tender documents for the rollout of the assistance in Mildura, the first place for the switch-off, where they estimate that there are approximately 3½ thousand eligible households. They anticipate one tenderer to source the boxes, contact eligible households and arrange installation of the equipment. We trust that the department will ensure that the successful tenderer or tenderers approach the task with what will need to be the appropriate sensitivities in relation to these social security recipients.

Discussion at estimates also—and properly—touched on how any potential to abuse this assistance package is minimised, and we encourage the government to ensure that appropriate mechanisms are in place to protect the integrity of the package and ensure it successfully reaches its target audience. The coalition supports the government's commitment to protecting personal information, particularly in relation to the arrangements with contractors delivering this assistance.

The coalition has long been calling for the government to provide certainty for viewers as this switch-over deadline rapidly approaches. For eligible households in Mildura, such as pensioners, this measure will provide some certainty about their capacity to access and utilise the equipment needed to view a digital picture. I note and draw to the Senate's attention that, if the eligible viewer does not own the establishment, they will not receive assistance in relation to cabling and the antenna. While I understand the motive behind that decision, I think it is something that the government will have to monitor to ensure that eligible social security recipients are not inadvertently denied the opportunity to access a digital signal when the analog is switched off.

That is, of course, only one of many aspects required for certainty for all regions as they approach the switch-over. There is still some significant uncertainty in these regional communities, particularly in my state of South Australia but also in Victoria and Queensland, about their ability to receive a digital signal and the steps they need to take to ensure that they are not left behind in relation to the switch-over. While supporting this bill, we continue to encourage the government to provide further detail to regional communities in these states, the first to be affected by the switch-over, about their ability to receive a digital signal.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (1.40 pm)—I thank all senators for their contribution. I know that Senator Minchin is raising these issues out of genuine concern, to make sure that the government's program works as effectively as it can, and we welcome that. Thank you to all senators who have contributed to this.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

HEALTH WORKFORCE AUSTRALIA BILL 2009

Second Reading

Debate resumed from 15 June, on motion by **Senator Faulkner**:

That this bill be now read a second time.

Senator CORMANN (Western Australia) (1.41 pm)—The opposition will not oppose the Health Workforce Australia Bill 2009, subject to the Senate agreeing to an amendment that we have circulated in the chamber. Essentially, while there is broad support in the health community for the establishment of Health Workforce Australia, there is serious concern about the lack of quality of this piece of legislation. It does not contain any detail—and, as we all know, the devil very often is in the detail. It is not based on a sufficient degree of consultation—yet again, here is the issue of a lack of consultation. There is a serious concern that, in the way the legislation is currently drafted, it is unclear as to whether its purpose is for Health Workforce Australia to cut across the roles and responsibilities of professional colleges and other organisations responsible for the accreditation of clinical education and training for health professionals. There are no supporting regulations in place yet. There is

a deliberate lack of involvement by the government of medical and health professionals in the proposed governance of Health Workforce Australia.

Even government senators share many of those concerns. There is a very insightful report by the Senate Community Affairs Legislation Committee, and I commend in particular the comments made by Senators Boyce and Adams. They are very, very insightful comments indeed. Even in the chair's draft of the report, a number of concerns are raised, and I draw them to the attention of the Senate. The report said:

... many still expressed some concerns relating to the Bill, especially the composition of the Board and committees that would ensure that the views of a broad cross-section of stakeholders are heard; and the possibility for the HWA—

Health Workforce Australia—

to interfere with independently accredited education and training standards.

Incidentally, the opposition will move an amendment to deal with that second issue to remove doubt and make absolutely sure that that is not going to happen as a result of this bill.

The chair of the committee, in her report, put the proposition that if the consultations offered by the department were undertaken then there would be no real issue with proceeding with the legislation. But that is a big 'if'. It is really saying: 'Trust us; we're from the government. We're going to fix this in consultations.' Why was it not fixed before this legislation came to the Senate? Why are we presented with a piece of legislation that does not have any of the detail and about which there is significant concern out there in the health community and then just told: 'Take us on trust. All of the things that are wrong with this bill we're going to fix afterwards?' To be honest, I do not think that is good enough. The government ought to seri-

ously reflect on whether that is an appropriate way of going about it.

In the amendment that we will be moving in the committee stage, we will ask for the Senate to agree with the proposition that it needs to be made absolutely clear that the functions of Health Workforce Australia do not include responsibility for accreditation of clinical education and training—for example, accreditation of individual health professional courses—and that the regulations when they come, as they have not been provided yet, must not confer on Health Workforce Australia responsibility for accreditation of clinical education and training.

From the opposition's point of view, it is absolutely essential that we include that particular provision in the bill that is passed by the Senate to ensure that there is no doubt as to what our intentions are in passing this legislation. We would be very concerned if a very obscure piece of legislation without much detail could then be used as a vehicle to do things that we never envisaged would happen when we were debating the legislation.

I draw your attention to the evidence provided during the inquiry, for example by Ms Magarry of Universities Australia, who noted:

Our concern is that the bill does not currently provide any substantive detail on the powers and responsibilities of Health Workforce Australia ...

Professor White of the Clinical Placements Advisory Group of Universities Australia said:

... it is the lack of clarity in the bill, the lack of information and detail in the bill, that is of concern in relation to governance but also in relation to the structure and the way in which the organisation will interact with clinical placements *per se*.

The Australian Medical Council said:

We are not sure what the relationship will be between the bodies that currently fulfil a function related to clinical training and something like Health Workforce Australia.

I am quoting quite extensively from the minority report of Senators Boyce and Adams, a very high quality report, which said:

This uncertainty made many of the professional organisations concerned that, because of its relative size and dominance by Government representatives, HWA would seek to replace the sector's existing and highly respected clinical training and accreditation standards. ...

This clearly is a move towards centralisation, with the inherent risk of a one-size-fits-all approach. When you move towards centralisation from where there currently is a very diversified approach there is a serious risk that important issues will fall between the cracks. I do not think the government has seriously thought through all of these issues. We hope that the chair of the community affairs committee is justified in her confidence and the quality of consultation after the legislation has been considered by parliament is going to be better than the quality of consultation that took place before this legislation was considered by parliament.

As a general point, I think it is absolutely incredible that anybody would believe that, once this legislation is passed and the government is off the hook as far as support from parliament is concerned, the government will be more engaging and constructive in its approach to consultation than it has been while still seeking the support of the parliament. With those few remarks, I flag that the opposition will be moving an amendment and that our support is contingent on this amendment being passed by the Senate today.

Senator SIEWERT (Western Australia) (1.49 pm)—The Australian Greens believe that an effective healthcare system is dependent upon a skilled and well-resourced

workforce. We believe in health funding that supports preventive care and health promotion, multidisciplinary teams and networks, and co-located services. We have championed the need for increases in student places, be they in the medical, dental or nursing schools. We have also called for allied health courses, to address the shortage of health professionals, and commensurate funding for staffing. We believe it is important that we see improvements in facilities to ensure high-quality teaching and mentorship programs. We are also keen to see matters addressed around the planning for Australia's health workforce and we are concerned that this has been hampered by little or no coordination or leadership, which has created a desperate shortage of appropriately skilled and qualified health practitioners.

Given these circumstances, the Greens pay tribute to the hard work and dedication of all those who have participated and continue to participate in the delivery of health care in this country. Our healthcare workforce provide us with an excellent health service, under extremely difficult circumstances in many cases, and we believe they should be commended. In November 2008 the Council of Australian Governments signed off on what the government calls the 'historic' \$1.6 billion health workforce package. With \$1.1 billion of Commonwealth funding and \$539.2 million from states and territories, it does in fact represent a substantial investment in the health workforce. This investment should improve health workforce capacity, efficiency and productivity. We hope it will do this by improving clinical training arrangements, increasing postgraduate training places for medical graduates, improving health workforce planning across Australia and enhancing training infrastructure, particularly in regional and rural areas.

A significant part of the COAG package is the establishment of Health Workforce Aus-

tralia to produce more effective, streamlined and integrated clinical training arrangements and to support workforce planning and policy. The Health Workforce Australia Bill 2009 establishes Health Workforce Australia and implements the majority of the COAG health workforce initiatives. This bill specifies the functions, governance and structure of Health Workforce Australia. It is proposed that it will enable the health ministers to provide directions to Health Workforce Australia and should require Health Workforce Australia to report to the health ministers. We understand that Health Workforce Australia will be responsible for funding, planning and coordinating undergraduate clinical training across all health disciplines, and we expect it should also support clinical training supervision and health workforce research and planning—planning being a very important role. It should also provide funding for simulation training and provide advice to health ministers on relevant national workforce issues.

Under the governance of Health Workforce Australia we hope to see a greater capacity to ensure better value for money for these workforce initiatives and a more rapid and substantive progression of the necessary policy and planning initiatives. These are critical pathways to an improved health workforce and we welcome them. We think it is important in the process of establishing Health Workforce Australia that the role of existing health professions and educational institutions should be acknowledged. We have received assurances from the Minister for Health and Ageing that the invaluable knowledge of existing stakeholders will not be lost amid the expected broad changes to workforce planning structures and authority. We agree with the Australian Nursing Federation that 'cutting out those who both professionally and industrially have the best interests of their professions and their consumers at the forefront of our minds' would

be a mistake. We note concerns raised by key stakeholders during the committee inquiry that this agency should not usurp the functions of accredited agencies or universities in relation to clinical training accreditation. Again we have received assurances from the minister that further clarification about the extent of the remit of Health Workforce Australia in accreditation will become evident when we get to see the draft of the regulations.

We want to see greater consistency around matters of data collection within the health system. We are all aware of the difficulties experienced in data collection. Historically, it has been a spasmodic and unreliable area of health management. We hope that Health Workforce Australia will create a new culture of timely and uniform information gathering. Every issue that is related to health that we talk about in this place has had problems with access to and collection of data, so this is particularly important. Health Workforce Australia provides a national focus to the provision of health care, and with this come significant changes to authority, hierarchies and power. We have received assurances from the minister that these definitions and the impact they have on engagement with existing stakeholders will again be clarified in the regulations. With the promise of \$1.6 billion in funding, it is not hard to envisage that, as the AMA has stated, Health Workforce Australia 'will be able to significantly impact on the standards of medical education in Australia'. A comprehensive strategy to address workforce shortages has been much needed, and we hope that this will be just a part of a significant commitment to the delivery of health care in this country.

The issue in this legislation, as in many bits of legislation we see pass through this place, is that a lot of it is delivered through the regulations. It is imperative that those regulations be right. Of course, regulations

are a disallowable instrument. I understand the regulations will be going to COAG. We will seek assurances from government, hopefully in the minister's summing-up speech, that in fact stakeholders will get to be engaged and will be consulted in the generation and development of the regulations before it goes to COAG. I am sick of regulations coming into this place and us being told that we cannot alter them because they have already been to COAG. It is necessary for the government to ensure that stakeholders are consulted before the regulations go to COAG, because I do not want to see disallowable instruments come in here and be rejected. If the proper consultation does not happen, that is what will happen in this place. We seek assurance from government during this debate that there will be consultation with all stakeholders around those key regulations. Once those assurances have been given, the Greens will be supporting this legislation.

Senator BOYCE (Queensland) (1.56 pm)—The coalition takes the view on the Health Workforce Australia Bill 2009 that we have been assured by the minister, by the department and by all governmental witnesses that there is no intention whatsoever for the developing Health Workforce Australia to take over the accreditation roles of the various health professional and medical organisations in Australia. In our view, if that is the case then there is no reason why this cannot be spelt out very clearly in the bill. Our greatest concern is that, given the size of this organisation and given that the majority of its representatives will come from federal and state health departments, there is a strong likelihood that over time this organisation will not only want to look at the training and education that is necessary for health professionals but also start having views about what that actually should look like—what sort of training it would be and what sort of accreditation it would finally have.

There will be a strong push for this organisation to start to set all the rules, to decide how long a course should be and to decide what constitutes a reasonable level of skills in profession after profession. The AMA, all of the universities, the deans of the medical colleges and numerous other groups have given us evidence about their very strong concerns about the centralising tendency that this legislation could ultimately lead to.

In our view, this is the most flawed aspect of this bill. We certainly need some national health workforce planing; the states have not proved capable of doing that. But to give over to those same states the power to decide what constitutes a reasonable level of education and training before people can practise as doctors, surgeons, nurses and many other health professionals is in our view a very poor way of attempting to cope with the very serious workforce issues in this area. I believe that we need the assurance of this amendment to go into the legislation so that we can confidently say to our health professionals that the current very high and respected standard of Australia's health workforce will be maintained and will not be overrun by state health departments and state public hospitals seeking to cut corners and save money. This tendency is quite possible and certainly must be resisted.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Employment

Senator FIFIELD (2.00 pm)—My question is to the Minister for Employment Participation, Senator Arbib. Now that a spokesperson for the former Minister for Employment Participation has confirmed that there were a series of phone calls between one tenderer and the former minister's office in the lead-up to the decision on the \$4.9 billion tender for employment services, will the minister urgently establish a full and

independent inquiry into this most serious matter?

Senator ARBIB—Let me point out once more to Senator Fifield that the independent external probity adviser was satisfied that at all stages the assessment process that was followed by the Department of Education, Employment and Workplace Relations met all requirements. As the opposition well knows, the process was conducted at arm's length from government at all times. The communication referred to in the question was sent to the minister's office well after the process had been conducted. Any other communication prior to the outcome of the tender had nothing to do—I repeat: nothing to do—with the purchasing exercise. Mission Australia have every right to feel deeply aggrieved by any suggestion to the contrary, Senator Fifield.

The independent external probity adviser said that in all stages its involvement took the form of: advice to the department on the development of appropriate processes supporting the implementation of the tender process arrangements, in particular advice on best practice; advice on preparation and release of the exposure draft and request for tender in August; signing off on all guidelines used in the evaluation and assessment of the tender responses process; briefings and advice on probity and communication matters related to the tender; delivery of probity briefings and/or participation in meetings as a probity representative; and attendance at all meetings where the department was considering business allocations. The independent external probity adviser gave an unqualified sign-off to the tender process, saying:

... the ... process represents a high benchmark for the conduct of Commonwealth procurements in that DEEWR—

(Time expired)

Senator FIFIELD—Mr President, I ask a supplementary question. Has the minister received any advice in the last 24 hours from the department or from the independent probity adviser, Clayton Utz, specifically relating to the series of phone calls between the former minister and Mission Australia in the lead-up to the decision on the \$4.9 billion tender?

Senator ARBIB—I repeat the quote. The external probity adviser gave an unqualified sign-off—

Opposition senators interjecting—

Senator ARBIB—Mr President, they might not want to hear the answer, but I am answering the question. The probity adviser gave an unqualified sign-off, saying:

... the ... process represents a high benchmark for the conduct of Commonwealth procurements in that DEEWR not only met, but in many cases exceeded, relevant probity principles and standards.

Senator Fifield—I rise on a point of order on relevance, Mr President. The question specifically asked about advice in the last 24 hours. The documents to which the minister is referring were produced before the latest revelation. The question is in relation to advice received in the last 24 hours.

Senator Ludwig—Mr President, on the point of order: the difficulty we always get into is that the minister is answering the question and is relevant to the question by dealing in the answer with the advice that he has in respect of the matter. It is not the case that if you do not like the answer being given to the question then you can object to it, or if the answer that they are being given is not the one they want. That is not a point of order. I respectfully submit, Mr President, there is no point of order in respect of this. The minister is answering in relation to the question on the matter of advice.

The PRESIDENT—Senator Arbib, I advise you that you have 27 seconds left to answer the question that has been raised by Senator Fifield.

Senator ARBIB—Thank you, Mr President. Senator Fifield has a real Sherlock Holmes thing going on here. He is investigating hard. I know he is trying hard on this one.

Opposition senators interjecting—

Senator ARBIB—However, Senators, it is not Sherlock Holmes but rather Inspector Clouseau we see here. Let us reveal it: a week ago an inquiry took place and Senator Fifield said— *(Time expired)*

Senator FIFIELD—Mr President, I have a perhaps simpler further supplementary question for the minister: was the probity adviser aware that there were a series of phone calls between the former minister and a tenderer in the lead-up to the decision on the \$4.9 billion tender? Has the probity adviser examined the documentation of the details of the approaches of tenderers to the former Minister for Employment Participation? Again, will the minister now urgently establish a full and independent inquiry into these matters?

Senator ARBIB—I have already given Senator Fifield an answer on the probity adviser. That has already taken place and been signed off. I will just come back to Senator Fifield for a sec—Inspector Clouseau on a fishing expedition. More like Rex Hunt, I think! A week ago in a Senate inquiry—let's get the quote from Senator Fifield—he said:

There has not been much evidence calling into question the probity. The real question has been the efficacy of the process.

When was that? Was that a month ago or 12 months ago? That was seven days ago. He was not calling into question the probity. He was calling into question the efficacy. This is Senator Fifield on an absolute fishing expe-

dition. There is no case for the former minister to answer whatsoever. If Senator Fifield had actually taken the time to read the statement put out by the former minister, he would understand there is no case to answer. I say to Senator Fifield: read the document—*(Time expired)*

Building the Education Revolution Program

Senator FEENEY (2.07 pm)—My question is to the Minister for Innovation, Industry, Science and Research, representing the Minister for Education, Senator Carr. Can the minister update the Senate on the progress of Building the Education Revolution, a central plank of the government's Nation Building Economic Stimulus Plan? In particular, can the minister—

Honourable senators interjecting—

The PRESIDENT—Senator Feeney, resume your seat. I missed part of the question. Just continue.

Senator FEENEY—In particular, can the minister update the Senate on recent media reports about Building the Education Revolution? Do they represent an accurate and balanced view of the program and do they reflect the widely-held views of Australian school communities?

Senator CARR—I thank Senator Feeney for the question. This is a program to build and refurbish facilities right across the country. It is a program that is benefiting 9½ thousand schools. It is a program that will enable a quarter of a million teachers to do their job more effectively. It is a program that will help our 3½ million primary and secondary students achieve their full potential. And what do we have arrayed against us on this issue? An opposition that is looking for a whinge-led recovery, and one media outlet. It may surprise some senators to learn that the media outlet in question is not the esteemed Victorian periodical *Poodle Patter*;

it is the *Australian* newspaper, which this morning continued its campaign of trotting out someone, anyone, to denounce the program every day.

This morning it was a front-page rant about a school not getting what it wanted despite 'agonising and calculated appeals to the opposition'. Everyone on this side understands what they mean about the agony. Perhaps those opposite can explain, however, what they mean by the calculation. The office of the Minister for Education confirms that the Victorian authorities have informed the Commonwealth that the school will indeed get the \$3 million project that it proposed. School communities around the country have got right behind this program because they know that it is good for jobs and it is good for the kids. They should be demanding to know from the opposition why they voted against it.

Senator FEENEY—Mr President, I thank the minister for his answer and I have a supplementary question. Can the minister please update the Senate on related media claims that schools slated for closure and/or amalgamation are being awarded funds? Is there any foundation to these claims? What safeguards has this government put in place to make sure such events do not happen?

Senator CARR—The Building the Education Revolution guidelines are adamant that no school planned for closure will receive funding and that the funding due to schools planned for amalgamation will be used for the new school site. The Minister for Education has addressed each and every one of the false claims that have been brought forward, whether it be in the *Australian* newspaper or by the opposition. The funding due to amalgamating Queensland state schools, such as Inala West and Inala, Richlands and Richlands East, Dinmore and Riverview, will all go to the continuing

school. The funding due to South Australian Gepps Cross Primary School will be spent on equipment for the new site, not the site scheduled for closure. The opposition's willingness to peddle these false claims betrays their ideological antipathy to fighting the global downturn. *(Time expired)*

Senator FEENEY—I have a second supplementary question for the minister, Mr President. Can the minister update the Senate on media reports that contractors are overcharging? Is this credible given the competitive nature of the contemporary building industry? Has the global recession had no impact on the construction industry? And what safeguards have been put in place to make sure this does not take place?

Senator CARR—The Commonwealth's funding arrangements with the states, the territories and the block grant authorities require that these authorities deliver value for money. They are required to report monthly on how the money is actually being spent. The shadow minister for education has tried to sow confusion by comparing apples with Schmackos, the cost of building to lock-up stage with the cost to the final fitout. Our buildings will have everything they need to make them fully operational.

Construction is always a low-bid industry, and in the difficult economic times competition becomes even more intense. Without this program, we would see hundreds of builders, tradespeople and service providers out of work. In fact, without the government's stimulus measures since last October an extra 210,000 Australians would be out of work today. *(Time expired)*

Employment

Senator FERGUSON (2.13 pm)—My question is to the Minister for Employment Participation, Senator Arbib. Can the minister confirm that his department sent an email to jobs service providers to confirm delays in

providing adjustment funds because the Agency Adjustment Fund was seriously oversubscribed?

Senator ARBIB—I thank the good senator for that question and I am happy to seek out that information and give him a response. I am also happy to speak about the Agency Adjustment Fund, because this is something that has been put in place to improve the system and also to benefit those community organisations in particular that missed out on work in the tendering process. In terms of Job Services Australia, and I am very happy to talk about this all day, we are proud of the reforms we are putting in place. Yesterday I talked about the seven programs that used to be there under the old Job Network. If you were a job seeker, you would have to walk through seven doors to actually get service. How does that work for job seekers?

People from the industry talk about the old conveyor belt system where you got training for training's sake, not training to get you onto a pathway for a job. When the government came into office we looked at the Job Network and we consulted with the sector. The one thing that everybody in the sector said—the community groups, the providers, the government and the department—was that the system was not working and that the people who needed the assistance were not getting it. That is what the reforms to Job Services Australia are about. We are going from seven programs to one. We have put an extra \$1 billion into the network. On top of that, the system will be focused on disadvantaged workers—the long-term unemployed. That is what this government are about. We have a plan to deal with unemployment. We have a plan to stimulate the economy. On the other side of the chamber there is no plan. The member for Wentworth, Malcolm Turnbull, has spent 275 days as Leader of the Opposition but has no jobs plan. *(Time expired)*

Senator FERGUSON—Mr President, I ask a supplementary question—and I can only assume that Senator Arbib is confirming delays in providing adjustment funds. Is it a fact that the Agency Adjustment Fund was only introduced after widespread criticism of the employment services tender from, among others, former Job Network providers such as Catholic Social Services, Jobs Australia, the Australian Council of Social Service and other employment services providers?

Senator ARBIB—I cannot believe that Senator Ferguson is being critical of us putting in place a fund like this to assist community organisations that have missed out on contracts. I want to remind the good senator that the network and tendering structure was based on your government's system. Your government introduced the tendering system. We are improving it to help the long-term unemployed. You may not have been thinking about that for the 12 years you were in government, but we are thinking about it. That is what the government is about: a real jobs plan. You can add to that the Jobs Fund. I want to thank Senator Fielding, Senator Xenophon and the Greens senators for their work in establishing the Jobs Fund. It is going to mean real work, not the old conveyor belt to the past of your— *(Time expired)*

Senator FERGUSON—Mr President, I ask a further supplementary question. Minister, is the Agency Adjustment Fund just a \$3.5 million bandaid for a \$4.9 billion bungle?

Senator ARBIB—If you ever wanted to know the difference between this side of the chamber and the other side of the chamber, you have just heard it. There is \$3.5 million going out to community organisations, and you call it a bandaid. You have got to be kidding me! This is about supporting those organisations through a difficult period—local community organisations, many of whom

have missed out on contracts under the new system. We are trying to assist them. And it is not just that; many of these organisations have applied for funding from the Jobs Fund. The opposition opposes the Jobs Fund. For them, there was no need for a Jobs Fund. It was left to Labor and the crossbench to get that fund up. What this is going to mean is real jobs on the ground. On top of that, Senator Ferguson, I refer you to the Innovation Fund. This will provide new ways of finding a pathway to employment—not training for training's sake, not work for the dole, but real training and real jobs. *(Time expired)*

Renewable Energy

Senator MILNE (2.19 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Does the government's economic modelling show an increase or a decrease in wholesale electricity prices due to the expanded renewable energy target, and what is the rationale?

Senator WONG—I thank Senator Milne for the question. I am not sure what the senator means by the second half of the question: 'What is the rationale?' If she is asking what the rationale is for the renewable energy target—

Senator Abetz—The government never has a rationale.

Senator WONG—I will take that interjection, Senator Abetz, because I understood from the member for Flinders previously that you were supporting this legislation. But you appear to be so divided now that you are opposing it or delaying it. As I recall, he came out saying you were supporting it. The rationale for the renewable energy target—and I think Senator Milne and the Greens are well aware of this—is that we want to provide an incentive that brings forward investment in the range of renewable energy opportunities that Australia has, such as solar, wind, wave and geothermal. Unlike those

opposite—and I note that they are very quiet—who presided over a reduction in the amount of renewable energy used in this country as a proportion of electricity—

Senator Milne—Mr President, on a point of order: it was a very straightforward question about whether the government believes that the wholesale electricity price would increase or decrease under the RET, and the rationale for that.

Senator WONG—The rationale for the renewable energy target is clearly to bring forward investment in renewable energy. It is the case—and I think the Greens would know this—that most forms of renewable energy are currently more expensive than conventional forms of electricity. The reality is that coal fired power generation is still cheaper than renewable energy. So we do require government policy to bring forward investment in renewables to start to reduce the cost gap between conventional and renewable power. *(Time expired)*

Senator MILNE—I assume from the second part of the minister's answer that she was arguing that there would be an increase in wholesale electricity prices due to the expanded RET, so I ask a supplementary question. Since three out of the four consultancy reports that have analysed the impact of the RET on electricity prices all disagree with the government's assumption that there would be an increase in price, and studies by CRA International, ACIL Tasman and ROAM Consulting all conclude that electricity prices will fall, what is the government's basis for rejecting the conclusions of those modellers in favour of the special pleading from the big polluters?

Senator WONG—I appreciate that the Greens have a view about this. The fact is that as a result of the failure of previous governments to invest in renewable energy there is still a cost gap between renewables and

conventional forms of energy. That means that we do have to put in place policies which create investment, which bring forward investment and which give an incentive for people to use and to generate renewable energy. We need to put in place incentives for business to develop wave resources, geothermal resources, solar and so forth.

Senator Bob Brown—Mr President, I rise on a point of order. The question was to get directly from the minister the rationale for rejecting three reports on this matter. The minister is not addressing that question at all.

The PRESIDENT—Senator Wong, you have 22 seconds left to answer the question. I draw your attention to the question.

Senator WONG—It is the case also, and it might be useful to be aware of this, that the government's estimates are that the renewable energy target, together with the Carbon Pollution Reduction Scheme, will drive around \$19 billion in renewable investment out to 2020. That is the nature of the investment that this government's policies will pump into that sector. On the question about exemptions, I appreciate the Greens have a different view on this issue— *(Time expired)*

Senator MILNE—Mr President, I ask a further supplementary question. Can the minister explain why the government rejected advice by CRA International, ACIL Tasman and ROAM Consulting regarding electricity prices falling and instead just went with the McLennan Magasanik Associates advice when those consultancy firms all concluded that electricity pool prices would be reduced by a five per cent margin if those low-cost, short-run marginal cost renewables came into the generation mix? Why did the government not look at those other reports and instead just accept the view that the old polluters had to be sandbagged under this legislation?

Senator WONG—The government does not accept the way in which the senator has constructed this argument. It is the case that we have provided some exemptions to industries under the renewable energy target and that is in recognition of the likelihood of higher electricity prices. The government have made it clear that that is the rationale for these exemptions. As the senator knows, we have not provided 100 per cent. We have provided assistance on the same basis as is provided under the CPRS. It is very simply this: aluminium and other sectors will bear potentially higher costs and we believe it is our responsibility to support jobs through this transition—jobs in existing industries—whilst driving the investment in the clean technologies of the future. It is a transition. We are not simply going to avoid or duck the issue of supporting current—*(Time expired)*

Building the Education Revolution Program

Senator MASON (2.26 pm)—My question is to the Minister representing the Minister for Education, Senator Carr. I listened closely to Senator Feeney's question to the minister, so I ask specifically: is the government aware that the Berwick Lodge Primary School in Melbourne was refused a \$3 million six-classroom library complex under the school stimulus debacle and was then bullied to instead accept a gymnasium, even though the school already has a gymnasium, and was then finally offered a \$2 million classroom multipurpose complex?

Senator CARR—Thank you, Senator Mason. I wondered when you were going to get around to asking me a question about this, rather than everyone else along the front bench.

Senator Minchin—Thank you, Senator Carr.

Senator CARR—It is a simple proposition. If you are going to do the bidding—

The PRESIDENT—Senator Carr, address the question.

Senator CARR—I will. This is one of those questions where we see, once again, that the opposition has sought to actually outsource their work to the *Australian*. It is normal practice, I know, for newspapers these days to outsource work to others, but we have a situation here where the opposition and the member for Sturt are seeking to outsource their work to the *Australian*.

Berwick Lodge Primary School is eligible to apply for funding of up to \$3 million under the Primary Schools for the 21st Century program for the building of new classrooms. The Victorian Department of Education and Early Childhood Development has assured the Department of Education, Employment and Workplace Relations that they are working with the school to reach agreement on the projects proposal and to resolve any outstanding issues.

Opposition senators interjecting—

Senator CARR—The Victorian authorities—I would ask senators opposite to listen to this—have informed the Commonwealth that the school will receive its \$3 million allocation to build its preferred option of additional classrooms.

Senator MASON—Mr President, I ask a supplementary question. Is it true that the reporting requirements relating to jobs and tender prices under the Building the Education Revolution program only apply after the money has already been allocated by the Commonwealth government?

Senator CARR—The reporting requirements have been made very, very clear, and in my previous answer I highlighted the detail of those reporting requirements. What each state and territory is required to do is to ensure that they report on a monthly basis, that the program administration has been consistent with the guidelines and that there

will not be tolerated any of the suggestions that you and others have been making, Senator, about the administration of this program.

Each and every case that has been brought forward by the member for Sturt or by the *Australian* newspaper has been demonstrated to be incorrect. They are incorrect! I know your interest and understanding of education is actually a lot greater than that of the member for Sturt, but it is a pity that you did not undertake the necessary—

Opposition senators interjecting—

The PRESIDENT—I will call Senator Carr to finish his answer when there is silence.

Senator CARR—The opposition would do well to advise the people of these communities that they are now seeking to exploit what their position is. Do you support this? (*Time expired*)

Senator MASON— Mr President, I ask a further supplementary question. Why will the government not listen to parents, teachers, school principals and even the Australian Education Union and review the program they all say is generating a huge waste of borrowed taxpayers' money?

Senator CARR—What this question demonstrates, yet again, is the failure of the opposition to understand what the impact of the global recession has been. This demonstrates, yet again, the failure of the opposition to understand how this program actually assists to build and refurbish facilities right across Australia. The opposition has failed to understand that this is a program that benefits 9½ thousand schools. It is a failure to understand that this is a program that benefits 3½ million Australian students, whether they are in primary or secondary schools. The opposition fails to understand that this is a program that benefits a quarter of a million teachers across the country. What this question demonstrates, yet again, is the failure of

the opposition to understand the importance of education. (*Time expired*)

Cyberbullying

Senator FARRELL (2.31 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Given the increasing number of people—especially young people—who are interacting online as part of their normal daily routine, can the minister indicate what implications this has for government and policy development in terms of ensuring that people can do this safely and with confidence? In particular, could the minister outline what the government is doing as part of its \$125.8 million cybersafety plan to address the prevalent issue of cyberbullying in schools for young Australians who interact online?

Senator CONROY—I thank Senator Farrell for his question. Senators will be aware that cyberbullying is a serious issue facing young Australians. Although young people are among the quickest adopters of new technology, it is apparent that cyberbullying can make the online space an unpleasant and potentially dangerous place. Young people are at the leading edge of online experience, and the Rudd government believes they can provide valuable advice on the emerging problem of cyberbullying and provide strategies on how to stay safe online.

Last month I launched the youth advisory group on cybersafety in Victoria. The YAG is a group of secondary school students aged from 11 to 17 who are providing advice to the government on cybersafety issues from a young person's perspective. These young people have been tasked to help communicate to government what they see as the nature of cybersafety risks and how young people can manage them, and how cybersafety messages can best be communicated to other young Australians. Three hundred

and five YAG members are contributing their online experiences to help inform government policy. In just the first week, 2,100 new cybersafety posts were generated on 75 individual topics. The quality of the contributions is impressive, and there is a rich source of information evolving in the online forum. This month, face-to-face meetings with trained moderators are being held at participating schools. On behalf of the government and the Senate, I extend my thanks to the YAG members for their participation in this project.

Senator FARRELL—Mr President, I have a supplementary question. With the establishment of the youth advisory group as an innovative way for the government to engage and seek feedback from young people, is the minister able to update the Senate on the feedback so far? In particular, can the minister inform the Senate of the specific sorts of advice the youth advisory group is providing and what the government intends to do with this advice?

Senator CONROY—As I said, the quality of the contributions is impressive and there is this rich source of information evolving on the online forum. The youth advisory group has advised the Australian government that we should have an easily accessible government liaison officer from whom young people can seek advice in a secure environment. I was especially interested in some of the topics raised, including identifying the positive role media outlets could play through addressing these types of issues in the plots of shows like *Home and Away* and *Neighbours*. The YAG has advised of the need for an Australian government website that deals with cybersafety issues and specifics on how it should look and work. It has stressed the need for education of parents and children about both the good and the bad on the internet. (*Time expired*)

Senator FARRELL—Mr President, I have a further supplementary question for the minister. While the establishment of the youth advisory group is fulfilling an important function, is it not the case that there are potentially a range of other measures that can be put in place to ensure that young Australians are able to interact safely and confidently online? Can the minister outline other steps that the government is taking to ensure the safety of our children online?

Senator CONROY—In addition to the measures I have just outlined, the government is also undertaking a review of existing Australian and international cybersafety research. The outcomes of this should be available shortly, and they will also help inform government policy. Consistent with the government's election commitments, we have also delivered on developing other cybersafety initiatives, including professional development for teachers and curriculum resources provided by ACMA as well as presentations for parents, teachers and students. ACMA has delivered a professional development program to over 1,200 teachers since November 2007. It has delivered internet safety presentations to over 350 schools and approximately 40,000 participants. One hundred thousand new resource kits have been distributed to libraries and families since July 2008. The cybersmart detectives activity has also been played by many students. (*Time expired*)

Trade Practices Act

Senator JOYCE (2.37 pm)—My question is to the Minister representing the Minister for Competition Policy and Consumer Affairs, Senator Sherry. Since the commencement on 25 September 2007 of section 461AA of the Trade Practices Act, also known as the Birdsville amendment, how many prosecutions has the ACCC undertaken under that section?

Senator SHERRY—Thank you for the question. I do not have that information. I will take it on notice and come back to you.

Senator JOYCE—Mr President, I ask a supplementary question. I believe the answer is zero. Bearing that in mind, is the minister aware of any internal ACCC directions to not pursue breaches of the Birdsville amendment?

Senator SHERRY—Obviously no. I will take it on notice.

Senator JOYCE—Mr President, I ask a further supplementary question. What steps are being taken to ensure that the ACCC is vigorously enforcing the Birdsville amendment—a piece of legislation that has come out of this parliament, a law of this land—to the fullest extent possible under the Trade Practices Act? And, if there are any other directions, who would have given them?

Senator SHERRY—Given that my previous response to the question was no, very obviously the answer is no. I will take it on notice and I will happily come back to you with further information.

Attention Deficit Hyperactivity Disorder

Senator XENOPHON (2.39 pm)—My question is to Senator Ludwig, representing the Minister for Health and Ageing. I draw the minister's attention to a paper published in the April edition of the *Australian and New Zealand Journal of Psychiatry* relating to attention deficit hyperactivity disorder. The research was conducted by academics from the University of Nebraska and the University of South Australia. The paper reports on a 16-year review of South Australian government data to identify a high variation in new cases of the prescription of psychostimulants, including amphetamines, to treat ADHD, as well as higher prescription levels in lower socioeconomic suburbs—some as high as 12 per cent of children aged between five and 18 years. My questions are:

is the minister aware of this longitudinal study? Is the minister aware of media reports of similar trends in the lower socioeconomic suburbs of Sydney, as well as other research that indicates such volatility in prescription rates between states and regions? If so, can the minister offer a response on behalf of the federal government as to why it believes that there is such a volatility in psychostimulant drug prescription for ADHD across states, cities and suburbs?

Senator LUDWIG—I thank Senator Xenophon for his question. The department is aware of the article published in the *Australian and New Zealand Journal of Psychiatry* in April this year. The government would be very concerned if children are being inappropriately prescribed medication for ADHD—just as we would be concerned if children who needed medication were unable to get it. In terms of the lower socioeconomic areas of Sydney, the volatility and perhaps also the reasons for the volatility, the Australian draft guidelines on attention deficit hyperactivity disorder were developed for the Royal Australasian College of Physicians by independent scientific writers. The guidelines are based on a thorough review of current evidence and will provide advice on best practice in the management of ADHD across a broad range of possible interventions. Those are the guidelines that are currently in place.

More than 70 submissions were received when the guidelines were released for public consultation. It is anticipated that the guidelines will be submitted to the NHMRC for final approval in the coming months. The real issue, of course, is that if anyone is concerned about the medication that they or their children are taking they should speak to a doctor. I am not aware of an increase or otherwise in Sydney as a particular area. I am happy to seek additional information from the relevant minister, Minister Roxon, to see

if she can provide any additional information. I can say that it is important for parents, teachers and doctors to have clear evidence based guidelines on appropriate management of the condition. That is exactly what the draft guidelines go to. *(Time expired)*

Senator XENOPHON—Mr President, I ask a supplementary question. Does the minister agree that the high cost of private non-pharmaceutical treatments for ADHD, including therapy, and/or inadequate state services may be contributing to poorer families accessing the only affordable and accessible treatment, namely cheap psychostimulant drugs on the PBS?

Senator LUDWIG—I thank Senator Xenophon for his question. Of course, the government is always concerned about ensuring affordable access to health care for Australians, particularly those who have the least capacity to pay. They range from those people who are on low incomes right through to pensioners. That is why we have the Pharmaceutical Benefits Scheme, and that is why the government will spend something in the order of \$7 billion this year to subsidise more than 3,100 products through the PBS, covering around 80 per cent of prescriptions. The PBS is a co-payment and safety net arrangement to help to ensure that subsidised medicines are available for all Australians, and of course the government does provide additional assistance in some areas. In terms of seeking additional information about the particular part of your question— *(Time expired)*

Senator XENOPHON—Mr President, I ask a further supplementary question. Will the minister take those matters on notice? Given that the federal government has argued that the new national specific purpose payment arrangements will produce more accountability for the states with federal funding, what specific benchmarks will ap-

ply to improve state service provision to reduce the disproportionate number of poorer kids taking drugs for ADHD and the long-term implications for those children?

Senator LUDWIG—Thank you, Senator Xenophon. I will take part of the issue that you have raised on notice. I can add that under the Pharmaceutical Benefits Scheme consumers can ask their doctors to prescribe a generic medication, and their pharmacist may be able to supply a less expensive brand. That is about always ensuring that all brands of the same medicine have the same active ingredients and have been tested by the Therapeutic Goods Administration. Usually the only difference between one brand and another is the packaging, size and type. It is about ensuring that there are less expensive medicines available to ensure that groups who cannot afford it or who want the additional option can choose to balance their budget by choosing the less expensive, generic medications. The government is aware— *(Time expired)*

Water

Senator HEFFERNAN (2.46 pm)—God, it is a special day. My question is to the Minister for Climate Change and Water, Senator Wong. What action will the minister take to address the Victorian government's failure to adhere to the controlled action conditions in the EPBC Act relating to the north-south pipeline—which they are obviously in breach of—given the orders in council, published in the *Victorian Government Gazette* of 28 May, making a bulk entitlement of 75 gigalitres of water from the Eildon Dam, breaking at least three of these conditions?

Government senators interjecting—

Senator HEFFERNAN—None of you people over there—other than the minister—know what I am talking about!

Senator WONG—Thank you to Senator Heffernan for the question—and congratsula-

tions to him on getting a question. These are matters which have been discussed in Senate estimates on a number of occasions. I think Senator Heffernan traversed some of these issues then. I believe he is speaking about the Sugarloaf Pipeline and the conditions that Minister Garrett put in place under the EPBC Act. As I said then and will repeat now: there are means for enforcement under the EPBC Act—that statute sets those out. I will obtain any further information from the department—and this is actually Minister Garrett's department—that I can. I am not aware of anything further since the Senate estimates on this issue, but it is possible there may have been further actions, to which Senator Heffernan is referring. But again I say: the conditions of approval are conditions that have force under the EPBC Act. There are a range of enforcement mechanisms under that act, and this project will be treated, like any other, in accordance with the provisions of that statute. I recognise, and the government recognises, that this is an issue that has attracted a great deal of attention within Victoria, but, as Mr Garrett has consistently said, his decision on this issue is driven by the merits of the matter before him, and, of course, there is only a limited set of issues before him in relation to the pipeline.

Senator HEFFERNAN—Mr President, I ask a supplementary question. The mean flow of the system is 2,700 gigalitres and is predicted to be 300 this year, which has serious implications for downstream and for environmental flows. How can the minister on one hand say she is trying to return water to the Murray-Darling Basin when at the same time she is allowing Melbourne Water to extract 75 gigalitres—which is not even considered a gross figure; it is a net figure—of environmental reserves from the Goulburn River, a tributary of the Murray? This is just plain stupid.

Senator WONG—Senator Heffernan is one of the few people on that side who should know better than to ask that question, because he knows that—whatever the merits of the pipeline—this is an issue about the division by Victoria of its own state shares. He tries to make a comparison with water purchase, but he knows that the purchase of entitlements is a different issue. I share his concern about where the basin is, and the figures that he put into *Hansard* just now demonstrate the concerning and extremely difficult situation we face in the Murray-Darling Basin. I wish that more on that side would recognise that challenge, because we have a range of senators and coalition members who refuse to acknowledge the reality of the challenge in the Murray-Darling Basin, and who continue to be opposed to water purchase—

Senator Nash interjecting—

Senator WONG—and Senator Nash is one of those—

Senator Nash—Answer the question!

Senator WONG—I am answering the question, Senator Nash. Unlike you, we have a plan to deal with the Murray-Darling Basin. In 10 months in government, Malcolm Turnbull returned not one drop. (*Time expired*)

Senator HEFFERNAN—Mr President, I ask a further supplementary question. In recent weeks a landowner in this area was found guilty of trespassing on their own property under the EPBC Act, which was overlooked because of the alleged behaviour of the Victorian government. Does the minister realise that Melbourne has many other water supply options, all of them more reliable and renewable than the drought stressed Goulburn River—recycling, stormwater, harvesting, desalination, water conservation and further dam construction—south of the

Great Dividing Range in a different rain shadow?

Senator WONG—In relation to the first issue, I will have to take that on notice; I am not aware of the details of the incident to which you refer. In relation to the second issue: yes, we are aware of the range of means needed to try and secure water in the face of the challenge of climate change. That is why, unlike the previous government, we are funding Water for the Future, we are funding urban water projects through the urban water fund, we are funding stormwater, we are funding recycling and we are funding waste water. Those on the other side can come in here and lecture us about water policy, but Australians can look at their record, which includes, I think, the comments of Mr Costello—who is now on his way—about the Commonwealth not having a role in urban water. That is not our view. We are funding projects—including desalination, recycling, waste water, greywater, stormwater harvesting— *(Time expired)*

Climate Change

Senator PRATT (2.51 pm)—I have a question for the Minister for Climate Change and Water, Senator Wong. I would like the minister, please, to update the Senate on what I think is the urgent need to pass legislation to tackle climate change. Could the minister further update the Senate on any recent actions that prevent any such legislation being passed?

Senator WONG—I thank Senator Pratt for the question. She is one of the senators in this place who does not need to be convinced of the importance of acting on climate change, unlike those opposite. What we have seen from those opposite is nothing other than a continued strategy of delay.

Opposition senators interjecting—

The PRESIDENT—Order! Senator Wong, continue.

Senator WONG—Mr President, it is not surprising that they get a bit loud on this issue, because the fact is that they know what their record was. They know they went to the last election promising action on climate change—they promised to introduce an emissions trading scheme—and now, they are so divided, the best they can do on these issues of national importance is delay. All they can do is delay. They do not even want to vote. It is extraordinary! What we have seen today in the Senate is the opposition—

Opposition senators interjecting—

The PRESIDENT—Order! Senator Wong, resume your seat. When we have order, we will continue.

Senator WONG—As I was saying, Mr President—and I note that they are very sensitive about this issue—all we can see from the other side is delay when it comes to the big challenge of climate change.

Honourable senators interjecting—

The PRESIDENT—Senator Wong, resume your seat.

Honourable senators interjecting—

The PRESIDENT—Order! Interjections across the chamber are completely disorderly and are unbecoming.

Senator WONG—As I was saying, what we have seen today, for example, is legislation on the renewable energy target and the opposition voting to delay a vote on that until after the winter session. This is legislation that previously your shadow minister said you would support, but you want to delay it. Why do you want to delay it? I will tell you why you want to delay it. You want to delay it because previously you were supporting it but now of course we hear Senator Boswell and others coming out and opposing it. So what is Malcolm Turnbull's solution? It is, 'We'll have another delay.'

The PRESIDENT—Senator Wong, you should refer to people in the other place by their correct title.

Senator WONG—What is the Leader of the Opposition's position on this? What is his approach? More delay, more doing nothing. He will not stand up to those in his own party room who do not want investment in solar, wave, wind, geothermal and the clean technologies of the future. You just want to delay again. (*Time expired*)

Senator PRATT—Mr President, I ask a supplementary question. Picking up on Senator Wong's answer, I know that one of the key platforms that needs addressing is that of renewable energy. I know that the renewable energy sector has been planning on the basis of having a renewable energy target in place. Given the decision by the opposition to refer the renewable energy legislation to a Senate committee until 12 August, there appear to be, I think, negative effects on the renewable energy sector in terms of planning for the introduction of the renewable energy target this year. This industry needs certainty. This is why the renewable energy sector has been advocating for legislation to be passed as a matter of urgency. Are there any barriers preventing the opposition from voting on this legislation this month?

Senator WONG—Yes, the barrier to passing the legislation is the division in the opposition party room. I would just remind them of what Mr Hunt said. I know that he is not the favourite of a number of senators, including Senator Minchin, but just last week he was telling journalists, of the renewable energy legislation, 'We like this legislation.' He said, 'We like this legislation.' But what a fair weather friend Mr Hunt turned out to be. As soon as there is a whiff of dissent or controversy in the party room, they do not care about what is in the national interest, they do not care about the importance of investing in

the new jobs in solar, in wave, in wind or in geothermal; all they care about is the division in their own party room. And what they are doing now is nothing. Delay and do nothing is their only answer. (*Time expired*)

Senator PRATT—Mr President, I ask a further supplementary question. As a Western Australian senator, I am constantly getting emails and letters and being lobbied about the impact of climate change on my state. They are telling me that it is threatening our unique environment and our way of life.

Opposition senators interjecting—

The PRESIDENT—Order! Continue, Senator Pratt.

Senator PRATT—Thank you, Mr President. What I was saying is that climate change is already having a big impact in WA. I am being told that by Western Australians. Given this strong concern, can the minister outline to the chamber how the federal government has responded to the concerns of Australians and indeed Western Australians in the past? Has the action taken in the past by this parliament been adequate or indeed in line with community concerns? Has this parliament's response been adequate?

Opposition senators interjecting—

The PRESIDENT—Order! Will you repeat the last part of that question?

Opposition senators interjecting—

The PRESIDENT—The behaviour of senators in this place has been outrageous, preventing me from hearing the last part of the question. I am entitled to hear a question, and I have made that point repeatedly when people interject on questions, and I have done that over a period of time.

Senator PRATT—Thank you, Mr President. I would like to know if the minister thinks that this parliament's previous re-

sponses to climate change have been adequate.

Senator WONG—Self-evidently, what we had for the vast majority of the years those opposite were in government is a failure to act on climate change because they did not believe it was real. I would just like to remind them that yesterday we went through the policy they went to the election with, the policy that they were elected with, which was to support emissions trading. But I would remind them that they might want to have a look at the booklet called *Australia's Climate Change Policy* that was issued whilst they were in government. It has a lovely little foreword by John Howard and it goes on to say, 'Australia's environment is particularly vulnerable to global climate change.' It goes on to talk about the risk to the reef and to agriculture and says that Australia's economy needs to prepare for a carbon constrained future. The question is why they are turning their back on what was even John Howard's policy. And it is very simple: they went to the election— (*Time expired*)

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

BUSINESS

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.01 pm)—by leave—I move:

That divisions may take place after 4.30 pm today.

Question agreed to.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Building the Education Revolution Program

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for

Government Service Delivery) (3.02 pm)—by leave—Yesterday, Senator Mason asked a question in relation to Mulgildie State School in Queensland. Can I inform the Senate that I am advised the school has been granted \$250,000 in Primary Schools for the 21st Century for a multipurpose hall, not for a 'shed'. In Queensland, the standard hall size for a small school such as Mulgildie is 69 square metres and is a fully enclosed structure with a 22 square metre covered veranda. If the school has funds left over after the multipurpose hall is built, those funds can be used for associated works within the Building the Education Revolution guidelines. It is also important to remember that the project cost quoted is not just for the four walls to lock-up stage. It also includes things like landscaping and the fitting out of the hall.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Building the Education Revolution Program

Employment

Senator MASON (Queensland) (3.03 pm)—I move:

That the Senate take note of the answers given by the Minister for Employment Participation (Senator Arbib) and the Minister for Innovation, Industry, Science and Research (Senator Carr) to questions without notice asked by Senator Fifield and Senator Mason today relating to employment services and to funding for schools' infrastructure. You would think that if a government was spending \$14.3 billion on schools, the school communities would be happy. But they are not. In fact they are outraged. The people that really matter here—the parents, teachers and indeed even the education unions—say the Building the Education Revolution program is fast unravelling. The government thought they could spend \$14.3 billion and the next election would come to them. They thought that the stakeholders would be docile

and no-one would care. The stakeholders do care. The kids, their parents, teachers and even the unions think this project is a waste of money. That is the problem.

I very, very rarely quote the Australian Education Union but today they called for a review:

The Australian Education Union today called for a transparent review of the implementation of the Building the Education Revolution (BER) program to examine issues that have arisen with the first rounds of implementation.

The AEU Federal President, Mr Gavrielatos, said the review should investigate, among other things, whether state and territory governments are maintaining their own effort in school maintenance and capital and the extent to which they are charging administration costs and if costs are being inflated.

“It is about ensuring that in the interests of our students and school communities, we realise the full potential of this significant investment in school infrastructure and the full economic stimulus benefit,” he said.

Even the union movement is not happy. Even they know this is not a good spend.

Who is happy? The federal government are happy because there are some photo opportunities. They are really happy. Mr Rudd and Ms Gillard put on the hard hats and the high-visibility vests and ran around with bulldozers. The federal government is pretty happy because it makes for great photo opportunities. I understand that even state governments are pretty happy because they are creaming off the largesse. They are thinking, ‘Great. We will not have to look after state schools because the Commonwealth government is going to foot the bill.’ The only people happy here are the federal government and the state government. The kids, their parents, the teachers and even the education union think this whole project is a dog.

It is a strange thing. There were two principal aims of the Building the Education Revolution program that the government put forward. Firstly, it was to create jobs. And yet they did not even ask how many jobs would be created by each individual project. That was not one of the conditions of attendance. Secondly, it was to enhance educational outcomes. But what have we learned over the last few days? We have learned that there is insufficient flexibility in Building the Education Revolution. This is not about schools getting what they want; this is about state bureaucrats giving to schools what they think they should have. And do not believe me; believe Mr Harry Grosseck, the principal of Berwick Lodge Primary School. On page 2 of the *Australian* today he says:

Our option was a gymnasium complex, I was told. It didn’t matter that we already had a perfectly suitable gymnasium.

Senator Jacinta Collins—It gets better.

Senator MASON—No, it gets worse; it gets much worse. He goes on to call them the ‘notorious templates’—that lovely whiff of central planning that I know Senator Carr loves—designed by state governments. So, in fact, there is insufficient flexibility in this scheme and, worse, there is overcharging. This is much more expensive than it should be. Mr Grosseck goes on to say:

Furthermore, never have we been able to access any real cost figures for the now notorious templates. Independent valuations we obtained made a mockery of the—

department of education’s—

claims about the value of the templates. All could be built for embarrassingly lower costs than the notional figures.

What have we got here? We have a waste of money. We do not have the best spend at all. We do not even have a good spend; we have a shocking spend. This is the worst possible way to spend \$14.7 billion. The Building the

Education Revolution program is a shambles.

Senator STERLE (Western Australia) (3.08 pm)—I also rise to take note of the answers. I listened to the rhetoric from the other side of the chamber and I am absolutely gobsmacked that the senators on that side have the audacity to scream at government senators. I am referring to Senator Fisher from South Australia. All I could hear from her was the rant, ‘Jobs, jobs, jobs, jobs.’ I think that is absolutely wonderful, because it is a four-letter word that that side of the chamber really find offensive. We have been talking about that since November 2007; we are all about jobs. I wonder if Senator Fisher had the same passion for that four-letter word and ‘Jobs, jobs, jobs, jobs’ when she worked for former industrial relations minister Peter Reith.

I want to take this opportunity to quote a very fine example of the education revolution—the part about the government building infrastructure in schools. I must say that, of the electorates in Perth, I have not had one school, whether it be primary school, high school, religious school, private school or any other school, ring me and say that they are not happy with the government’s Building the Education Revolution. In fact, at every school I have gone to, whether to watch children working on their new computers or to open a new building, I was thanked profusely by not only the principals and the teachers but also the parents and citizens associations.

Here is an example. The *Sunday Telegraph* on 5 April this year had an article in relation to a quote obtained by Bobs Farm Public School in New South Wales for a building. The department provided Bobs Farm Public School with a quote. The school was told they could have the new classroom built for whatever amount of money it was

that the department was quoting but, lo and behold, the school got another quote which came in substantially lower. I think it is important to note that the New South Wales Department of Education and Training looked into this quote to check it out. One must adhere to the basic business principle that you must always check the fine print.

When the education department went through the contract there were number of, I would say, important things that were missing from the quote. I will list what they are—and I notice the other side have all of a sudden gone quiet for some reason. The quote did not include any carpet. It did not include any foundations. It did not include a ceiling and—I hear the laughs coming but this next one is absolutely fair dinkum—the quote did not include any furniture. Not only that; it did not include connection to a sewerage system, stormwater drains or electricity. As part of the quote, there was absolutely no mention of site preparation. I am not a builder—and I am being serious about this; this did actually happen—but I have worked out that there are a few important things that you need if you are going to build a building. And there was no quote for demolition and sloping work. The quote did not include a railing on the balcony to stop children from falling off.

Senator Jacinta Collins—In a school!

Senator STERLE—Yes, in a school.

The DEPUTY PRESIDENT—Order! Senator Collins, you are in breach of standing orders, as you well know, standing over there. So I ask you to either take a seat or leave the chamber.

Senator STERLE—I can concur with Senator Collins because it does sound unbelievable, but this is fair dinkum.

Senator Cash interjecting—

Senator STERLE—The quote finished with a statement that the company—

Senator Cormann interjecting—

Senator STERLE—It is important that everyone hears this, and I hope the senators opposite from Western Australia—

Senator Wong—Mr Deputy President, I rise on a point of order. I am not one who is sensitive to interjections, but Senator Cormann could do us the courtesy of taking his seat in the chamber if he is going to interject.

The DEPUTY PRESIDENT—I do uphold that point of order. I am sorry I did not hear the interjection; otherwise I would have made the comment myself.

Senator STERLE—I hope that Senator Cormann and Senator Cash, the Liberal senators from Western Australia, listen very carefully to this. The quote finished with this, Mr Deputy President—and I am keeping a straight face as I am looking at you and quoting this: the building company recommended that the completed building be tied down. I kid you not! It needs to be tied down because it has no ceiling and has no foundations. It actually said that it should be tied down. Wonderful! A great place for children! The only building I know of that would need tying down is a tent—and I am quite happy to be corrected if Senator Cash or Senator Cormann can tell me of another building that you need to tie down. (*Time expired*)

Senator FIFIELD (Victoria) (3.14 pm)—I also rise to take note of answers by Senator Arbib. The opposition's concerns in relation to the Jobs Australia tender initially related to its design and efficacy, as Senator Arbib accurately quoted from the Senate hearing into the tender arrangements. Senator Arbib and I keep an eye on what each other says, and he was accurate in saying that that was my concern a week or so back. Our initial concern was principally that 100 per cent of provider services were put to tender, that the

weighting for past performance was only 30 per cent, that many providers with great track records had lost contracts and that 47 per cent of job seekers have to find new providers and new case managers. They were our main concerns. The Minister for Employment Participation assured the Senate that all was well, that job seekers would be fine and that providers who lost work would be looked after. The minister cited in particular the Agency Adjustment Fund to assist those who had lost their tenders.

There is one problem with that: there was only ever funding for 34 organisations. Of that \$3.5 million of funding allocated, there was funding for only 34 organisations. But we discovered in estimates that at that time 110 applications had already been received. The department has emailed the providers, helpfully telling them:

Dear Provider

Thank you for your application for funding ...

The department received many more applications than anticipated. The assessment process is quite complex ...

... This has meant that the original time line ... is unable to be met.

It has been oversubscribed. There are far more providers than there are dollars to assist. So the minister's assurance on that front was completely worthless.

But a greater concern was unearthed yesterday by Dr Southcott in the other place. He discovered that phone calls were placed between a tenderer and the former minister's office during the probity period—during the tender process itself. Why is this of concern? You might think it is quite reasonable for a tenderer to make a few harmless inquiries of a minister's office during a tender process. There is a document called the *Communication protocol for dealing with existing service providers and tenderers*, which states very specifically that there are:

- Those who may be in positions that the public could perceive as having the power to influence the operation of the purchasing process ...

The people identified in that position include ministers and their staff. This document is very clear. It says:

- The website, Hotline and email address are the primary mechanisms for communications relating to purchasing matters. All persons, and in particular those who have been identified as being in positions of potential influence, are required to refer or direct any purchasing related enquiries to the Hotline, website or email address.

It goes further. It requires that:

- details of any approaches by or on behalf of an individual Tenderer or Tenderers will be fully documented—

that is, fully documented by the person who receives the approach—and that:

- communications or conduct suspected of involving a breach of the probity of the purchasing process or involving illegality will be investigated.

So it is quite clear from the communication protocol that the minister's office was in breach.

The minister's office put out a statement yesterday saying that the contact was 'logistical in nature' and therefore was not required to be referred to the department. Well, the protocol does not have an exemption for discussions of a logistical nature. The protocol says that if there is communication from a tenderer to a minister or to a minister's office it needs to be documented; more than that, it needs to be advised to the probity adviser. It also says that any tenderer who approaches a minister or the minister's office should be referred immediately to the hotline or the website. This was entirely inappropriate.

When the minister was asked today whether he had received any advice from the

probity adviser in relation to this communication he refused to answer. There is only one thing to do in this situation, which is to call for a full, complete public inquiry, and Minister Arbib should do that today.

Senator CAROL BROWN (Tasmania) (3.19 pm)—The Rudd government took a clear plan to the Australian people to reform the outdated, one-size-fits-all Job Network system. Those opposite are not interested in providing appropriate services for job seekers. The minister today in question time indicated that the independent external probity adviser gave an unqualified sign-off on the tender process. He said that on a number of occasions. But those opposite just do not get it.

The legacy of those opposite was a system bogged down with red tape and incapable of dealing with Australia's chronic skills shortage, yet those opposite are happy to sit over there and take pot shots at the government over the new Job Services Australia, basically playing politics for politics' sake. It is worth noting that at the end of the day it is those opposite who presided over a failing system for over 10 years and took the politically easy decision to roll over 95 per cent of business in the last tender of the Job Network in 2006, initiating no improvements. That is right—those opposite were too busy revelling in the resources boom, focusing on short-term, populist spending to help them get re-elected, to worry about making the tough decisions for the future prosperity of Australia.

On the other hand, on this side of the chamber we have a clear plan to reform the nation's employment services by moving seven separate employment service programs into a one-stop shop which will more effectively assist job seekers to find work and keep work. The Rudd government is making a \$4.9 billion investment in the new Job Ser-

vices Australia program. That is a \$1 billion increase which will offer job seekers a range of integrated services. The new integrated Job Services Australia will deliver more comprehensive and personalised assistance for job seekers, allowing them to gain new skills and become more job ready. In the current economic climate we are experiencing the greatest economic challenges since the Great Depression and, as we continue to see labour markets contract, it is imperative that we have a job services system that is adequately equipped to assist job seekers with training and development and, ultimately, finding work. After all, we have seen those opposite preside over 10 years of laziness and playing populist politics.

We have seen a chronic skills shortage develop in the Australian labour market. This has severely hampered the productivity of the Australian economy and has affected our ability to drive new growth. In fact, the former Minister for Employment Participation, the Hon. Brendan O'Connor, highlighted that unless something is done in the area of qualified workers we could be looking at a shortfall of up to 240,000 workers by 2016. Indeed, the legacy of those opposite is a bogged down employment service which helps neither businesses which require skilled workers nor job seekers themselves trying to gain the skills necessary for employment. That is why we have acted and from 1 July the Rudd Labor government will introduce more than 2,000 Job Services Australia sites across Australia. It is worth noting that that is up from the 1,800 which exist under the current system—200 more sites. These sites will provide more resources dedicated to the most disadvantaged job seekers, including those who are homeless. The new services will also develop the Employment Pathway Plan, which details the services tailored to a job seeker to better help them secure employment. In conjunction, we

will also operate an Employment Pathway Fund, which will allow employment service providers to purchase goods and services a job seeker may need to help them tackle barriers to employment.

This government is committed to providing people with the appropriate skills; that is why the new Job Services Australia will have a renewed focus on work experience programs such as the Work for the Dole and Green Corps schemes, which provide job seekers with skills and experience to help them get jobs. We will also offer up to 18,900 small business training places under the Productivity Places Program to help address the skills shortage problem by ensuring job seekers are better trained and ready to work, as well as a \$41 million Innovation Fund for projects that address barriers to employment for groups of highly disadvantaged job seekers. With a new, integrated one-stop shop for job seekers, Job Services Australia will provide better and more specialised services. *(Time expired)*

Senator BACK (Western Australia) (3.24 pm)—I rise to take note of answers given by Senators Carr and Arbib in this chamber this afternoon, which related respectively to the school building program of some \$14.7 billion and the employment services tender of some \$4.9 billion, and to comment regretfully at the gross mismanagement of the expenditure of Australian taxpayer funds in both of these programs. Only today have we read of a very senior principal of one of Australia's schools—one obviously towards the end of his career—who out of severe frustration has come out and drawn our attention to the bungling, bullying and dubious accounting practices of this school building program. One can only imagine his courage in so doing and in requesting so many of his colleagues to join him. He has drawn attention to the fact that the state authorities are hiving off vast sums of money. He draws attention

to the fact that the funding of school capital programs in Australia is a state program and not a federal program.

Senator Carr drew attention to the question of educators. Why will this government not listen to educators who are pleading that these funds be spent on educational outcomes, not on gymnasiums and buildings upon which the Deputy Prime Minister can see a photograph or statue of herself? I draw the chamber's attention to three such programs that I think these educators are calling on the government to fund. I can tell you the outcomes: they are programs that are being or have been cut. The first is a hearing and learning program. The cost? \$2,000 per classroom throughout the north of Australia. Educators tell us one of the primary reasons why young kids do not learn is that they do not hear. Indigenous children are believed to have hearing problems of up to 70 per cent because of health problems. So we immediately see that this program of a very humble \$2,000 per room—less than \$1 million across the north of Australia—has been cut, and those seeking this funding heard that from the mouth of the Deputy Prime Minister herself.

We secondly hear of a program called Future Footprints, about which I sought information in Senate estimates hearings recently. It is a program that supports 160 Indigenous children in boarding schools in Perth. These are Western Australian and Northern Territory schoolkids heavily subsidised by the boarding schools.

Senator Wong—What's this got to do with anything in question time?

Senator BACK—It is to do with the point that your colleague drew attention to expenditure and to educators, and I am drawing attention to what educators are saying they want this money to be spent on. This program, with \$400,000 of expenditure per an-

num, is to be cut. It supports 160 students. Last year, 19 out of 19 participated at year 12. They all graduated. They have all gone on to higher education, training, employment or, in one case, an overseas Rotary exchange. The interesting thing about these two programs, of course, is that they allow—almost force—me to draw attention to the speech given by the Prime Minister in February last year, in which he made a plea for the closing of the gap between Indigenous and non-Indigenous Australians, said that we would try to halve the education gap, the numeracy gap and the employment gap and said that we would work together across the parliament to achieve these outcomes. He said that it was the time for a new approach to enduring problems. It certainly has been. The approach to these problems has been no funding.

In the few minutes left, I draw attention to the responses from Senator Arbib today, in which he told us that major changes were necessary because surveys indicated that the system was not working. Last week in the committee, I asked if any surveys of job seekers were conducted. The answer was no. Were any surveys of employers conducted? It would appear to me a very interesting scenario if in fact we do not know where this information came from. The tender committee, of course, had no employers, no service providers and no past job seekers.

Question agreed to.

Renewable Energy

Senator MILNE (Tasmania) (3.29 pm)—
I move:

That the Senate take note of the answer given by the Minister for Climate Change and Water (Senator Wong) to a question without notice asked by Senator Milne today relating to renewable energy and wholesale electricity prices.

My question to Minister Wong was particularly in relation to whether the expanded re-

renewable energy target would increase or decrease wholesale electricity prices. We are in a complete mess today because of the renewable energy target not being able to come on for debate and be agreed to in this fortnight, therefore leaving the renewable energy industry high and dry, with people losing their jobs and investment not being able to be made in the coming months. That is because the government made the decision to exempt the big polluters from the renewable energy target. If it had been left as a straight expanded target of 20 per cent I think there is every chance we would have got it through in this fortnight.

The decision to exempt the big polluters was on the assumption from the government, based on the special pleading of the big polluters to the government, that the renewable energy target would increase electricity prices. That is why I asked what the government's view of that was. We know the modelling from ROAM Consulting, ACIL Tasman and CRA has all said that there would be downward price pressure as a result of the renewable energy target. The rationale for that is that loading the grid with extra power from wind and solar generators will remove the need to fire up gas plants when demand peaks and existing electricity supply cannot keep up. It is when peaking gas plants swing into action to top up supply that wholesale electricity prices go through the roof. Such episodes account for about a third of the total yearly wholesale take. If you displace the need for these extraordinary pricing episodes and the wholesale price settles down to a more comfortable average, you actually overall get a lower price. That is the advice from those three major consulting firms.

From what I can see, the government has relied on one report—the McLennan Magasanik report. But even that concluded that the RET scheme would have only a modest

impact on wholesale power prices. The *Herald Sun* reported:

Using the CRA modelling, the cost to electricity retailers of RET in 2015 would be \$910 million ...

However, the reduction in wholesale electricity prices of including more renewable energy would be \$10.9 billion ...

The conclusion is that the impost on retailers due to RET should be overwhelmed by the reduction in wholesale pool prices, in this case by a factor of 10 ...

So I think it is critical that the government explains to the community why it is making the assumption that prices will increase under the RET, when several analyses show that in fact they will decrease. Why on earth would we be exempting the major polluters when we actually have such a good news story? It is a good news story because it is reducing greenhouse gases from fossil fuels, giving incentives to new investment and jobs in the clean energy sector and avoiding the use of peaking plants, which are the drivers of higher electricity costs.

I think it is imperative that the government actually goes back and looks at this, because there is no justification for these exemptions. If you got rid of those exemptions and if you did the figures and showed that this is actually going to drive energy prices down then you would get this legislation through. The coalition, the Independents, the Greens and the government all support an increase in the renewable energy target, because it is important for new jobs, new manufacturing and good investment. It is part of the excitement of the future. There was a report out this week about how 28,000 jobs are likely to be generated from the renewable energy target. The only thing that is stopping us is the government's assumption that the prices will go up. It is listening to the special pleading of the big polluters and exempting them from the RET by linking it to

the CPRS, which wrecks the whole thing. This has been a political ploy and it is based on a complete lack—

Senator Wong—Why don't you have a go at the opposition?

Senator Cormann—You're the government.

The DEPUTY PRESIDENT—Order! Senator Milne has a right to be heard.

Senator Wong—This is a typical position from you. We're the ones pushing for it. Why don't you go and tell your constituents what you're doing?

The DEPUTY PRESIDENT—Order! Senator Wong, I have asked for order.

Senator MILNE—Thank you, Mr Deputy President. As I have been saying, there is overwhelming support in the parliament for the renewable energy target. The reason that it is not going to go through is a decision to link the renewable energy target to the Carbon Pollution Reduction Scheme based on a false premise.

Senator Wong—They voted against it. You'd think you were a member of the Liberal Party!

Senator MILNE—I do not excuse the coalition for the delay. That is why I opposed the delay this morning. I absolutely opposed that delay.

Question agreed to.

COMMITTEES

Reports: Government Responses

Senator WONG (South Australia—Minister for Climate Change and Water) (3.35 pm)—I present two government responses to committee reports, as listed at item 13 on today's *Order of Business*. In accordance with the usual practice, I seek leave to have the documents incorporated in *Hansard*.

Leave granted.

The documents read as follows—

Senate Committee on Legal and Constitutional Affairs

Personal Property Securities Bill 2008

Government Response

Recommendation 1

4.19 The committee strongly recommends that the Department reconsiders the balance between certainty of the law and the accessibility of the provisions with a view to:

- simplifying the language of the exposure draft bill – for example, wording provisions clearly and limiting them to deal only with common circumstances;
- simplifying the structure of the exposure draft bill – to minimise the cross-referencing needed;
- simplifying the terms used - for example instead of 'tangible goods' use the term 'goods' appropriately defined to ensure the full meaning needed for the reform is ascribed to the term; and
- using overseas provisions as often as possible to allow overseas experience to provide guidance for the Australian model.

Government response:

Accepted. The Government will review the structure and language of the Bill.

Recommendation 2

4.27 The committee recommends that the commencement date for the scheme be extended by at least 12 months to May 2011 for the committee's recommendations to be implemented and for advice from stakeholders to be taken into account before the content of the bill is finalised.

Government response:

Consider further. The Government will consider revising the timeframe for commencement of the PPS scheme in consultation with the States and Territories and, following these consultations, make an announcement about the timing of commencement.

Recommendation 3

4.35 The committee recommends that the bill include a requirement that the operation of the bill be reviewed three years after it commences in a process that includes extensive consultation with

industry, governments, lawyers, consumers and academics.

Government response:

Accepted.

Recommendation 4

5.27 The committee recommends that the primary legislation for the personal property securities reform include the key privacy protections for individuals, including a prohibition on making the address details of any individual public.

Government response:

Accepted in substance. The Bill will be amended to clarify the information about individuals that may be included on the register and to better describe the key privacy protections provided to individuals. The Bill will make it clear that address details of individual grantors will not be included on the register. Accordingly, a prohibition on making address details public is not required.

Recommendation 5

5.33 The committee recommends that either:

- (a) a Privacy Impact Assessment be undertaken by a person or organisation that is independent from the government and who has experience in undertaking such assessments and the results of the assessment are made public, or
- (b) the Department's Privacy Impact Assessment is reviewed by a person or organisation that is independent from the government and who has experience in undertaking such assessments, and the results of the review are made public.

Government response:

Accepted. A Privacy Impact Assessment will be undertaken by an appropriately qualified independent person or organisation. The assessment will be published on the Department's website. Having regard to recommendation 4 of the minority report, this will occur within two months of the completion of the assessment.

Recommendation 6

5.34 The committee recommends that if any issues raised by the Office of the Privacy Commission in its submission are not considered as

part of the Privacy Impact Assessment then these matters should be separately considered by the Attorney-General's Department and a response to the issue be provided to the Office of the Privacy Commission in writing or made public.

Government response:

Accepted. The Privacy Impact Assessment will consider all issues raised by the Office of the Privacy Commissioner in its submission to the Committee.

Recommendation 7

5.44 The committee recommends retaining the requirement for rights and duties to be exercised honestly and in a commercially reasonable manner. The intended scope of these requirements should be explained in detail in the bill's explanatory memorandum.

5.45 The explanatory memorandum should particularly explain that the requirement to act in a commercially reasonable manner should not fetter or undermine the ability of parties with similar bargaining power to contractually agree about what constitutes commercially reasonable behaviour.

Government response:

Accepted. This Bill will be amended to make clear that the duty to act in a reasonably commercial manner applies only in relation to Chapter 4 of the Bill concerning the enforcement of security interests. The duty to act in a reasonably commercial manner will not apply to the extent that the parties have contracted out of the enforcement provisions of the Bill under section 154 of the Bill.

Recommendation 8

5.55 The committee recommends that the bill adopt existing international personal property security conflict of laws provisions, such as the New Zealand conflict of laws model, unless there is a particular reason to depart from those provisions.

Government response:

Accepted. The Government accepts that the Bill should include conflict of laws provisions. The New Zealand conflict of laws provisions have been criticised as being uncertain. To avoid uncertainty in the Bill, the Government will include

conflict of laws provisions in the Bill based on the provisions at Appendix A to the Department's submission to the Committee (the revised commentary to the Bill).

Recommendation 9

5.62 The committee recommends that the scope and content of the enforcement provisions of the exposure draft bill be reviewed by the Department with particular attention to ensuring that the provisions are comprehensive and adequate.

Government response:

Accepted. The Bill will be amended to provide enhanced sanctions for improper use of the register and to ensure the registrar can monitor and investigate suspicious register activity. Further consideration will be given to appropriate sanctions for misusing the register which may include civil and criminal penalties.

Recommendation 10

5.70 The committee recommends that consideration be given to improving the priority of an unperfected lessor as against unperfected or other unperfected interests in the goods.

Government response:

Accepted. The Government will, in consultation with stakeholders, consider the appropriate priority outcomes for unperfected lessors as against unperfected or other unperfected interests.

Recommendation 11

5.78 The committee recommends that the explanatory memorandum and the proposed education campaign adequately explain the purpose and effect of the draft intellectual property provisions, including disseminating the information to appropriately targeted international industries, organisations and stakeholders.

Government response:

Accepted.

Liberal Senators' Dissenting Report

Liberal Senators wholly support recommendations 1, 2, 3 and 10 of the majority report.

Liberal Senators support in principle the majority recommendations except recommendation 7 (in relation to the commercially reasonable manner test).

Recommendation 1

1.10 In relation to consultation and education Liberal senators recommend that:

- (a) the government uses the committee report and the Liberal senators' additional recommendations to undertake new consultation about the proposed reform;
- (b) the government should particularly identify stakeholders who are not yet engaged with the reform and educate them about the scope and significance of the proposals;
- (c) a considerably revised draft bill should be publicly released within six months of the date of this report;
- (d) stakeholders should be extensively educated and consulted about the revised exposure draft for three months from the release of the draft; and
- (e) a final exposure draft bill should be referred to the Senate within six months of the release of the revised draft bill requesting that the final exposure draft is referred to this committee for consideration accompanied by:
 - (i) the proposed draft regulations; and
 - (ii) a report that outlines the key concerns raised with the government by stakeholders and the government's response to those concerns and that identifies the differences between the newly referred bill and the November 2008 exposure draft bill.

Government response:

Accepted in part. The Government will carry out targeted consultation with stakeholders about changes to the Bill raised in the Committee's report. However, further examination of the revised Bill by the Committee would not be consistent with ensuring the final text of the Bill is settled in time to allow stakeholders an adequate period to prepare to transition to the new PPS system. In order to provide certainty to stakeholders, the Government will progress development of the PPS Bill with a view to its passage through Parliament by the end of 2009 and will develop the new PPS register so that its main functionality is complete by May 2010.

Recommendation 2

1.12 Liberal senators recommend that the government table a report in Parliament on the first year of operation of the reform within 15 months of the commencement of the Act. The report should include the views of stakeholders, including representatives of industry, governments, lawyers, consumers and academics and the government's response to these views.

Government response:

Not accepted. Reviewing the operation of the reform after only 12 months of operation would not provide useful data about the new PPS system. The Bill will be amended to require that the Government review the Bill after the new PPS system has been operating for three years.

Recommendation 3

1.15 Liberal senators recommend that the Privacy Impact Assessment identify key privacy protections which should be contained in the primary legislation.

Government response:

Accepted.

Recommendation 4

1.19 Liberal senators recommend that:

- (a) a Privacy Impact Assessment be undertaken by a person or organisation that is independent from the government and who has experience in undertaking such assessments; and
- (b) the Privacy Impact Assessment and the government's response to it should be tabled in Parliament within 2 months of the date the Assessment is completed.

Government response:

Accepted in part. A Privacy Impact Assessment will be undertaken by an appropriately qualified independent person or organisation. The assessment will be made public within two months of its completion.

Recommendation 5

1.20 Liberal senators recommend that any issues considered in accordance with majority recommendation 6 and the government's response to them should be tabled in a report to Parliament

within 2 months of the date that the Privacy Impact Assessment is completed.

Government response:

Accepted in part. The Privacy Impact Assessment will consider all issues raised by the Office of the Privacy Commissioner in its submission to the Committee. The assessment will be published on the Department's website within two months of its completion.

Recommendation 6

1.27 Liberal senators recommend that the requirement to act in a

commercially reasonable manner be removed from proposed section 235 of the bill and be excluded from any future version of the reform.

Government response:

Accepted. The Government acknowledges the concerns expressed in the report about the operation of section 235 of the Bill as originally drafted. This Bill will be amended to make clear that the duty to act in a reasonably commercial manner applies only in relation to Chapter 4 of the Bill concerning the enforcement of security interests. The duty to act in a reasonably commercial manner will not apply to the extent that the parties have contracted out of the enforcement provisions of the Bill under section 154 of the Bill.

Recommendation 7

1.30 Liberal senators recommend that the government further considers the content of international conflict of laws provisions and incorporate into the bill either:

- (a) a simple and effective model of conflict of laws provisions based on an existing international model; or
- (b) the conflict of laws provisions at Appendix A to the Department's submission.

Government response:

Accepted. The Government will include conflict of laws provisions in the Bill based on the provisions at Appendix A to the Department's submission to the Committee (the revised commentary to the Bill).

Recommendation 8

1.33 Liberal senators recommend that the government strengthen the

proposed enforcement provisions with a focus on:

(a) comprehensive and effective sanctions for improper use of the

register;

(b) ensuring the registrar's ability to inquire into suspect activity; and

(c) the availability of civil and criminal action with appropriate penalties.

Government response:

Accepted. The Government will amend the Bill to provide enhanced sanctions for improper use of the register and to ensure the registrar can monitor and investigate suspicious register activity. Further consideration will be given to appropriate sanctions for misusing the register which may include civil and criminal penalties.

Recommendation 9

1.36 Liberal senators recommend that the government should identify any outstanding concerns about the intellectual property provisions of the draft bill and should outline the concerns and its response in its report to the Senate (as per Liberal senators' recommendation 1(e)(ii)).

Government response:

Not accepted. See response to Liberal Senators' recommendation 1. However, the Government will seek input from stakeholders about the intellectual property provisions in the Bill to address any outstanding concerns about the provisions.

**GOVERNMENT RESPONSE TO THE
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT SENATE COMMITTEE
REPORT**

**Implementation, operation and administration
of the legislation underpinning Carbon Sink
Forests**

On 26 June 2008, the Senate referred the following matter to the Senate Standing Committee on Rural and Regional Affairs and Transport for inquiry and report:

The implementation, operation and administration of the legislation underpinning Carbon Sink Forests and any related matters.

On 23 September 2008 the Senate Committee report, which included dissenting reports, was tabled in the Senate.

The Government has prepared a response to the Senate Committee report, including dissenting reports, in accordance with the Department of the Prime Minister and Cabinet Guidelines for the presentation of Government documents to the Parliament.

The Senate Committee report made nine conclusions:

- (1) The committee considers that the tax deductions for carbon sink forests under the Income Tax Assessment Act (1997) represent a valuable policy addition that will promote greenhouse gas reductions. The structures and processes outlined in the Act provide for a sensible legislative and administrative framework relating to the tax treatment around the establishment of forest carbon sinks.
- (2) The committee notes that other forms of greenhouse gas emissions reduction activities by industries are tax deductible. The change in the tax treatment of carbon sink forests addresses this anomaly in the tax system.
- (3) The committee believes that the tax deductions will provide incentives for corporate investment into greenhouse gas abatement activities which represents an ideal opportunity to direct necessary capital to achieve positive environmental outcomes.
- (4) The new tax arrangements provide a short-term incentive to encourage early establishment of carbon sink forests that will contribute to a medium-term emissions target, while other options for delivering significant emissions reductions are further developed. Carbon sink forests also contribute to the achievement of national policy objectives for sustainable natural resource management.
- (5) The committee considers that if Australia is to meet its carbon pollution reduction goals at least cost, the support of a viable carbon sink industry is important. Appropriate tax-

tion arrangements are one part of a range of measures needed to encourage the role of carbon sink forests in Australia's carbon pollution reduction effort.

- (6) The committee recognises the benefits of relying on existing state and territory regulatory structures for the management of the impacts of carbon sink forests on the environment. The committee has some concerns that in certain key areas, such as land clearance legislation, natural resource management and water sharing, some states and regions may not currently have in place appropriate regulations or plans to manage the impacts of carbon sink forests. The committee notes that through the National Water Initiative, states and territories are committed to completing comprehensive water planning arrangements by 2011 and that COAG is currently seeking to accelerate the pace of this planning. The committee also notes that under this process steps have been taken to ensure that those water systems under the greatest pressure receive early attention. The committee considers that it would be desirable if a similar focus could be directed to regulation of land clearance and natural resource management.
- (7) More specifically, the committee notes the concerns raised in relation to the need to include ground water within water sharing plans. The committee supports the inclusion of specific reference to ground water in the Guidelines.
- (8) The committee notes the significant support expressed during this inquiry for specific incentives to encourage the establishment of biodiverse forests. The legislation as drafted does not distinguish between the type of forest planted and the committee is satisfied that it provides no disincentive for the plantation of biodiverse carbon sink forests. The committee also notes that biodiversity considerations have been taken into account in the development of the Guidelines and that these should contribute to the establishment of carbon sink forests in conformity with good practice environmental and natural resource management frameworks. The committee

considers that any proposal to offer specific incentives for the establishment of biodiverse plantings must be considered within the context of existing environmentally focussed taxation incentives.

- (9) Finally, the committee welcomes the evidence received in relation to alternative options for terrestrial carbon stores, particularly in relation to perennial pasture cropping. While there clearly is some work to be done to demonstrate the benefits of such an approach within a carbon trading scheme, the committee considers that the wider benefits of improved soil structures and the potential increases in productivity of such systems warrant further examination. The committee considers that the government should request CSIRO to assess the data being accumulated from pasture cropping trials in Western Australia and New South Wales.

The dissenting report by Senators Milne, Joyce, Nash, Boswell and Heffernan made the following recommendations:

- (1) The guidelines should be mandatory regulations.
- (2) There should be incorporated into the regulation conditions which must be met before the tax deductions would apply, namely:
 - (a) The carbon sink forests must be registered on the property title.
 - (b) No native vegetation can be cleared for or converted to carbon sink forests.
 - (c) Carbon sink forests should be biodiverse and cannot be harvested or cleared, and
 - (d) No carbon sink forest can be established in the absence of a hydrological analysis including groundwater and interception, of the proposed area to be planted.
- (3) To avoid the destruction of rural communities and the displacement of food crops, prime agricultural land must be excluded from carbon sink plantings.

The dissenting report by Senator McGauran raised concerns including the potential for carbon sink forests to displace agriculture.

Government Response

The Government has considered the findings of the Senate Committee report and the concerns indicated in the dissenting reports. In considering these matters, the Government has taken into account the nature of the issues raised, the objectives of the tax measure, implications for administration of the Income Tax Assessment Act (1997) and for taxpayers, and the extent to which the issues raised fall within the responsibilities of the Commonwealth. The Government's response to the issues raised is as follows.

The Government notes that the matters raised in the Senate Committee report were debated in the Senate on 1 December 2008.

(a) *Amendments to the Environmental and Natural Resource Management Guidelines*

The Government has amended the Environmental and Natural Resource Management Guidelines to address a number of the issues raised.

- The guideline relating to establishing carbon sink forests based on regionally applicable best practice approaches for achieving multiple land and water environmental benefits has been amended to include specific reference to avoiding significant negative impacts on groundwater activity. This addresses Conclusion 7 in the Senate Committee report.
- A new paragraph under the guideline relating to the recognition and adherence to all government regulatory requirements has been added to include a requirement to comply with applicable state and territory, and local government land use planning legislation regarding the establishment of alternative land uses on agricultural land. This addresses concerns raised in the dissenting reports related to the displacement of prime agricultural land for carbon sink forest establishment (Dissenting Report (Milne, Joyce, Nash, Boswell and Heffernan) Recommendation 3; Dissenting Report (McGauran)).
- A new guideline has been added to include a requirement that legal rights concerning carbon sequestration in carbon sink forests be registered on the land title in accordance

with applicable state government legislation. This addresses concerns related to the registration of carbon sink forests on property title (Dissenting Report (Milne, Joyce, Nash, Boswell and Heffernan) Recommendation 2(a)).

Amended guidelines were registered on the Federal Register of Legislative Instruments on 10 December 2008, and took effect on 11 December 2008.

(b) Other findings of the Senate Committee Report and the Dissenting Reports not addressed under (a)

- Senate Committee report Conclusions 1, 2, 3, 4, 5 and 8:

The Government agrees with these conclusions.

- Senate Committee report Conclusion 6:

There are existing national environmental policy frameworks in place which provide agreed objectives and management approaches for all jurisdictions to protect native vegetation, including regrowth and remnant habitats. Such frameworks include the National Strategy for the Conservation of Australia's Biological Diversity and the National Framework for the Management and Monitoring of Australia's Native Vegetation (Native Vegetation Framework). These national frameworks are agreed between all jurisdictions and are underpinned by specific policies, legislation and management approaches within each jurisdiction.

The Government is conscious of the need for an effective national framework for tackling land clearing. In April 2008 the Natural Resource Management Ministerial Council (NRMMC) agreed to finalise the review of the Native Vegetation Framework. The NRMMC confirmed the importance of the Native Vegetation Framework as the national policy framework for achieving a reversal in the long-term decline of Australia's native vegetation and improving the condition of existing native vegetation. The Native Vegetation Framework provides a mechanism through which the native vegetation management commitments agreed to by all state and territory governments can be progressed in a consistent and coherent manner.

The Commonwealth, state and territory governments have also enacted legislation for environmental protection, including to regulate the broad scale clearing of native vegetation and to protect threatened species and ecological communities. The Government protects certain specific and defined matters of National Environmental Significance under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), including listed threatened species and ecological communities. Proposals that are likely to have a significant impact on those matters must be referred to the Commonwealth Environment Minister for assessment. Land Clearance is listed as a Key Threatening Process under the EPBC Act. On the advice of the Threatened Species Scientific Committee, the previous government decided not to establish a Threat Abatement Plan for this process primarily because such a plan would not contribute any threat mitigation over and above existing measures such as the Native Vegetation Framework and state and territory vegetation legislation. In accordance with the requirements of the EPBC Act this decision is now under review by the Threatened Species Scientific Committee, which will advise the Government about whether this decision is still appropriate.

In addition, the Government will invest \$2.25 billion from July 2008 to June 2013 through Caring for our Country to secure improved strategic natural resource management outcomes across six national priority areas:

- the National Reserve System
- biodiversity and natural icons
- coastal environments and critical aquatic habitats
- sustainable farm practices
- natural resource management in northern and remote Australia, and
- community skills, knowledge and engagement.

Caring for our Country will be delivered in partnership with regional natural resource management groups, local, state and territory governments, Indigenous groups, industry bodies, land managers, farmers, landcare groups and communities.

- Senate Committee report Conclusion 9:

Better soil management, including carbon in soils, is being addressed as a priority under the \$46.2 million Climate Change Research Program component of the Australia's Farming Future Initiative. The Minister for Agriculture, Fisheries and Forestry, the Hon Tony Burke MP announced on 3 March 2009 \$20 million for soil carbon research under this Program.

- Dissenting Report (Milne, Joyce, Nash, Boswell and Heffernan) Recommendation 1:

The Government notes that complying with the guidelines is a mandatory requirement of the legislation, however, the guidelines offer some flexibility in how taxpayers may comply. Extending the guidelines to involve mandatory requirements or additional regulatory requirements would significantly increase the cost of compliance for forest growers, increase the cost of administering the tax deduction, and would raise issues about the bounds of Commonwealth jurisdiction.

- Dissenting Report (Milne, Joyce, Nash, Boswell and Heffernan) Recommendation 2(b):

Concerns regarding the potential for native vegetation to be cleared, or converted to, carbon sink forests are already addressed in the legislation. Subsection 40-1010(2)(c) notes that to obtain the tax deduction the area occupied by the carbon sink forest must have been clear of trees on 1 January 1990. In addition, the guidelines provide that all government regulatory requirements be adhered to in order to obtain the tax deduction, and this includes relevant state and territory land clearing regulations.

- Dissenting Report (Milne, Joyce, Nash, Boswell and Heffernan) Recommendation 2(c):

Concerns that carbon sink forests should be biodiverse and cannot be harvested or cleared are also addressed in the legislation. The Government notes that it is not the primary objective of the legislation to promote biodiversity. However, the guidelines require the carbon sink forest grower to consider regional natural resource management plans and apply best practice approaches for achieving multiple land and water objectives. This will facilitate a focus on providing habitat

for local flora and fauna, and providing biodiversity benefits for the region. In addition, national policy frameworks and programs as described above promote biodiversity conservation.

A requirement for obtaining the tax deduction is that the trees are established for the purpose of carbon sequestration, and are not for felling or for commercial horticulture.

- Dissenting Report (Milne, Joyce, Nash, Boswell and Heffernan) Recommendation 2(d):

The recommendation in the dissenting report that a hydrological analysis be required before a carbon sink forest could be established would be cost-prohibitive. The guidelines require water access entitlements be obtained for catchments that have been identified as fully allocated, over-allocated or approaching full allocation, consistent with the National Water Initiative commitment relating to interception that poses a significant risk to water resources.

Senator MILNE (Tasmania) (3.36 pm)—by leave—I wish to speak for a couple of moments on the Senate Standing Committee on Rural and Regional Affairs and Transport report *Implementation, operation and administration of the legislation underpinning carbon sink forests* and the government's response to it, and I move:

That the Senate take note of the document.

I have to say that the government's response does not satisfy the concerns that I raised in the dissenting report from the majority report. In view of the collapse of managed investment schemes in recent times, I think the concerns that were put on the table by the Greens when this legislation was being debated are now more relevant than ever. At the time, the majority committee report said:

The committee notes that other forms of greenhouse gas emissions reduction activities ... are tax deductible. The change in the tax treatment of carbon sink forests addresses this anomaly ...

The committee believes that the tax deductions will provide incentives for corporate investment into greenhouse gas abatement activities which

represents an ideal opportunity to direct necessary capital to achieve positive environmental outcomes.

That is exactly what they said about the managed investment schemes for forests. This was a fabulous idea to drive investment into rural Australia; what a good thing to do. It was all set up as a tax minimisation scheme, and look what an utter and complete mess and collapse has occurred because of that.

At the time, I said we should be repealing the managed investment schemes, not bringing in another managed investment scheme by way of carbon sink forests. Yet the government and the coalition overruled that and went ahead. Now we have two Senate inquiries into the managed investment schemes whilst continuing with this absolutely flawed proposal for carbon sink forests. I said at the time that these forests would not be biodiverse plantings, and the government said, 'Oh yes, they will.' But now in the government's own response it says:

The Government notes that it is not the primary objective of the legislation to promote biodiversity.

Exactly. The trees they put in they will put on the best land to grow the best trees with the most water because the idea is to bulk up the trees, bulk up the carbon as quickly as possible, and it is not its primary objective to achieve biodiversity and improvements in the long term in rural and regional Australia.

The other major concern I had was in relation to land clearance. I said that this would lead to land clearance for people to plant these forests. The government have said, 'Oh no, that's not the case because it can't have been forested in 1990.' But the point is when you are talking about native vegetation you are not necessarily talking about land which conforms to the definition of a forest. There is a specific definition of a forest and quite a

lot of areas of native vegetation across Australia do not conform to that, and there will be land clearance because of this. I urge the government to recognise that it is all waffle in the government's response here about the wonderful strategies that are in place nationally to look at the clearance of native vegetation. We do not even have a trigger under the EPBC Act on land clearance, let alone anything else in terms of greenhouse. In the Tasmanian context I can tell you now there is no enforcement and compliance in relation to land clearance and there is no enforcement and compliance in relation to groundwater.

The express concerns of National Party senators and the Greens in relation to this particular legislation were specifically in terms of four particular areas. One was that carbon sinks be registered on the property title, and I am glad the government has taken that up. The second one was no native vegetation to be cleared or converted for carbon sink forests. That has not been dealt with. Carbon sink forests should be biodiverse and cannot be harvested or cleared. That has not been dealt with. As I said, the definitions are such that native vegetation will be able to be cleared. The third thing we said was no carbon sink forests could be established in the absence of hydrological analysis in terms of groundwater and groundwater interception in the proposed areas. That has not been dealt with. In fact, the government has made a statement saying that requiring hydrological analysis would be cost prohibitive. So in my view we have got MI schemes on steroids. That has always been my view.

The MI schemes have now fallen over big time. The investors in them have had their fingers burnt very badly. The people who made the money out of them were the accountants and the middlemen, the financial arrangers. They were the ones who walked off with the cash with these MI schemes. Now a lot of rural communities are stranded,

and the communities I feel particularly sorry for are those where the MI schemes went in and bought up the water rights. Now those water rights will be the first things sold off as the MI schemes are wound up, and whole rural communities are going to be left without water because the water rights will be sold somewhere else, further down the catchment, most likely, and that will mean the big corporate buyers will buy the water and the family farms will be left in communities without water. So this is a living disaster, the MI schemes, and nobody in this place can say that they were not warned. They were warned. They were warned by the Greens and warned by the Nationals about what the impact would be in rural and regional Australia, and everybody took no notice, went ahead and said, 'Let's do it again with the carbon sink forests. Let's get out there and give 100 per cent tax deductions for carbon sink forests.' And now we have had proof from the government that their primary objective is not biodiversity: 'It's too expensive to require hydrological analysis; we'll rely on the states to oversee land clearance.' But we know that, in a case like Tasmania, that is a joke because there is no enforcement or compliance with regard to vegetation clearance.

I hope when this parliament starts looking at the mess of the MI schemes we will rapidly think again about this carbon sink forests legislation and get rid of it, because its primary objective is a tax deduction. When you introduce a financial mechanism the primary objective of which is tax minimisation and not the outcome—whether it was almonds, whether it was trees in the case of the forestry ones or whether it is now in terms of carbon sink forests—you always get rorting. That is what has happened. To the detriment of regional and rural Australia, that is what happened. The Collins Street investors moved in, the accountants got their 30 per

cent commissions and the communities are going to end up with a mess. They are now surrounded by plantations that are going to be fire hazards this summer, that are going to be full of weeds and feral animals. There is no money to manage those MIS forests sitting out there now and there will not be any money to manage these so-called carbon sink forests either once this scheme gets underway.

We are still at a matter of debate in this parliament as to whether the tax deduction includes the cost of land. I believe it does and I have advice to say that it does which I provided to the parliament, and it is now only going to be a matter of someone taking this to court. We are going to have huge areas left with these MI schemes and what we have to make sure is that the government does not now enable forests that were planted as a result of tax deductions for wood production to end up suddenly converted into carbon sink forests in order to realise some value for the investors that were in it to reduce their tax in the first place and not actually to get outcomes. That would make an even worse situation because you would then take out those plantations that were wood production and put them in as carbon sink forests and drive the logging further and further into native forests. That would be a disaster in biodiversity terms, a disaster in terms of the timber industry and the downstreaming that was meant to come from those plantations. It would be an Australian rural community horror show, in fact.

So I would like to see the government rethink what it is doing and help to resolve the mess that was created because the Liberal and Labor parties supported this tax minimisation in the first place, clean up the mess of the MI schemes and repeal this legislation before we end up with exactly the same mess very shortly down the track.

Senator COLBECK (Tasmania) (3.45 pm)—I want to make a couple of quick comments in respect of the government's response to the Senate Standing Committee on Rural and Regional Affairs and Transport report *Implementation, operation and administration of the legislation underpinning carbon sink forests*. I welcome the fact that the government has made the report. I would note that, despite the predictions of doom and gloom and disaster that we have just heard from the Greens, enormous opportunities will arise for Australian agriculture and farmers with the incorporation of carbon sink forests into their lands.

I still have some concerns about the processes that the government is putting in place through this measure and also through the CPRS. My concern is that the opportunities that should exist for farmers to integrate farm forestry into their whole-of-farm management plans, which is the way that this should be encouraged, are not being put into place in the way that they could be. The government should be showing greater intensity in the work that it is doing to try and get some of the accounting procedures modified, particularly those that give the opportunity for the recognition of carbon stored in wood products. This not the case under the current accounting rules, which severely limit the capacity of farmers in rural communities to take advantage of the opportunities that exist for the sequestration of carbon and the take-up of these opportunities. I am concerned that the growth in restrictions around the operation of some of these projects really does provide those limitations.

In respect of Senator Milne's comments, while I do agree with some of the prudential measures that are in place governing managed investment schemes, the collapse of two companies does not mean the demise of the whole process. There are companies that are still quite successfully operating man-

aged investment schemes and providing opportunities for farmers and the supply of timber products into the wood supply. We all know that the Greens have the view that you should close down all forestry in Australia, and the way they misuse terminology and definitions in this debate is quite deceptive at times. I would urge people to take real caution when they listen to some of the hysterical contributions that are being made in this debate. In particular, people should listen very carefully to some of the terminology that is being used.

I welcome the fact that the government has made a response to the committee report, but there remain some concerns, as I have indicated. The government needs to make sure that the real opportunities that exist for rural Australia to participate properly in forestry are dealt with as part of both this process and the development of the CPRS moving forward.

Question agreed to.

DELEGATION REPORTS

Parliamentary Delegation to Colombia and Argentina

Senator HUTCHINS (New South Wales) (3.49 pm)—by leave—I present the report of the Australian parliamentary delegation to Colombia and Argentina which took place from 9 to 24 August 2008 and I move:

That the Senate take note of the document.

The bilateral visit in August last year was an opportunity for parliamentarians to learn more about Colombia and Argentina, to promote Australia and to strengthen bilateral ties. The delegation was the first Australian parliamentary visit to Colombia and the first in some years to Argentina. Indeed, I think our first Colombian congressional delegation will be coming here next week. The report

details our program activities and observations.

I wish to acknowledge my delegation colleagues. The deputy delegation leader was Mr Don Randall. The other delegation members were Senator Marise Payne, who has a very extensive and impressive knowledge of foreign affairs, Senator Helen Polley, Mr Luke Hartsuyker and Ms Melissa Parke. The delegation secretary was Ms Sara Edson, who did a great job in assisting the delegation. Each delegate was an enthusiastic participant in discussions and inspections and contributed significantly to the purpose of the delegation visit in a spirit of bipartisanship and goodwill.

The delegation visited Colombia first, from 8 to 15 August. In Bogota we had the distinct honour of meeting with the Colombian President, Mr Alvaro Uribe, as well as the Foreign Minister, Mr Jaime Bermudez. The President's administration has ushered in a suite of reforms which have improved security, facilitated economic growth and introduced new health and education programs. Wherever we went in Colombia we learnt that past perceptions of Colombia are not necessarily the reality of Colombia today. Colombians have a renewed sense of self-esteem about their institutions and an optimism about their country's future.

We were warmly received by the President of the Senate, Mr Hernan Andrade, and parliamentarians from the Senate and the Chamber of Deputies, and impressed by the level of interest in Australia that our counterparts had. Engaging discussions were held on a range of foreign relations and trade matters, including the latest Doha Round, direct foreign investment, free trade agreements, alternative sources of energy and the scope for further cooperation in the mining, agribusiness and education industries. I had the pleasure of addressing the Colombian Sen-

ate, which was broadcast live to a potential audience of 40 million Colombians. I am not sure that anybody else could claim that credit, and I hope none of my delegation colleagues reported it back to the Prime Minister either!

In addition to meetings with parliamentarians and officials from government departments in Bogota, the delegation had a number of engagements outside the capital. Highlights included a visit to Cerrejon mine, which is one-third owned by BHP Billiton and the world's largest open pit coalmine, and its local school program for indigenous children. We also had valuable meetings with local government and business representatives in Cartagena and visited the award-winning Port of Cartagena. We enjoyed participating in a forum on Australian relations with Latin America with university students in Medellin keen to learn more about Australia. It is not that well known that Colombia sends 5,000 students to study in Australian tertiary institutions each year. In fact, one of the President's sons has an engineering degree from here. In Medellin, we also visited the Parque Biblioteca Espana, an unusual and successful development project which uses modern architecture and public spaces to inspire social change in disadvantaged communities. Indeed, Colombia was regarded as one of the most dangerous places in the world; Medellin, where we were, was regarded as the most dangerous place in Colombia; and this project where we were was regarded as the most dangerous place in Medellin. That has certainly changed.

From 16 to 22 August the delegation visited Argentina. This leg of the journey commenced in Misiones Province during a long weekend so that we could see the management of large tourist flows at Iguazcu Falls and inspect the world's largest hydroelectric dam, over the border in Brazil.

In Buenos Aires, the delegation was honoured to meet the President of the Senate and Vice-President of Argentina, Julios Cobos, and the respective chairs of the foreign affairs committees in the Senate and the lower house, together with colleagues from different parties in the Argentine congress, including members of the Australia-Argentine Parliamentary Friendship Group. We acknowledge the tremendous assistance and support of Senator Sonia Escudero, chair of the friendship group, who looked after us during the visit. Both the Australian and Argentine parliaments benefit from her passion and enthusiasm for Australia. It is well known that she is married to a former Labor member of the upper house in New South Wales, Ken Reed, which might account for her passion.

A range of bilateral issues were discussed at official meetings with parliamentary and government officials, including the respective parliamentary committee systems; shared interests in peacekeeping and in environmental matters such as the preservation of Antarctica and whale conservation; the scope for further collaboration in nuclear science and technology and climate change; and the proposed work and holiday visa arrangement with Australia. All agreed that the latter would encourage greater people-to-people exchanges.

We visited the Memory Museum in Argentina, which pays homage to the victims of the military dictatorship which was in place from 1976-1983, and were impressed with the national archive that reminds and educates future generations about this gruesome period in their history.

We also met with Mr German Perez, the Tourism Secretary of Buenos Aires Province—the world capital of polo and ranches—and discussed the scope for greater two-way tourist flows between our countries.

In November last year, Qantas added a direct route from Sydney to Buenos Aires. This welcome move will encourage further people-to-people contact, with business and tourism links.

Business representatives in Argentina told delegates that opportunities exist for more Australian investment in Argentina, especially in mining and agribusiness. In addition to legal and tax predictability and stability, having the right partner—familiar with local political and business conditions—is paramount for any long-term joint ventures between Australian and Argentine companies.

I am delighted to inform the Senate that we initiated an Australia-Colombia Parliamentary Friendship Group, which is in the final stages of being established. This will complement the Australia-Argentine Parliamentary Friendship Group that already exists.

In closing, delegation members join me in expressing sincere appreciation to the host parliaments, government, business and other representatives who contributed to a successful visit. We have fond memories of our time spent in each country and the people we met.

We thank our diplomatic representatives in Chile, who have responsibility for Colombia and Argentina and who provided outstanding support during our visit. Our special thanks go to the Australian Ambassador to Chile and Colombia, His Excellency Crispin Conroy, and Third Secretary, Ms Penny Toledo-Ocampo; the former Australian Ambassador to Argentina, His Excellency Peter Hussin, and First Secretary, Mr Nick McCaffrey, and Third Secretary, Ms Claire Rochecouste.

We also thank His Excellency Mr Diego Betancur, the Colombian Ambassador to Australia, and His Excellency Mr Pedro Raul Villagra Delgado, the Argentine Ambassador to Australia, for meeting with delegates prior

to departure and, in the case of the Argentine Ambassador, on the delegation's return as well.

Finally I would like to thank Ms Lynette Mollard from the Parliamentary Relations Office for her efforts in coordinating the delegation program and repeat my thanks to Ms Sara Edson. I commend the report to the Senate.

Question agreed to.

COMMITTEES

Membership

The DEPUTY PRESIDENT—Order! The President has received letters from a party leader requesting changes in the membership of committees.

Senator WONG (South Australia—Minister for Climate Change and Water) (3.58 pm)—by leave—I move:

That senators be discharged from and appointed to committees as follows—

Education, Employment and Workplace Relations Legislation Committee—

Appointed—

Substitute member:

Senator Siewert to replace Senator Hanson-Young for the committee's inquiry into the provisions of the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009

Participating member: Senator Hanson-Young

Rural and Regional Affairs and Transport References Committee—

Appointed—

Substitute member:

Senator Hanson-Young to replace Senator Milne for the committee's inquiry into rural and regional access to secondary and tertiary education opportunities

Participating member: Senator Milne.

Question agreed to.

**THERAPEUTIC GOODS AMENDMENT
(MEDICAL DEVICES AND OTHER
MEASURES) BILL 2008 [2009]**

Assent

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

BUSINESS

Rearrangement

Senator WONG (South Australia—Minister for Climate Change and Water) (3.59 pm)—by leave—I move:

That general business orders of the day Nos 76 (Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008) and No. 63 (Building and Construction Industry (Restoring Workplace Rights) Bill 2008) not be proceeded with today.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.00 pm)—Because we have such a congested and important list of matters to deal with in the next five days of sittings, I am not going to oppose this motion from the government. However, the precedent here of the government moving to amend private members' time is not a good one. It is a matter for the opposition and the crossbench. We get very little time in this place and I do not believe the government should be ordering the business for private members. Moreover, as I have made clear a number of times before, I think private members' time ought to be not only kept intact but also, in fact, extended.

I will not get into a debate now about the need for a much better defined private members' time with the ability for private members legislation to pass, but we will be having a debate on that soon enough. The move here is really to enable government business to be brought back on at the expense of private members' business when there are important pieces of legislation that I think should be dealt with. I have a contrary view

to the government on this. The Greens have a contrary view to the government on this. While we are not going to get into a long debate about this at the moment, it is very important that that view be heard by the government.

Senator O'BRIEN (Tasmania) (4.02 pm)—I want to place on record that my office contacted Senator Brown's office about this motion procedurally, there having been, as we understood it, an agreement that the only matter that would proceed would be the first bill on the list of bills and that it was necessary to clean up the list for that purpose. The discussion took place and as far as we were aware there were no issues with the moving of this motion. We believed it was procedural. We hear what Senator Brown says and I can assure him that it is not our intention to establish any precedent of interfering with general business in any way. On this occasion, this was a procedure to give effect to what we understood was an agreement.

Senator PARRY (Tasmania) (4.03 pm)—The opposition will be supporting the government's motion but I do agree with Senator Brown in respect of the lack of clarity in relation to general business this afternoon. I should indicate to Senator Brown that it is general business and not private members' business, but I think it is a matter that the Procedure Committee should discuss in future in order to more clearly define what happens in general business. I do note that I understand from a motion previously moved in the chamber today the Senate will actually have the potential to divide if required at the conclusion of general business. This has not happened before in my time here, and I think we just need to have those matters clarified by the Procedure Committee and clearly step out issues that govern general business time. Maybe then, Senator Brown, the opposition and the minor party crossbench will have

greater clarity about the time available for use by them.

Question agreed to.

**PROTECTING CHILDREN FROM
JUNK FOOD ADVERTISING BILL 2006
[2008]**

Second Reading

Debate resumed from 14 February 2008, on motion by **Senator Allision**:

That this bill be now read a second time.

Senator CORMANN (Western Australia) (4.04 pm)—Senator Brown will not be surprised to hear me say that Liberal and National Party senators are of the view that individual and parental responsibility is the key component to good family health. We do not support the measures proposed in the Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008 and we will not be supporting it. In government we did initiate a range of healthy-eating and lifestyle programs which were aimed at enabling families to make better informed choices, and in the lead-up to the 2007 election we announced that we would establish a new ABC children's TV channel that would provide children's age appropriate content without advertising as another option for parents. We are very pleased to see that the Rudd government has decided to follow our lead on this, picking up on this very good idea and going ahead with it.

We do take the issue of children's health very seriously. However, we do not believe that simply banning junk food advertising is the silver bullet that some people want us to believe it is. It is not a silver bullet to stop increasing rates of childhood obesity. It is just too simplistic to suggest that it is. What we do need, however, is to equip families with the information and support to make positive health and lifestyle choices. That is a far better long-term solution to these issues

than just pursuing what we consider to be a nanny state approach to the issue.

This bill seeks to ban junk food advertising for children; yet, what is conveniently ignored by those promoting this approach is the fact that such a ban would in fact be ineffective. In Quebec and Sweden, food advertising to children was banned 25 years and 12 years ago respectively without any appreciable impact on obesity rates. The issues surrounding childhood obesity are complex and cannot be addressed by a single simplistic response such as banning advertisements.

I would also point out that reviews of the Children's Television Standards and the Commercial Television Industry Code of Practice, both of which impose obligations on broadcasters regarding advertising during children's viewing times, have been conducted in recent years, and I understand that the final version of the revised Children's Television Standards are due to be gazetted in mid-2009. I am sure that senators would be aware of the extensive process that the Australian Communications and Media Authority went through in reviewing children's television standards, and of course there are a whole range of restrictions and regulatory arrangements around what kind of advertising can occur in which time periods. For example, advertisements are prohibited in what are called P periods under the Children's Television Standards. P periods are the periods between 7 am and 4.30 pm Mondays to Fridays. Advertisements are limited to five minutes in any 30-minute C period. During any 30 minutes of a C period, a licensee may broadcast the same advertisement no more than twice. Advertisements must not be designed to put undue pressure on children to ask their parents or other people to purchase an advertised product or service. There is a series of other regulatory restrictions that I encourage senators to review at their leisure.

Suffice to say that the main point that the opposition want to place on the record is that we think the best way to ensure healthy eating habits for children is to rely on individual and parent responsibility and to support families in whatever way we can to make well-informed choices. With those few comments, I place on record that the opposition will not be supporting this bill.

Senator SHERRY (Tasmania—Assistant Treasurer) (4.09 pm)—The Protecting Children from Junk Food Advertising Bill 2006 [2008] seeks to amend the Broadcasting Services Act 1992 and the Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004 to impose restrictions on food and beverage advertising on television during children's viewing times and provides that financial assistance for schools is conditional upon schools not displaying advertisements or sponsorships by companies whose principal activity is the manufacture, distribution or sale of junk food.

The bill was referred to the Senate Standing Committee on Community Affairs on 4 September 2008 and the committee's report was tabled on 2 December 2008. The report recommended that the bill not be passed. An inquiry into obesity in Australia was recently undertaken by the House of Representatives Standing Committee on Health and Ageing, and the report was tabled in parliament on 1 June 2009. The inquiry considered the factors that affect obesity in Australia, including advertising and what governments, individuals and the community can do to manage increasing obesity levels. Recommendation No. 11 of the report seeks more research on the effects of advertising on the eating behaviour of children and other vulnerable groups. The report did not recommend a ban on junk food advertising.

This bill pre-empts a number of very important and detailed policy development and evidence-gathering processes which look at this issue as part of an integrated approach. I think that an outline of the government's actions and outlook will provide some useful context and backdrop for this debate.

Let me state at the outset that there is no doubt that obesity, and childhood obesity in particular, is a serious issue. I think that health experts from across Australia would agree that the causes of the problem are multifactoral and require an integrated range of measures. Ad hoc or piecemeal responses are unlikely to succeed. The government has demonstrated policy leadership in this respect, as it recognises that children's health, eating habits and lifestyle are very important. This is why the government is implementing a range of measures aimed at improving the health of Australian children and adults. First, the government has put its money where its mouth is. Our commitment is demonstrated by the \$872 million over six years provided by the Rudd Labor government towards preventative health through COAG. There has been nothing like this level of investment commitment ever before, and I think that all senators would support the government's actions.

Programs will be implemented in settings such as preschools, schools and workplaces to help individuals modify their lifestyles in order to reduce their risk of chronic disease, and the development of a national preventative health agency designed to provide ongoing policy leadership is currently in development. This unprecedented investment in preventative health programs builds on the more than \$50 million provided for obesity prevention initiatives in the government's first budget, including a range of initiatives targeting children. The initiatives include \$25.6 million over four years for Healthy Kids Checks for all four-year-olds to im-

prove childhood health, claimable under Medicare. That was launched on 1 July 2008. The *Get Set 4 Life—habits for healthy kids* guide, was launched on 1 July 2008 and provides \$2.9 million over two years for parents of four-year-olds receiving the Healthy Kids Check. Under the Stephanie Alexander Kitchen Garden program, up to 190 government primary schools will receive a grant of up to \$60,000 to build a vegetable garden and kitchen facilities. That program was launched on 21 August 2008 and will provide \$12.8 million over four years. The Active After-schools Communities program, through the Australian Sports Commission, encourages participation in after-school physical activity and is funded at \$124.4 million over four years from 2007-08; and the Healthy Eating and Physical Activity Guidelines for Early Childhood Settings is funded at \$4.5 million over five years. So the Rudd Labor government's commitment has been solid, tangible and there for all to see. One of the hallmarks of this government has been the recognition that a good and rigorous evidence base is essential if policy development is to be effective and have a lasting effect. Once again, I think all senators would agree with this proposition.

There are currently a number of interrelated policy processes underway which are relevant to the objectives of this bill. The government has established the National Preventative Health Taskforce, chaired by Professor Rob Moodie, to examine ways to reduce health problems caused by alcohol, tobacco and, as is especially relevant here, obesity. I would like to emphasise that this task force underlines our commitment to identify root causes and the best evidence to help us develop a policy prescription. In October 2008, the task force released a discussion paper, *Australia: the healthiest country by 2020*, and three comprehensive technical reports on obesity, tobacco and alcohol for

public comment. The discussion paper aimed to initiate debate that will assist in the development of a national preventative health strategy. The task force will be reporting in the near future. To introduce legislation now would pre-empt the work of the task force and is, therefore, inappropriate.

As with any complex issue, there is no magic cure for the trend towards childhood obesity. There are many and varied causes of for being overweight and obese amongst our children. During the Australian Communications and Media Authority's recent review of the Children's Television Standards, ACMA commissioned independent research on the issue. ACMA has issued a draft report for comment and will be issuing its final report in the near future. Once again, to introduce sweeping legislation now would inappropriately pre-empt the work of ACMA.

Food and beverage advertising is already subject to substantial regulation. Rules about advertising to children are set out in broadcasting standards and codes. The Broadcasting Services Act 1992 sets out a co-regulatory system for the regulation of broadcasting content, in which commercial free-to-air broadcasters comply with the Commercial Television Industry Code of Practice and Children's Television Standards. Under the system, the viewing day is divided into a series of time zones or bands to ensure appropriate material is broadcast, to assist viewers to make informed choices about the content they access and to provide parents with information regarding the suitability of material for children.

Under the current Children's Television Standards, no commercials are permitted to be broadcast in P periods, and each 30 minutes of C periods may contain no more than five minutes of commercials, with the exception of some Australian drama programs. The

standard also includes strict content rules, which include:

An advertisement for a food product may not contain any misleading or incorrect information about the nutritional value of that product.

Under the Children's Television Standards:

No material broadcast during a C period or P period may:

(a) demean any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, religion, or mental or physical disability;

(b) present images or events in a way which is unduly frightening or unduly distressing to children;

(c) present images or events which depict unsafe uses of a product or unsafe situations which may encourage children to engage in activities dangerous to them;

(d) advertise products or services which have been officially declared unsafe or dangerous by a Commonwealth authority or by an authority having jurisdiction within the licensee's licence area.

These requirements may apply equally to program content and advertisements.

The Commercial Television Industry Code of Practice provides another layer of protection in relation to advertising to children. The Commercial Television Industry Code of Practice provides that:

Advertisements to Children for food and/or beverages:

(a) should not encourage or promote an inactive lifestyle combined with unhealthy eating or drinking habits; and

(b) must not contain any misleading or incorrect information about the nutritional value of that Product.

The merits of co- and self-regulatory systems are well established and apply equally across advertising media channels, including the internet and emergent media. These other increasingly influential media platforms would not be covered by a ban on television

advertising. Complaint mechanisms within the existing co-regulatory systems enable broadcasters and advertisers to quickly and transparently respond to complaints and to make adjustments in responding to prevailing community standards.

In addition to the co-regulatory requirements within the broadcasting and advertising sectors, some key industry groups and bodies are implementing their own codes. I could give some further arguments but, due to the nature of the debate and the agreed time limits, I conclude by saying that the government has made obesity a preventative health priority. It is investing heavily to support efforts to reduce the numbers of people who are overweight and obese. The government is determined to take a careful, evidence based approach to this issue. Therefore, the government does not support this bill.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.20 pm)—in reply—I thank the contributors to the debate on the Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008, which not only is an important bill but also is quite urgent in view of the ever-worsening statistics about obesity in Australia, which has a quarter of adults obese now and the speculation in medical circles that we may actually see a reduction in the longevity of the Australian population within the next decade or two starting to occur due to the increase in obesity in the community.

The evidence continues to grow that junk food advertising on television materially increases the chances of children becoming obese and that once that happens it is very difficult to reverse it. I point the Senate's attention to the *European Journal of Public Health Advance Access*, published on 14 April this year. The article 'By how much

would limiting TV food advertising reduce childhood obesity?’ is by four researchers, J. Lennert Veerman, Eduard F. Van Beeck, Jan J. Barendregt and Johan P. Mackenbach of the Erasmus University Rotterdam and the University of Queensland. In summary, it says:

A complete ban on food advertising on TV may reduce the prevalence of obesity among US children by about 2.5 percentage points. Based on expert opinion, this could be as much as 6.5 percentage points. In other words, given a baseline prevalence of about 17%, possibly as many as one in seven—or even one in three—obese children would not have been obese in the absence of food advertising on TV. Comparable numbers of overweight children might have had a normal weight.

This is the latest article that I could find, and I thank my staff—not the least Prue Cameron—for the hard work that has been put into backing the necessity for this legislation and for the increasing evidence I have been able to bring before the Senate as to why we should be acting on this piece of legislation.

I hear what both the government and the opposition are saying about parental guidance being important, and it does echo to me a debate that Senator Siewert and I have had in the past in this place with regard to the terrible scourge of petrol sniffing in Central Australia, where a former minister for health, Mr Tony Abbott, said that that was a matter for parental guidance. However, government intervention there has saved hundreds of children from brain damage and potential lifelong physical and mental damage as a result of that scourge. It is not different to say that we have increasing obesity in the whole of the Australian community and it does require government control on those who are pushing junk food onto children.

What are government and opposition members saying—that children should not be allowed to watch commercial TV; that it is

irresponsible of parents to allow that to happen? Or are they saying that children should have parents sitting with them during all advertising times, when they see food advertisements on television, so that they can be dissuaded from believing what they see on TV? Or are government and opposition members saying that the psychologists are wrong when they tell us that children up to the age of 12 cannot discern between the factual material they may see on television and advertising? Or have government and opposition members not read about the employment by the big food manufacturers of banks of psychologists to help them in their advertising presentation to vulnerable children who do not know the difference, using established psychological techniques to persuade children to buy junk food from advertising and, indeed, to employ the pester factor—that is, to pester their parents to buy junk food when they are at the supermarket or when they are out in the area of restaurants?

It is not naivety; it is very close to irresponsible that we are not seeing legislative action backed by the big parties on this matter—and here is the opportunity. As with the moves towards banning tobacco advertising, which saved the public health system billions of dollars and saved massive social problems and heartache—because it saved thousands of Australians from lung cancer, heart disease, stomach cancer, circulatory disease and a whole range of other factors that shortened lives in this country, through government action—can senators not see that acting to prevent the rapidly increasing toll of obesity in this country is a responsibility that is on our shoulders, and an urgent one at that?

Nobody has claimed in this debate—and nor will I—that ending junk food advertising pushed to children is going to solve the problem, because it will not. There are a range of other factors that have to be dealt with, in-

cluding, for example, ensuring that not just children but also adults get adequate exercise and that there is public education on what is healthy food. This legislation from the Greens gives the minister the ability to enable good food to be advertised in children's TV viewing hours. It therefore enables the minister of the day to be able to get expert advice on that matter. In other words, it gives the minister the ability to see whether food is in fact not just neutral or is not unhealthy but is healthy when it is being pushed in children's TV viewing hours.

Moreover, as a result of listening to the increasing evidence on the impact on children's TV viewing hours, I have with me amendments that I would move in the committee of the whole were we to get the government and/or the opposition to support this legislation which would increase the restriction on junk food advertising to 9.30 at night. It would be from 6 am to 9.30 at night in period C or period P, and variously extending the hours, because it has been found that the greatest impact that the junk food advertiser is having on children is targeting them before 9.30 at night—in other words, very often when they are watching with their parents.

It is not fatuous, but it is a flawed argument for both the big parties to be saying this is a parental responsibility. The fact is that it is manifestly not working. We have the same argument here that we had with petrol sniffing: that responsible parents will stop their children from getting into trouble that way. But it is a reality that we have a range of parental guidance in our community and that children who do not have the benefit of the best of caring from their parents may be the most vulnerable to the junk food advertisers. I am aware of the enormous power of the food manufacturers in this country, and they have it over the body politic. They talk about self-regulation. Every time this issue comes up, on comes the issue of self-regulation. It

is not working and it has not worked and it is our responsibility to ensure that we do make it work.

It is an absolute failure of the Rudd government and the Minister for Health and Ageing that not only is this legislation being opposed by the Labor government but there is no substitute for it. And there is no apparent intention to substitute it. The health minister has been apparently struck with inaction on this issue and I have heard no argument as to why that is the case. This is our responsibility. This is a serious matter. The Greens here are acting on a public health matter of high priority to the experts in this country and around the world, and the government is failing to act in a similarly responsible way. It is very, very hard to understand why the government is not taking action on this unless you factor in the sheer power of the food manufacturers in the big end of town who always, of course, come in with the argument of parental responsibility and self-regulation.

I have here a letter from *Choice*, the remarkably effective consumer advocacy voice in Australia. This is addressed to Senator Milne but it has come, I presume, to all of us. It is entitled: 'Re: Junk food advertising to children: who is the biggest loser?' Mr Gordon Renouf, the Director of Policy and Campaigns says this:

I am writing to you to urge you to support tougher Australian regulations and international recommendations that will protect children from the unhealthy influence of junk food marketing. I am also pleased to provide you with *Choice's* latest report on junk food marketing, entitled *Food advertising to children: who is the biggest loser?* which demonstrates the need for better restrictions on junk food advertising on TV. *Choice* assessed all the food and drinks advertised between 6 am and 9 pm during a one week period using the nutrient profiling scoring criteria developed by Food Standards Australia and New Zealand (FSANZ) for regulating health claims on

food labels. The FSANZ criteria are based on the nutrient profiling system first developed by the UK Food Standards Agency to regulate junk food advertising to children.

Choice goes on to say this:

It found that 54 per cent of all food advertisements promoted unhealthy foods.

It is talking about advertisements on television. It goes on:

Most junk food ads were aired between 6 pm and 9 pm when there are no government restrictions but a larger number of children watching. Our research clearly demonstrates current advertising restrictions that apply during so-called children's viewing periods are out of touch with children's real TV viewing habits and do little to minimise their exposure to advertisements for unhealthy foods. Current voluntary industry efforts fail to protect children from the glut of junk food ads that appear during the programs that are most popular with children. *Choice* wants UK-style restrictions to be introduced in Australia based on the nutrient profiling scoring criteria developed by FSANZ.

Parents also want government action. 88 per cent of parents in our 2008 Newspoll survey said that junk food marketing undermined parents' efforts to encourage children to eat healthy foods. 82 per cent were in favour of increasing government regulation of the way unhealthy food is marketed to children. International research shows that food advertising influences children's food preferences and diets. The World Health Organisation recommends restrictions on food marketing to children as part of a global strategy to prevent diet related diseases and is currently developing recommendations on the marketing of food and non-alcoholic beverages to children. Children in Australia and across the globe have a right to be protected from marketing that in the long term has a detrimental impact on their health. *Choice* supports Consumers International, its recommendations for an international code on marketing of foods and non-alcoholic beverages to children and calls on the Australian government to do the same.

Then it cites:

www.choice.com.au/junkfoodcode

for more information about the proposed code and says:

Restricting junk food marketing to children is just one action required to address rising rates of overweight and obesity in children. This has already been highlighted by the Commonwealth government's own National Preventative Health Taskforce. We are hopeful that food marketing restrictions will form part of the final National Preventative Health Strategy that will soon be presented to government. *Choice* urges you to support the development of Australian regulations including the strengthening of children's television standards and WHO recommendations that protect children under 16 from the promotion of foods high in fat, sugar and salt in broadcast media between 6 am and 9 pm and non-broadcast media, including on-pack promotions and the use of movie tie-ins, toys, characters and celebrities to appeal to children.

The reality here is that we are unlikely to get legislation like the Greens have brought forward in this period of government, and that is not acceptable. The government will be failing the Australian populace in this matter if it does not support this move. We are told, 'Wait on'. That is the result of the pressure of the big food advertisers. It is the 'wait on' factor that always has bedevilled trying to deal adequately with the seriousness of cigarette advertising and pushing by the big tobacco companies. We have here a real epidemic and an increasing impact which costs the public purse billions of dollars and a lot of heartache for those people caught up with it in increasing obesity and the number and percentage of Australians who are overweight.

This legislation should be supported. I submit there has been no cogent argument except an attempt to delay and to substitute inaction on behalf of the government and the opposition for the action that the Greens want to see taken in the interests of the primary health care, and this is preventative health care, of Australians. Finally, this will

be looked back on in the future with a great deal of incredulity by people researching the matter. How can we allow millions of children every day to be exposed to junk food purveyors pushing food at these children which injures their health? How is it that we allow these big corporations their manipulative advertising based on millions of dollars spent on psychological research not in the interests of the health of children but to increase profit lines against the interests of the health of children. This is the public domain. We are here to look after the public interest. This bill is all about the public interest and it should be supported.

Question put:

That this be now read a second time.

A division having been called and the bells being rung—

The PRESIDENT—Senator Hanson-Young, you will have to take the child outside for a division. We cannot allow children to be in here for a division.

Senator Bob Brown—I request that you provide a childminder for the division so that Senator Hanson-Young has somebody to provide the care that you insist she gets. Senator Hanson-Young, I want you to stay here.

The PRESIDENT—I think the action is being taken. Someone is going to mind the child.

Senator Bob Brown—I object. President, there is no such rule as the one you have just employed. Although it is in the form of a request, I ask you to come back to this chamber on this ruling that I object to, and object to in the strongest terms.

The Senate divided. [4.45 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes.....	5
Noes.....	43
Majority.....	38

AYES

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

NOES

Adams, J.	Arbib, M.V.
Back, C.J.	Bernardi, C.
Bilyk, C.L.	Birmingham, S.
Bishop, T.M.	Boyce, S.
Brown, C.L.	Cameron, D.N.
Cash, M.C.	Colbeck, R.
Collins, J.	Crossin, P.M.
Eggleston, A.	Farrell, D.E.
Feeney, D.	Fielding, S.
Fifield, M.P.	Fisher, M.J.
Furner, M.L.	Heffernan, W.
Hogg, J.J.	Humphries, G.
Hurley, A.	Johnston, D.
Kroger, H.	Marshall, G.
McEwen, A.	McLucas, J.E.
Moore, C.	Nash, F.
O'Brien, K.W.K.	Parry, S.
Payne, M.A.	Pratt, L.C.
Ryan, S.M.	Scullion, N.G.
Sherry, N.J.	Sterle, G.
Troeth, J.M.	Williams, J.R. *
Wortley, D.	

* denotes teller

Question negatived.

DISSENT FROM RULING

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.48 pm)—I move:

That the ruling of the President be dissented from.

Mr President, I ask that the matter be put on the *Notice Paper* for debate at the next day of sitting.

Senator Boyce—I would like to support Senator Brown's call. Children have come into this chamber in the past, and it is a situation that needs to be debated so that people

have a sense of what they can do and what they cannot do.

Senator Fielding—Mr President, very quickly on the same point: I have the utmost respect for your position and the role but I also support Senator Brown. There could have been a better handling of that.

Ordered that debate be adjourned till the next day of sitting, pursuant to standing order 198.

DOCUMENTS

Consideration

The following orders of the day relating to government documents were considered:

Bureau of Meteorology—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Communications and Media Authority—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Airservices Australia—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Department of Infrastructure, Transport, Regional Development and Local Government—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Wet Tropics Management Authority—Report for 2007-08, including State of the Wet Tropics report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Trade Commission (Austrade)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Customs Service—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Department of Resources, Energy and Tourism—Report for the period 3 December 2007 to 30 June 2008. Motion of Senator Williams to take note of document agreed to.

Department of the Environment, Water, Heritage and the Arts—Reports for 2007-08—

Volume 1—Department of the Environment, Water, Heritage and the Arts. Volume 2—Legislation.—Motion of Senator Williams to take note of document agreed to.

National Transport Commission (NTC Australia)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Bureau of Statistics—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Commonwealth Ombudsman—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Institute of Health and Welfare—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Ryan debate was adjourned till Thursday at general business.

Australian Institute for Teaching and School Leadership Limited (Teaching Australia)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Electoral Commission (AEC)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Human Rights and Equal Opportunity Commission—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Fair Pay Commission—Report for 2007-08. Motion of Senator Adams to take note of document agreed to.

Australian Fair Pay Commission Secretariat—Report for 2007-08. Motion of Senator Adams to take note of document agreed to.

Department of Immigration and Citizenship—Report for 2007-08—Corrections. Motion of Senator Parry to take note of document agreed to.

National Health and Medical Research Council (NHMRC)—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Sugar Research and Development Corporation—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Australian River Co. Limited—Report for 1 December 2006 to 30 November 2007. Motion of Senator Parry to take note of document agreed to.

Audio-Visual Copyright Society Limited (Screenrights)—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Great Barrier Reef Marine Park Authority—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Murray-Darling Basin Commission—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

General Practice Education and Training Limited—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Aged Care Act 1997—Report for 2007-08 on the operation of the Act. Motion of Senator Parry to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 481/08 to 491/08—Government response to Commonwealth Ombudsman's reports. Motion of Senator Parry to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 481/08 to 491/08—Commonwealth Ombudsman's reports. Motion of Senator Parry to take note of document agreed to.

Crimes Act 1914—Authorisations for the acquisition and use of assumed identities—Report for 2007-08—Australian Crime Commission. Motion of Senator Parry to take note of document agreed to.

National Rural Advisory Council—Report for 2007-08. Motion to take note of document moved by Senator Parry. Motion of Senator Parry to take note of document agreed to.

Australian Fisheries Management Authority—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Schools Assistance (Learning Together - Achievement Through Choice and Opportunity) Act 2004—Report on financial assistance granted to each state in respect of 2007. Motion of Senator Mason to take note of document agreed to.

Australian Public Service Commission—State of the service—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Telstra Sale Company Limited—Report for 2007-08. Motion of Senator Macdonald to take note of document agreed to.

Australian Electoral Commission—Report for 2007-08—Correction. Motion of Senator Williams to take note of document agreed to.

Commonwealth Grants Commission—Report on State revenue sharing relativities—2009 update. Motion of Senator Brandis to take note of document agreed to.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 October to 31 December 2008. Motion of Senator Macdonald to take note of document agreed to.

Telecommunications Act 1997—Funding of research and consumer representation in relation to telecommunications—Report for 2007-08. Motion of Senator Barnett to take note of document agreed to.

Indexed lists of departmental and agency files, Departmental and agency grants, Departmental and agency appointments and vacancies and Departmental and agency grants—Orders for the production of documents—Documents tabled 15 June 2009. Motion of Senator Williams to take note of documents agreed to.

General business orders of the day nos 34 to 37 and 40 to 54 relating to government documents were called on but no motion was moved.

COMMITTEES

Consideration

The following orders of the day relating to committee reports and government responses were considered:

Finance and Public Administration Legislation Committee—Report—Plebiscite for an Australian Republic Bill 2008. Motion of Senator O'Brien to take note of report agreed to.

Climate Policy—Select Committee—Report

Economics Legislation Committee—Report—Carbon Pollution Reduction Scheme Bill 2009 and related bills [Provisions]. Motion of Senator O'Brien to take note of reports called on. On the motion of Senator Fisher debate was adjourned till the next day of sitting.

Environment, Communications and the Arts Committee—Report—The reporting of sports news and the emergency of digital media. Motion of Senator McEwen to take note of report agreed to.

National Broadband Network—Select Committee—Second interim report—Another fork in the road to national broadband. Motion of the chair of the committee (Senator Fisher) to take note of report agreed to.

Environment, Communications and the Arts—Standing Committee—Second report [Final]—The operation of the Environment Protection and Biodiversity Conservation Act 1999. Motion of Senator Birmingham to take note of report agreed to.

Environment, Communications and the Arts—Standing Committee—Report—Water Amendment (Saving the Goulburn and Murray Rivers) Bill 2008. Motion of Senator Nash to take note of report agreed to.

Finance and Public Administration—Standing Committee—Report—Residential and community aged care in Australia. Motion of the chair of the committee (Senator Polley) to take note of report called on. On the motion of Senator Parry debate was adjourned till the next day of sitting.

Legal and Constitutional Affairs—Standing Committee—Report—Exposure draft of the Personal Property Securities Bill 2008. Motion of Senator O'Brien to take note of report agreed to.

Treaties—Joint Standing Committee—Report 100—Treaties tabled on 25 June 2008 (2). Motion of Senator Parry to take note of report agreed to.

Community Affairs—Standing Committee—Report—Grasping the opportunity of Opal: Assessing the impact of the Petrol Sniffing Strategy. Motion of the chair of the committee (Senator Moore) to take note of report called on. On the motion of Senator Parry debate was adjourned till the next day of sitting.

Environment, Communications and the Arts—Standing Committee—First report—The operation of the Environment Protection and Biodiversity Conservation Act 1999. Motion of the chair of the committee (Senator McEwen) to take note of report agreed to.

Legal and Constitutional Affairs—Standing Committee—Report—Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. Motion of Senator Barnett to take note of report called on. Debate adjourned till the next day of sitting, Senator Parry in continuation.

Economics—Standing Committee—Report—Disclosure regimes for charities and not-for-profit organisations. Motion of Senator Crossin to take note of report agreed to.

Community Affairs—Standing Committee—Report—Government expenditure on Indigenous affairs and social services in the Northern Territory. Motion of Senator Crossin to take note of report called on. Debate adjourned till the next day of sitting, Senator Parry in continuation.

Rural and Regional Affairs and Transport—Standing Committee—Report—Climate change and the Australian agricultural sector. Motion of Senator Crossin to take note of report agreed to.

Corporations and Financial Services—Joint Statutory Committee—Report—Opportunity not opportunism: Improving conduct in Australian franchising. Motion of Senator Williams to take note of report called on. Debate adjourned till the next day of sitting, Senator Parry in continuation.

National Broadband Network—Select Committee—Interim report. Motion of Senator Parry to take note of report agreed to.

Community Affairs—Standing Committee—Report—Towards recovery: Mental health services in Australia. Motion of the chair of the committee (Senator Moore) to take note of report called on. Debate adjourned till the next day of sitting, Senator Parry in continuation.

AUDITOR-GENERAL'S REPORTS

Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 11 of 2008-09—Performance audit—Disability employment services—Department of Families, Housing, Community Services and Indigenous Affairs; Department of Education, Employment and Workplace Relations. Motion of Senator Parry to take note of document called on. Debate ad-

journed till the next day of sitting, Senator Parry in continuation.

Auditor-General—Audit report no. 37 of 2008-09—Performance audit—Online availability of government entities' documents tabled in the Australian Parliament. Motion to take note of document moved by Senator Parry. Debate adjourned till the next day of sitting, Senator Parry in continuation.

Auditor-General—Audit report no. 40 of 2008-09—Performance audit—Planning and allocating aged care places and capital grants—Department of Health and Ageing. Motion to take note of document moved by Senator Parry. Debate adjourned till the next day of sitting, Senator Parry in continuation.

Orders of the day nos 2 to 11, 13, 14 and 16 relating to reports of the Auditor-General were called on but no motion was moved.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Hurley)—Order! There being no further consideration of committee reports, government responses and Auditor-General's reports, I propose the question:

That the Senate do now adjourn.

Australian Refugee Week

Senator McEWEN (South Australia) (4.55 pm)—In 1986, Australia's refugee and asylum seeker advocacy groups joined together for the first time to create a better understanding and a positive social awareness of refugees in the community when they established the inaugural Australian Refugee Week. Since those very first celebrations, Refugee Week has become an annual event, and this week Australia celebrates Refugee Week for the 24th time. I also note that on 20 June—that is, this coming Saturday—it will be World Refugee Day, a fact acknowledged by the Senate earlier today. Refugee Week provides an important opportunity for asylum seekers and refugees in Australia to be seen, to be listened to and to be heard. It provides those people with the chance not

only to share their stories and their cultures but to celebrate the contributions that they have made to our communities.

Almost four years ago, when I made my first speech, I spoke of my concern for the plight of asylum seekers and refugees in Australia. I am still concerned with the plight of those people, but I am also pleased that in the intervening four years many positive improvements have been made. Principally, I am most pleased with the last year's introduction by the Minister for Immigration and Citizenship, Senator Chris Evans, of the seven key immigration values that will drive the new detention policy and practice into the future. These values take a more compassionate and tolerant stance towards asylum seekers coming to our shores, and they are a step in the right direction in our treatment of those who are fleeing their native lands.

Australian Refugee Week, as I said, is a time to celebrate stories but also a time and an opportunity for all of us to reflect on why there are people who are refugees. It is a celebration of some 740,000 refugees who have made Australia their new home since we became a federation. This year's theme for Australian Refugee Week is 'freedom from fear', and that encapsulates the refugee experience. In seeking refuge in Australia, refugees hope to find freedom from the traumatic circumstances that have forced them to flee from their own countries. 'Freedom from fear' focuses our attention on the efforts we should all make to provide protection for refugees and to allow their children to grow up without fear of violence and persecution.

Additionally, this year's theme will draw attention not just to the fear and atrocities that compel refugees to flee but to the freedom and relief they feel when they are given the opportunity to rebuild their lives in countries like ours, where they should be safe from persecution and violence. As a member

of the parliament's Joint Standing Committee on Migration, I have been privileged to share the stories of many refugees and migrants in our country. I have heard firsthand stories of atrocious environments from which many of these people have fled in fear of war and persecution—persecution usually because of their ethnicity, their race, their political or religious beliefs, or their sexual preferences. The things that I have seen and heard as part of my role on the Joint Standing Committee on Migration are, frankly, horrendous, and many of those things are beyond the experience of most Australians.

Usually a refugee will undergo extreme danger in order to flee their country and to find shelter. Often they will spend a considerable period of time in tent camps with thousands of other refugees in countries that can barely accommodate them and with services that are barely adequate, despite the best efforts of many international organisations who attempt to assist them. Many refugees do not have the time or the chance to take many of their belongings, if they have many, with them when they flee their own countries. They become dependent on hand-outs of food, shelter and clothing. Unfortunately, many people do not make it at all. As I said, those people are fleeing from persecution, war and other atrocities. They experience much adversity and suffer through great obstacles and conflicts. If they are lucky enough to make it to a refugee camp, their fortune is still unknown. Often they are separated from some of their closest family members and await their fate completely unaware of what has happened to the people they have left behind.

In the early 1990s, Australia's immigration policy was to detain all people who arrived in this country unlawfully. Originally, the persons amongst that group who were asylum seekers and refugees were detained only for a relatively short period of time

while their immigration status was resolved. Unfortunately, under the reins of the former government that policy was amended and the time limit was lifted. People began to spend years and years in immigration detention. Prior to the election of the current government, far too many people were spending far too long in immigration detention, with little hope for speedy resolution of their cases.

The Rudd government is currently in the midst of reviewing its immigration policy, aiming to create a fairer and more just system for all. In the Joint Standing Committee on Migration's ongoing inquiry into immigration detention in Australia, a recommendation was made in the first report for a time frame to be placed on the length of time that unlawful noncitizens should be detained in Australian detention centres. As I said, some refugees and asylum seekers that arrive here have already spent months, if not years, in refugee camps. The last thing any genuine refugee or asylum seeker needs is to be detained again when they are here, so close to the safety that they have been looking for. It is very welcome indeed that the Australian government is now focused on limiting the amount of time, as much as possible, that people spend in detention.

The opposition has claimed that the abolition of the temporary protection visa system has made Australia a soft target for people smugglers and asylum seekers. However, if you look at the statistics globally, the number of asylum seekers has been on the rise for some time. According to the UNHCR, the increase in asylum seekers is reflected in global trends. From 2001 to 2006 there was a global decrease in the number of asylum applications. In 2007-08, however, there was a universal increase of around 11 per cent. In 2008 a UNHCR report showed that asylum claims increased by a staggering 28 per cent, due to an escalation in worldwide insecurity, persecution and conflict. The recent spate of

vessels that have been intercepted in our waters cannot be accredited to any policy change. Rather, it merely reflects the global trend and the fact that people always have attempted and always will attempt to find a safer, better future for themselves and their children. That is a goal of those people and it should not be decried and condemned, as it is by so many. We should be grateful that people have that attitude to their future, particularly for their children.

Last month's budget saw the government increase its humanitarian program up 250 places from this year's figure of 13,500 places. The regional component of that program will continue to see us focus on the three key regions of Africa, Asia and the Middle East, primarily settling refugees who have been suffering in refugee camps for many years. I am pleased to say Australia is an international leader in the resettlement of refugee women. In 2009-10 Australia will increase the intake of women at risk and their dependants from 10.5 per cent to 12 per cent of the refugee program. Of the approximately 15.2 million refugees worldwide, 44 per cent are aged under the age of 18, and there are 17 countries that currently offer them protection or aid in their settlement.

Australia resettles the third highest number of refugees in the world, following the United States and Canada. In 2009-10 Australia will accept 13,750 onshore and offshore refugees under our humanitarian program. Approximately 1,500 of those people will settle in our home state, Acting Deputy President Hurley, of South Australia, many with the help of advocacy organisations such as the Australian Refugee Association, the longest-serving organisation assisting the settlement of refugees in South Australia and an organisation intimately involved in the celebrations that are part of Refugee Week in South Australia. I commend all of the organi-

sations that assist asylum seekers and refugees to settle in our community. We know that there is much more that needs to be done to assist those people to make it in Australia, but we should always give due regard to the people who do what they can to assist those people to make a new life here.

Party Preselections

Senator RONALDSON (Victoria) (5.05 pm)—It is a great pleasure to speak tonight. I have found with experience over the years that before you make a comment you need to be very, very sure of your facts. There was a very interesting comment made by the member for Corangamite—the new and hopefully not long-lasting member for Corangamite—last Sunday night, reported on Monday morning, following the election of the Liberal Party candidate for Corangamite, Sarah Henderson. Mr Cheeseman very foolishly did not check his facts before he opened his very substantial mouth. Rather than welcoming the endorsed Liberal candidate, as is traditional downstairs, by congratulating the candidate and welcoming the fight that might come, Mr Cheeseman very, very foolishly made a flippant, throwaway and stupid comment about where Ms Henderson was from. The comment he made was that Ms Henderson was from Sydney. Mr Cheeseman should have perhaps checked his facts before he did so, because Ms Henderson was actually born in Geelong, Ms Henderson was actually raised in Geelong and Ms Henderson actually went to school in Geelong and then went off to pursue a career.

But what about the member for Corangamite, Mr Cheeseman? When he was first preselected on 27 February 2007, did Mr Cheeseman move to Corangamite? No, he did not move to Corangamite. Indeed, he said that he may well move down there after the election. So here was a man who allegedly was showing his commitment to Coran-

gamite, who indeed was preselected on 27 March 2007, and did he move down to that area? No, he did not. Why did he not do so? I will tell you why, Mr Acting Deputy President. Because Mr Cheeseman was not, is not and will never be a local in Geelong. He is a local in my area; he is a Ballarat local—always was, always will be. So here we have the member for Corangamite in a cheap shot not prepared to go through some of those courtesies that are normally extended when you have a candidate, not prepared to extend the normal courtesies, taking a cheap shot without doing his homework.

When did Mr Cheeseman actually move into Corangamite? Did he move in on 28 February or 29 February 2007? No, he did not. His lack of commitment to Corangamite was such that he did not move in until late 2007-early 2008. In a classic report in the *Geelong Advertiser* on 15 January 2008, they stated that he would be maintaining his Torquay property, which he had just moved into apparently; he had not bothered moving in after preselection or before the election. The *Geelong Advertiser* said that he would be maintaining his Torquay property and his house in, guess where? Ballarat, where he is indeed a local. Mr Cheeseman was raised in Ballarat. He was on the Ballarat City Council. In his first press commentary about the election of Ms Sarah Henderson as the Liberal endorsed candidate, why did he not acknowledge that she was born in Geelong and raised in Geelong and educated in Geelong and the fact that she was everything he is not in the Geelong area—everything he is not. She is a local.

I would like to say some quick words in the time left open to me, and I will have a lot more to say about Mr Cheeseman, I can assure you, between now and the next election. And I can assure Mr Cheeseman that I will have a lot more to say between now and the next election. And I can assure Mr Cheese-

man that both Sarah Henderson and I will be watching his every move. And I will have a lot more to say about what Mr Cheeseman has not done since he was elected as the member for Corangamite. And I will have a lot more to say to Mr Cheeseman about the fact that you cannot do what he has been trying to do in the last two weeks and claim credit for a project in which he had no involvement whatsoever. I am referring to the Geelong ring road. Mr Cheeseman has committed the cardinal sin in politics that always gets you caught out, and that cardinal sin is claiming credit for something that you did not do. This is the man who has been caught red-handed gilding the lily in relation to the Geelong ring road. I am interested to see what Mr Cheeseman has to say about the fact that this road was initiated by the former Howard government and the great bulk of the funds were supplied by the former Liberal government. But Mr Cheeseman put a sign up in Geelong claiming credit for the Geelong ring road. There are a litany of examples of where this man has said a lot and done absolutely nothing at all. He has made promises, he has gone out and said he will be delivering tens of millions of dollars to Corangamite, but he has not done a thing.

Let us have a look at the resume of the Corangamite local Sarah Henderson. Let us have a look at Sarah Henderson's CV. What a remarkable candidate we have been lucky enough to get. If you look through her CV—

Senator Pratt—She would not have voted for new buildings for schools in Corangamite, would she.

Senator RONALDSON—I beg your pardon?

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Order, Senator Pratt and Senator Ronaldson. This is not question time—

Senator RONALDSON—What an extraordinary—

The ACTING DEPUTY PRESIDENT—Excuse me, Senator Ronaldson. I am speaking. You have got two minutes and 30 seconds to go. I would appreciate it if senators would not interject and I would appreciate it, Senator Ronaldson, if you would not respond by starting a discussion across the chamber.

Senator RONALDSON—Absolutely. I will send this very new senator a map of where Corangamite is, because I suspect she probably thinks it is near the Cocos Islands. It is not. It is near Geelong, where Sarah Henderson is a local and where Darren Cheeseman most certainly is not.

I will go through the CV of Ms Sarah Henderson and I will again expand on this in due course. Ms Henderson has had a wide variety of experiences. You may have seen her heading the *7.30 Report* in Victoria, where she was the anchor person for the *7.30 Report*. You may be aware—probably not, Senator Pratt, because you really have not made a significant contribution about anything since you had been here—that indeed Ms Henderson has been actively involved in a number of ABC programs. She also received a Quill award. Again, you probably do not know what that is—

The ACTING DEPUTY PRESIDENT—Order! Senator Ronaldson, please direct your remarks through the chair, not across the chamber.

Senator RONALDSON—Through you, Chair, to the senator: you have probably got no idea what you are talking about.

The ACTING DEPUTY PRESIDENT—Senator Ronaldson, I trust that you are not referring to me when you make those comments. Please direct your remarks through the chair. You have 59 seconds to go. Let us get there without further interruption.

Senator RONALDSON—Mr Acting Deputy President, I have enormous respect for you. I will go through this CV at greater length. Here is a person who has made a substantial contribution. Just out of interest, Ms Henderson was a consultant to National Indigenous Television Ltd. This is a woman who has vast experience. She is a lawyer, she has been self-employed, she is a mother and she is a local. Mr Cheeseman, a non-local, in his first commentary about a preselected candidate, has attacked them for not being a local. I can tell you now, Mr Acting Deputy President, that he will be taken to task on this. Everywhere Mr Cheeseman turns between now and the next election, we will be there. Every time Mr Cheeseman is back in the papers claiming credit for things he has not done, we will be there. Every time—*(Time expired)*

Senator FIELDING (Victoria—Leader of the Family First Party) (5.16 pm)—Mr Acting Deputy President, I seek leave to make a very short statement.

Leave granted.

Senator FIELDING—I would like to withdraw the remarks I made just after the last vote before the adjournment debate. They were a reflection on the President, and that should never happen. I sincerely apologise to the President and to this chamber. I am sorry.

Politician Adoption Scheme

Senator PRATT (Western Australia) (5.16 pm)—I rise this evening to acknowledge a very important person in my life and an equally important program. The person is Mr Aden Deery and the program is the Politician Adoption Scheme. I would like to give the Senate a little bit of context and talk about this wonderful scheme. The Politician Adoption Scheme is run by the Developmental Disability Council of Western Australia, otherwise known as the DDC. This is a fabu-

lous community organisation that I have been pleased to support and have an association with for many years. In its own words, the DDC says it 'provides a voice, takes a stand and fights for the rights of people with intellectual and other developmental disabilities and their families'.

We all know that people with disabilities and their families face many issues. The DDC takes up many of these issues and makes sure that the community, including politicians, are aware of these issues so that we can take appropriate action. One of the ways the DDC undertakes its important advocacy role is through the Politician Adoption Scheme. The scheme assist politicians from all political parties to understand disability issues by gaining a personal insight into a family's life. The politicians are adopted by a person with a disability and their family. I was very fortunate to be adopted by Aden and his family at an adoption ceremony in 2005, when I was a state MP. The idea is that, by getting to know Aden and his family by spending time with him and participating in family activities, I will be better able to represent Aden and his family's needs. Indeed, that has certainly been my experience. I have seen Aden and his family, particularly through my association with his mother, Christine, struggle with the endless applications they have had to make over many years to try and find Aden a full-time living placement so that he could move out of home like other young men his age.

Christine and the rest of his family and their carers had lived with Aden for a great many years. But, like all young men his age, it was time for Aden to move out of home. It is a very arduous process, making those applications. It involves saying over and over again what the daily struggles for the family are. They have had to put that on record over and over and over again, over many years, in

one application after another. Families are forced to dwell on all the negative things about their family dynamic and the burden—and also the joy—of providing full-time care, because that is what they are forced to emphasise in their application.

Aden and his family are really pleased that he has finally been able to move out of home and into a full-time residential placement. His new home has just been set up, so the team there are busy working out activities and routines and getting to know each other. Aden is getting on well with his new housemate, and I understand that a third resident is going to be joining them soon. Aden's family are having to adjust to his absence, as any parent has to do when their child moves out of home. When a member of your family requires full-time care, it brings a particular intensity to their moving out of home. I am particularly pleased that Aden's family still have plenty of family time together. I would really like to wish Aden's mother, Christine, well in her new pursuits, which she now has more time for. I have learnt so much from Aden and his family.

I am really pleased that, since coming to office, the Rudd Labor government has taken up the cudgels for people with disability. For too long, people with disability have been locked out of their own lives and locked out of participating in the community. For many years under the Howard government, people with disability and their organisations were fighting for recognition. People with disability are not looking for pity or charity. It is very simple, really: people with disability just want their rights and entitlements. They want their rights as citizens, such as being able to vote in person and privately. They want their rights as service users, such as being able to access services that meet their needs and having a say about what services they need. They want their rights as women and men to be able to make decisions about

their lifestyles and relationships, including where they live, who they live with and the type of work they want to do. The bottom line is that people with disability want the right to be treated equally. These rights are not abstract concepts. They are enshrined in law at the international, national and state level, and they have an impact on the lives and choices of people with disability every day.

The challenge for us as parliamentarians is to continue to put these rights into practice. Indeed, this is a challenge that faces the nation as a whole. The Rudd government, I am pleased to say, has been working away doing just that. I am very pleased that in July last year the government ratified the United Nations Convention on the Rights of Persons with Disabilities. Australia was one of the first Western nations to ratify this important international instrument. It was particularly important because it signified that the Rudd government has a strong commitment to Australia's human rights obligations.

The Attorney-General is progressing ratification of the optional protocol to the convention, which will further strengthen it. The Parliamentary Secretary for Disability Services is listening to people with disability about what should be included in a proposed National Disability Strategy. In fact, we have had 2,500 people attend consultations, received 750 submissions and currently the government is actively considering the things that have come up in the consultations.

I also know that the Minister for Families, Housing, Community Services and Indigenous Affairs is working to improve income support and related entitlements. All this groundwork has to be done because the former government chose to play down Australia's responsibilities at an international level and it hid behind a veil of insularity. I think that, in doing so, people with disability were

left alone to fight for their rights for a long time.

I would like to return to my adopted family, the Deery family. Aden has shown me firsthand what it is like to live every day with a disability. His family has given me insights into what it is like to struggle to access services. But the focus is not on Aden's impairments. It must be on the way in which our society locks Aden and his family out of participating in everyday activities because of the lack of access to rights or services. That is the real disability in my opinion.

The disabling conditions are those we construct in our society, things like the way we build our buildings and our transport systems so that some people cannot access them, the priority we give to our decision making on the types of services that we fund in this country and the attitudes that we hold about the kinds of things that people with disability can and cannot do. So I would really like to thank personally Aden and his family for sharing their lives with me and for showing me the importance of making sure that all the things we do as parliamentarians include all people. I restate the commitment that I have given to Aden that I will continue to work to make sure that the rights of people with disability are met.

Australian Defence Force Parliamentary Program

Senator BUSHBY (Tasmania) (5.25 pm)—I rise tonight to speak on the Australian Defence Force Parliamentary Program and the recent opportunity that I had to participate in that program. Before I relate my experiences, I would like to reflect a little on the ADFPP and why it exists. In doing so, I acknowledge my heavy reliance on the history of the program as presented on the ADFPP website.

Early this decade, it became apparent to both the then government and the Defence

Force that the numbers of parliamentarians who have had direct experience with the Australian Defence Force were far fewer than had been throughout most of the last century. It was considered that this lack of direct involvement or experience was not ideal when it came to parliamentarians' understanding and consideration of defence and national security issues. As such, it was considered desirable to increase parliamentarians' exposure to the ADF by providing them with an opportunity to directly interact with ADF personnel and to experience many of its activities.

The ADFPP has the following objectives: to provide an understanding of the unit's role and missions; to provide an opportunity to experience life as a service person and to provide an awareness and understanding of defence capabilities, personnel and management issues. The pilot ADFPP was offered for the 2001 parliamentary winter recess period. Seven senators and one MP participated in the pilot program. Following the success of this pilot program, the Minister for Defence approved its ongoing implementation in January 2002. Since then the program has continued to offer parliamentarians an opportunity to experience the diverse range of ADF activities firsthand. Options available include deployment to the Middle East, training with the Special Air Services Regiment, participation in naval exercises, officer cadet training and even a voyage on the *Young Endeavour*.

I participated in the 2008 program, as a relatively new member of the Senate at that time, and found the opportunity to spend time with members of our Defence Force and to hear of and even experience some of the challenges they face to be an absolutely fascinating and an extremely valuable experience. So when the 2009 program for the ADFPP was released earlier this year, I read it with great interest as I was again keen to

participate and to learn more about our defence forces and the people who represent and protect the interests of all Australians. Upon doing so, I was immediately struck by the inclusion of a new option—that of spending time with our defence forces in Afghanistan.

Despite suspecting that this option would be oversubscribed, I applied and was extremely fortunate to be selected. I understand that my name, together with that of the other participant, the member for Calare, John Cobb, was actually drawn out of a hat. Luckily, we were the two that went. So earlier this year, we set off for Afghanistan.

The ADF uses a charter plane to regularly move personnel and freight into the Middle East region. This was how we were transported and, as such, we had the opportunity to spend 20-plus hours on the plane travelling—we actually stopped at a couple of places along the way; it takes a long time to get there—and interacting with ADF personnel who were also making their way to the Middle East. We were able to talk to them about their expectations if they had not been there before and also about some of their past experiences if they had. That was a very valuable experience.

At the pre-trip briefing held at Headquarters Joint Operations Command in Bungendore, I asked what risk there would be to us on the trip. The answer I received was that the biggest risk would be from the drivers from the allied nations on the base in Kandahar. But I learned a little bit more about the risk on the plane, that being that both the bases we would be going to in Kandahar and Tarin Kowt regularly come under indirect rocket fire. But more about that later.

The ADF conducts a training course for all personnel arriving in the Middle East theatre at Billabong Flats, a base Australia maintains in Kuwait. This is where we were

taken to upon arrival. The training course is designed to acclimatise personnel to the risks they will face in the Middle East and normally takes four days. But because we arrived a few days before Anzac Day, this was compressed to permit ADF personnel to partake in the activities planned for that day.

Mr Cobb and I were slotted into this training course and probably participated in about 50 per cent of it over the following days. This included briefings on everything from dangerous insects to actions and protocols to minimise the risks of underground explosive devices, training on the appropriate medical response if someone was injured—specifically noting the use of the tourniquet in the event that someone actually stood on an IED—and also dry rapid fire training, conducted with real weapons in full body armour but with no ammunition. Interestingly, we learnt at this point that our troops now take a new stance when in a firefight—they face the enemy more directly rather than adopting the traditional side-on stance. This is because the body armour provides more protection when you are facing your enemy. The statistics have apparently shown that our guys are also more accurate when they adopt the face-on stance. I found that quite interesting.

Outside the training with the troops, we also received briefings on the operations of Billabong Flats and the logistics required to support our activities in the Middle East. A lot of the briefings noted the changes required to be made following our withdrawal from Iraq.

From there, we travelled to an Australian Air Force base in a nearby friendly host nation, and from there we flew into Afghanistan. We arrived in Kandahar about 2 am on the morning of 25 April, which of course was Anzac Day. I feel truly privileged to have had the opportunity to attend the dawn ser-

vice with our troops while they were serving in a live theatre of war. Every single one of our defence personnel in Kandahar that morning faced a real live threat to their person, as they do every day. And they do so in the service of our nation and in the interests of every Australian. They also serve with and know people who have been injured or even killed in the line of duty—people from both Australia and other ISAF nations. Their dedication to the job they do, their expertise and the respect they earn are something every single Australian back home should be very proud of.

After the service we all participated in the traditional Anzac Day breakfast, including the rum coffee, and during the day we were all allowed two real beers. This is a very unusual situation for serving personnel, but I believe it is a great tradition and one which, in itself, highlights the Australian spirit. No other nation gets it—not even New Zealand. In conversations I had with representatives of other ISAF nations who attended the dawn service, I was told how they were struck by the poignance and strength of feeling that the service had invoked and that they had gained a sense of what Anzac Day has meant for Australians and still does. But it was clear that, unless you are an Australian or a New Zealander, you can never fully understand what it means to us. Later, we spent the day receiving briefings on the support provided for Australian operations in Oruzgan Province and, indeed, for the International Security Assistance Force, or ISAF, from our operation in Kandahar. This included briefings with the Special Forces commander in Kandahar, the rotary wing section and others.

The other main event that affected me most while in Kandahar was one that drove home to me the conditions that each and every one of our personnel face every minute of the day that they represent us in Afghanistan. We had been trained in Kuwait what to

do if we came under indirect fire. This happens when the Taliban operatives sit a few kilometres outside the base and indiscriminately shoot live rockets into the base. As mentioned, I had been told that this happens a few times a week in Kandahar. One of those times occurred while we were there.

We had been told that the danger from the rockets is the shrapnel. As such, when sirens go off you run to the nearest concrete wall or other blast-proof structure and lie face down. After two minutes, if the all clear is not given, you are instructed to get up and run to the nearest blast-proof bunker. The reality is that the blast-proof walls and bunkers will protect you from shrapnel but, if you take a direct hit, you die regardless. This applies wherever you are, whether you are eating, sleeping, working or doing anything else. So, we hit the deck and waited. I recall lying there thinking about the possibility of a direct hit, or even of a rocket landing nearby and shrapnel blasting over us. It was, to say the least, a very sobering moment of my life. As it turned out, I did not hear any impact and I do not know whether the rocket failed to explode or did so a sufficient distance away not to be heard by us. But, given that a number of local contractors had been killed by indirect rocket fire just a few hundred metres from the Australian camp a few weeks earlier, I knew the danger was real—and it is a danger that every one of our people face 24 hours a day, every day, while they are in Afghanistan.

From Kandahar we moved to Tarin Kowt. While there we experienced the food that was on offer at both the Dutch dining area and the Special Forces area. Coincidentally, we were there when the issue of food quality in Tarin Kowt broke publicly in Australia. Can I say that the move to deliver better food for those not eating in the Special Forces area was long overdue and it was shameful that it took public pressure for the govern-

ment to act on something it had known about since at least last year. Of course, I was also present while a number of stories were told about our dear Prime Minister, including the one about the hair dryer. They have been worked over pretty well, so I will not dwell on them here. We again received briefings on the operations and met diggers from all aspects of our operations in Tarin Kowt.

I also learned a number of important things while I was in TK, as it is affectionately known. One of these was what a fantastic vehicle the Australian made Bushmaster is. I cannot believe that the government is looking at putting money into an alternative vehicle from outside Australia, because this vehicle saves Australian lives. People might still get injured if they go over an underground explosive device with a Bushmaster, but they survive. The other important matter of note is the role of the Mentoring and Reconstruction Task Force. What a lot of people back home fail to realise is what the addition of the 'mentoring' role to what was the Reconstruction Task Force actually means for our troops. It means our troops are actually out there fighting alongside the Afghan army every day, putting their own lives at risk.

It was an honour to be able to travel to Afghanistan and I feel very proud of the sacrifice that our troops make on our behalf.

Senate adjourned at 5.36 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

Broadcasting Services Act—Commercial Television Conversion Scheme 1999—

Digital Television Commencement Date (Remote and Regional Western Austra-

lia TV1 Licence Area) Determination 2009 [F2009L02370]*.

Digital Television Commencement Date (South West and Great Southern TV1 Licence Area) Determination 2009 [F2009L02369]*.

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105—

AD/DH 85/1 Amdt 1—Flight Limitations and Structural Inspection [F2009L02192]*.

AD/DHC-8/148—Elevator Power Control Unit [F2009L02260]*.

AD/FA-200/2—Nose Landing Gear Piston Stop Plate and Screws – Modification [F2009L02198]*.

AD/FA-200/5—Fuselage Skin – Modification [F2009L02199]*.

AD/FA-200/7—Rudder Cables – Inspection and Modification [F2009L02200]*.

AD/FA-200/8—Pitot Static Water Drain Access – Modification [F2009L02201]*.

AD/FA-200/13—Spin Recovery Placard – Replacement [F2009L02202]*.

AD/FA-200/14—Main Landing Gear Assemblies – Modification [F2009L02203]*.

AD/FA-200/15—Nose Landing Gear Piston Stop Plate Screws – Modification [F2009L02204]*.

AD/L200/5—Front (Pilot) Seats Restraint Installation – Modification [F2009L02209]*.

AD/LA-4/2—Fuel Line – Replacement [F2009L02279]*.

AD/LA-4/17—Fuel Cell – Inspection [F2009L02285]*.

AD/LA-4/21—Auxiliary Fuel Tank Lines – Inspection and Replacement, Modification [F2009L02286]*.

AD/LA-4/22—Engine Mount Tie Rod Ends [F2009L02217]*.

AD/MU-2/2—Windows – Cabin and Cockpit – Modification [F2009L02218]*.

AD/MU-2/33—Rudder and Elevator Trim Idler Installation – Modification [F2009L02219]*.

AD/ROBIN/2—Flap Control Mechanism Dented Plate – Inspection [F2009L02221]*.

AD/ROBIN/10 Amdt 1—Control Column Assembly Welds [F2009L02222]*.

AD/ROBIN/26—ATL Rudder Bar [F2009L02223]*.

AD/RUTAN/1—Rudder Travel – Modification [F2009L02224]*.

AD/RYAN/1B—Lower Flying Wire Lug – Replacement [F2009L02225]*.

AD/S-76/2—Engine Oil Filler Service Door – Modification [F2009L02226]*.

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AD/AL 250/13—Improved Indicating Magnetic Drain Plugs – Modification [F2009L02245]*.

AD/AL 250/76—Falcon Helicopters [F2009L02246]*.

AD/AL 250/77—Third Stage Turbine Wheel P/N 23001977 [F2009L02247]*.

AD/ARRIEL/24 Amdt 2—Constant Delta Pressure Valve Diaphragm [F2009L02249]*.

AD/CFM56/30—Engine – High Pressure Compressor [F2009L02255]*.

107—

AD/AIRCON/14 Amdt 4—Zonal Drying System Regeneration Air Duct Overheat [F2009L02244]*.

AD/SUPP/18 Amdt 1—SIREN Load Release Units [F2009L02372]*.

Corporations Act—Accounting Standards—

AASB 2009-4—Amendments to Australian Accounting Standards arising from the Annual Improvements Project [F2009L02366]*.

AASB 2009-5—Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project [F2009L02367]*.

Environment Protection and Biodiversity Conservation Act—Threat Abatement Plan for Disease in Natural Ecosystems Caused by *Phytophthora Cinnamomi* (2009) [F2009L02168]*.

Fisheries Management Act—Southern and Eastern Scalefish and Shark Fishery Management Plan 2003—Fisheries Management (Southern and Eastern Scalefish and Shark Fishery – Variation of Total Allowable Catch) Temporary Order 2009 [F2009L02392]*.

Migration Act—Migration Regulations—Instruments IMMI—

09/038—Payment of visa application charges and fees in foreign currencies [F2009L02148]*.

09/039—Places and currencies for paying of fees [F2009L02149]*.

09/058—Substantive visa classes [F2009L02362]*.

National Health Act—Instruments Nos PB—

54 of 2009—Special Arrangements – highly specialised drugs program [F2009L02363]*.

55 of 2009—Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2009L02364]*.

59 of 2009—National Health (Pharmaceutical Benefits – Early Supply) Amendment, July 2009 [F2009L02368]*.

* Explanatory statement tabled with legislative instrument.

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Climate Change and Water: Staffing**(Question No. 957)**

Senator Ronaldson asked the Minister for Climate Change and Water, upon notice, on 24 November 2008:

- (1) Can details be provided, as of 24 November 2008, of the total number of all staff in:
 - (a) the Minister's office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
 - (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.
 - (2) Can details be provided of the aggregate salary and superannuation costs during the 2008 calendar year for all staff in:
 - (a) the Minister's office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
 - (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.
 - (3) Can details be provided of the aggregate travel costs during the 2008 calendar year for all staff in:
 - (a) the Minister's office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
 - (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.
 - (4) Can details be provided of the aggregate mobile phone costs during the 2008 calendar year for all staff in:
 - (a) the Minister's office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
 - (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.
 - (5) Can a breakdown be provided of every review, inquiry and committee which is being conducted in the department that has been announced since 1 December 2007.
 - (6) (a) How many of the department's reviews, inquiries and committees are in progress or incomplete as of 24 November 2008; and (b) what are their reporting dates.
 - (7) In regard to each of the department's review, inquiry and committee (completed and incomplete as of 24 November 2008) that has or is being conducted during the 2008 calendar year:
 - (a) what is the number of departmental staff allocated to each;
 - (b) what is the aggregate number of departmental staff allocated to all;
 - (c) were external consultants engaged to assist in any; if so, which consultants and how much has each consultancy cost (please itemise for each); and
-

- (d) what have been the travel costs associated with those staff involved in each (please itemise for each).
- (8) For the 2008 calendar year, what is the total cost of each departmental review, inquiry and committee, including staff wages, consultancy costs, travel and any other associated expenditure (please itemise for each).

Senator Wong—The answer to the honourable senator's question is as follows:

Climate Change

- (1) (a) One media adviser, covering both climate change and water issues. (B) 8.5 FTE within the Department of Climate Change (DCC).
- (2) Aggregate salary and superannuation as of 24 November 2008. Only salary range and the allowance is provided for the staff member in the Minister's office so as not to identify personal information for the individual employee. Depending on their individual circumstances, employees under the Commonwealth Members of Parliament Staff Collective Agreement 2006-2009 may be eligible to be a member of the CSS, PSS or PSSap or may have an employer superannuation contribution of 15.4 per cent paid to an eligible superannuation fund of their choice. Individual details are not supplied due to privacy reasons.
- (a) Period – from 17 March 2008 onwards; Salary range - \$74,516 to \$109,967; Allowance - \$17,874 Parliamentary Staff Allowance.
- (b) Aggregate salary and superannuation for staff in DCC: \$841,241
- (3) Aggregate travel costs during the 2008 calendar year.
- (a) \$35,961.
- (b) Travel costs for DCC staff: \$60,045.
- (4) (a) and (b) The precise detail requested in the question is not readily available and I am not prepared to authorise the commitment of resources required to provide a detailed response.
- (5) to (8) Nil.

Water

- (1) (a) Refer to Climate Change response. (b) Six staff engaged in media/communications in the Water Group of the Department of Environment, Water, Heritage and the Arts (DEWHA).
- (2) (a) Refer to Climate Change response. (b) Aggregate salary and superannuation for DEWHA (Water Group) staff: \$496,149.95.
- (3) (a) Refer to Climate Change response. (b) Travel costs for DEWHA (Water Group) staff: \$5,364.29.
- (4) (a) The precise detail requested is not readily available and I am not prepared to authorise the commitment of resources required to provide a detailed response. (b) DEWHA (Water Group): \$67.84 (excluding GST).
- (5) to (8) Nil.

Private Health Insurance

(Question No. 1368)

Senator Cormann asked the Minister representing the Minister for Health and Ageing, upon notice, on 5 March 2009:

- (1) Given that the Minister's press release of 2 March 2009 indicated that the premium application deadline will be a month earlier in future to enable the Government 'to analyse and assess applications to ensure that the increases sought by insurers are necessary' and will 'allow more time for

negotiations with insurers', does this mean that the process to be followed in 2009, involving extensive personal intervention by the Minister, will become standard procedure for future years.

- (2) Was the decision to bring forward premium application deadlines by a month for future rounds made in consultation with the private health insurance industry.
- (3) (a) When will the industry be advised of the future procedures, rules and requirements for premium applications from 2010 onwards; and (b) will there be consultation with the industry before these rules and requirements are finalised.
- (4) Given the Minister's interventions in the most recent premium round, will the Minister accept personal responsibility for the full consequences of the Government's final decisions on private health insurance premiums.

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

- (1) I intend to continue my personal involvement in future years.
- (2) Informal discussions had previously occurred with industry concerning the possibility of bringing forward the closing date for premium applications.
- (3) (a) It is expected that industry will be provided with further information concerning the premium approval process for 2010 in August 2009.
(b) The Department and I will have ongoing consultations with the private health insurance industry.
- (4) As Minister, I am required under the legislation to assess whether a proposed premium change is contrary to the public interest, and I fully intend to discharge my statutory responsibilities.

Education: Media Contracts

(Question Nos 1392, 1393, 1394, 1420 and 1425)

Senator Ronaldson asked the Minister for Education, upon notice, on 12 March 2009:

For the 2008 calendar year, can details be provided of the start date, duration and nature (direct source or open source) of tender for each contract for external speechwriting services entered into by the department.

Senator Carr—The Minister for Education has provided the following answer to the honourable senator's question:

The Department of Education, Employment and Workplace Relations contracted the services of one speechwriter during the 2008 calendar year, from 4 February 2008 to 6 February 2009. The services were contracted, by direct source, in accordance with the department's procurement guidelines.

Climate Change

(Question No. 1500)

Senator Bob Brown asked the Minister for Climate Change and Water, upon notice, on 12 May 2009:

Can all figures be provided of greenhouse gas emissions from deforestation (defined for this question as the deliberate, human-induced conversion of native forest to any land use, including reforestation or plantation) for each of the past 10 years, including on a state or enterprise basis.

Senator Wong—The answer to the honourable senator's question is as follows:

Australia reports detailed national deforestation accounts under provisions of the Kyoto Protocol and, similarly, under the United Nations Framework Convention on Climate Change. Deforestation is described as the deliberate human-induced conversion of forest to an alternative land use.

Greenhouse gas emissions from deforestation for the 10 years from 1998 to 2007 inclusive, as reported in Australia's 2007 National Greenhouse Gas Inventory, are provided in total and for each state and territory in the following table.

Deforestation does not include the conversion of native forest to another forest type. The Government reports emissions from forest land remaining forest land, including native forests converted to plantations, in its annual National Inventory Report, prepared in accordance with the United Nations Framework Convention on Climate Change. The 2007 National Inventory Report is available at <http://www.climatechange.gov.au/inventory/2007/national-report.html>.

Attachment A

Land use change (Deforestation) emissions (Mt CO₂-e) for 1998 to 2007 from the Australian Government submission to the United Nations Framework Convention on Climate Change – Australia's National Inventory Report 2007

Inventory Year	AUSTRALIA							NATIONAL
	NSW & ACT	NT	QLD	SA	TAS	VIC	WA	Total
1998	13.1312	0.7076	53.2471	0.4345	2.1994	2.298	4.4867	76.5044
1999	11.8582	0.5474	47.288	0.1802	2.2223	2.0378	3.5762	67.7101
2000	11.5721	0.4993	55.5256	-1.2795	1.8664	2.245	2.3993	72.8271
2001	8.2264	0.5002	52.3853	-1.5622	2.0626	2.0342	7.2571	70.9036
2002	14.3617	0.453	51.2167	1.7999	1.8162	2.6933	7.1124	79.453
2003	8.6161	0.7196	41.0332	0.5265	2.3854	2.5745	2.5262	58.3813
2004	9.2531	0.7898	43.3482	-1.5504	2.4502	4.0293	6.0449	64.3652
2005	13.5896	1.7544	58.4234	-1.8845	2.6444	4.5016	3.5273	82.5562
2006	15.4095	4.3379	47.4132	2.719	2.1187	6.1443	6.3205	84.463
2007	12.7508	2.294	49.7283	-0.2387	2.4044	4.8917	5.2976	77.1281

Trans-Pacific Partnership Agreement

(Question No. 1501)

Senator Bob Brown asked the Minister representing the Minister for Trade, upon notice, on 12 May 2009:

- (1) Has a date been set for the start of negotiations on the Trans-Pacific Partnership Agreement, following the deferred March 2009 start.
- (2) Has the United States Congress approved a commencement of negotiations on the agreement; if so, when does the Minister expect the negotiations to start.
- (3) Does the suspension of Fiji from the Pacific Islands Forum mean it will not be represented at the forum's Trade Ministers' Meeting or Leader's meeting in 2009.
- (4) Will Fiji be part of any decision to initiate a process towards negotiating a free trade agreement between Australia, New Zealand and Pacific Island countries, as per the Pacific Agreement on Closer Economic Relations.
- (5) Will the Government table its priorities, objectives and trade impact assessments of a possible Trans-Pacific Partnership Agreement before it begins any negotiations, as promised before the 2007 federal election.

Senator Carr—The Minister for Trade has provided the following answer to the honourable senator's question:

- (1) No.
- (2) The decision as to whether to participate in negotiations towards a Trans-Pacific Partnership Agreement (TPP) is one for the US Administration, in consultation with the US Congress. The

Obama Administration has not yet agreed to proceed with TPP negotiations, however domestic processes to this end are ongoing.

- (3) Consistent with the decision taken by Pacific Islands Forum Leaders in January this year, Fiji's Interim Government is suspended from all meetings of the Pacific Islands Forum and from regional cooperation initiatives. While the Interim Government is suspended from the Forum, it will not participate in Forum Trade Ministers' and Forum Leaders' meetings.
- (4) While Fiji's Interim Government is suspended from the Pacific Islands Forum, it will not participate in Forum Trade Ministers' and Forum Leaders' meetings. Therefore, while suspended, the Interim Government will not participate in Forum decision making by Trade Ministers and Leaders on the commencement of negotiations for a comprehensive free trade agreement between Australia, New Zealand and other Forum island countries (commonly known as PACER Plus).
- (5) On 26 November 2008 I (Mr Crean) tabled a document in both houses of Parliament conveying the assessments that emerged in wide-ranging public consultations on the costs and benefits of participation in the Trans-Pacific Partnership (TPP), including the expected economic, regional, social, cultural, regulatory and environmental impacts of a TPP. The document also addressed priorities and objectives for the negotiations. The Government will continue to consult fully on the terms of its participation and to convey feedback on the course of negotiations.

Climate Change

(Question No. 1507)

Senator Ian Macdonald asked the Minister for Innovation, Industry, Science and Research, upon notice, on 12 May 2009:

- (a) For the past 5 years, what Australian Research Council research grants have gone to scientists and researchers associated with work related to climate change; and
- (b) for each of these grants: (i) who was the recipient, (ii) what was the amount, and (iii) what was the short title of the research

Senator Carr—The answer to the honourable senator's question is as follows:

- (a) Details of grants awarded in the past five years under the ARC's National Competitive Grants Program (NCGP) to projects related to climate change are provided in the table at (b).
- (b) To identify projects either directly or indirectly related to climate change research, a search of projects awarded funding under the NCGP was undertaken using the following search criteria: (i) the keywords 'climate change', 'global warming' or 'greenhouse gas' in the 'Project title', 'Project abstract' or 'National Benefit Text' fields of the application; and (ii) projects that had selected the Socio-Economic Objective (SEO) code of 770101 (climate change) as being relevant to the research. The list of projects identified through this search was then checked for relevance. In addition, a separate search was undertaken of Centres funded through the ARC Centres of Excellence scheme. The details are as at the time research proposals were approved for funding and exclude any post-award variations that may subsequently have been approved.

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2005	The University of Western Australia	Wernberg, T	Effects of physical disturbance on kelp-dominated reef communities across a broad temperate-tropical transition zone	\$210,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2005	The University of New South Wales	Humphrey, T	High efficiency thermoelectric nanomaterials	\$215,000
2005	Monash University	Beardall, J	Effects of global climate change on marine phytoplankton: interactions between UV radiation and elevated atmospheric carbon dioxide levels	\$190,000
2005	Monash University	McNaughton, D	Vibrational Spectroscopy and Imaging from Interstellar Dust to Life	\$555,000
2005	The University of Sydney	Armfield, S	Turbulent fountains in stratified fluids with opposing buoyancy flux	\$375,000
2005	The University of Melbourne	Lukey, G	Design of Advanced Geopolymeric Materials Based on Nanostructural Characterisation and Modelling	\$238,000
2005	Macquarie University	Gore, D	The Antarctic ice sheet through the Last Glacial Cycle - numerical modelling constrained by field evidence	\$229,000
2005	Curtin University of Technology	Lamont, B	Quantifying long-distance seed dispersal and its role in the metapopulation dynamics of plants with contrasting life histories	\$670,000
2005	The University of New South Wales	England, M	Australian climate extremes and predictability in a changing CO2 world: the unique role of the Southern Hemisphere extratropical ocean-atmosphere	\$225,000
2005	The University of Melbourne	Barnett, J	Climate Change and Security in the South Pacific	\$687,000
2005	The University of Queensland	Fine, M	Microendoliths, coral bleaching and environmental change	\$220,000
2005	The Australian National University	Barrows, T	Cosmogenic isotopes in glacial landscapes: climate change and production rates	\$290,000
2005	The University of Melbourne	Stephenson, W	Erosion Morphodynamics and Evolution of Shore Platforms	\$140,000
2005	University of Tasmania	Vaillancourt, R	Genetic legacy of climate change in Australian temperate forests	\$225,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2005	The Australian National University	Farquhar, G	Oxygen-18 in water, carbon dioxide, and organic matter: a tool for linking plant biological processes, hydrology and climate change	\$400,000
2005	The Australian National University	Weber, K	High Temperature Silicon Nitride for Improved Silicon Photovoltaics	\$193,000
2005	University of Wollongong	Jones, N	Biomass Burning Emissions - An Innovative Technique for Assessing Global Climate Impacts	\$472,000
2005	The University of Melbourne	Walker, J	High resolution mapping of surface and root zone soil moisture	\$667,000
2005	La Trobe University	Mitchell, N	Calls and constraints: do male frogs signal direct benefits?	\$270,000
2005	Griffith University	Cropp, R	A modelling analysis of the implications of biogenic feedbacks on environment for the adaptation of ecosystems	\$77,000
2005	The University of Melbourne	Drinnan, A	Fossil evidence for the evolution of Australia's modern vegetation	\$180,000
2005	The University of New England	Geiser, F	The Role of Torpor in the Life of Arid Zone Mammals	\$300,000
2005	The University of Sydney	Field, J	First Australians, Last Megafauna? Modern Approaches To A Prehistoric Puzzle	\$474,000
2005	University of Wollongong	Murray-Wallace, C	A one million year record of relative sea-level, climatic and environmental changes - Aeolianites of the southern Australian continental margin	\$210,000
2005	The University of Adelaide	Bulleri, F	The interplay between natural and human perturbations in structuring marine habitats	\$336,000
2005	Macquarie University	Wright, I	Leaf economics, and the acquisition and use of water and nitrogen for photosynthesis	\$370,000
2005	The University of Adelaide	Williams, M	The environmental impact of an extreme event: the Toba mega-eruption, volcanic winter and the near demise of humans	\$360,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2005	Monash University	Sanjayan, J	Development of an Alkali Activated Slag based Construction Material for High Fire Risk Infrastructures	\$280,000
2005	The University of Western Australia	Gao, J	Nonlinear and Nonstationary Time Series Econometrics: Theory and Applications	\$355,000
2005	The University of Melbourne	Wallace, M	Murray Basin: A unique archive of late Neogene global change	\$285,000
2005	Griffith University	Dale, P	Predicting Malaria and Other Vector-borne Disease Risk Using Eco-epidemiological Models	\$150,000
2005	University of Technology, Sydney	Ralph, P	When corals bleach, what is the weakest photosynthetic link?	\$134,000
2005	Curtin University of Technology	Majer, J	Effects of ants and ant-mediated dispersal on speciation rates, biogeography and diversity of angiosperms	\$230,000
2005	The University of Sydney	Minasny, B	How do soils grow? Modelling soil development in the landscape	\$298,000
2005	The Australian National University	McCulloch, M	Impact of increased sediment and nutrient discharges on the long-term sustainability of the Great Barrier Reef	\$705,000
2005	The Australian National University	McCulloch, M	Deep sea corals as high resolution recorders of southern ocean nutrient chemistry and circulation	\$270,000
2005	The Australian National University	Mills, F	Photochemistry of the Middle Atmospheres of Venus and the Earth	\$260,000
2005	Charles Darwin University	Christian, K	Competition between regulatory processes in Amphibians: Testing the effects of physical and physiological factors on thermoregulation and hydroregulation	\$220,000
2005	The Australian National University	Eggins, S	A new approach to the U-series dating of fossil molluscs - a major advance for the earth and archaeological sciences	\$245,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2005	The University of New South Wales	Sherwin, W	Testing indicators of genetic exchange and adaptation of populations, essential for biodiversity assessment and management	\$260,000
2005	The University of Sydney	You, Y	Simulating the evolution of the Southern Ocean and Australia's Palaeo-environment over 40 million years	\$180,000
2005	Queensland University of Technology	Thwaites, R	Reducing uncertainties in greenhouse gas emissions from sub-tropical land use systems	\$335,000
2005	The University of Sydney	Masri, A	Innovative Research in Gaseous and Spray Combustion	\$445,000
2005	Curtin University of Technology	Gavrilov, A	Acoustic observation of Antarctic ice rifting and calving events using remote hydroacoustic listening stations	\$90,904
2005	The University of Sydney	Shine, R	Ecology and evolution in dynamic systems: a new approach to conserving Australian biodiversity	\$1,551,625
2005	The University of New South Wales	England, M	Genesis of Australian Climate Extremes in the Southern Hemisphere Extratropical Ocean-Atmosphere	\$1,551,625
2005	The Australian National University	Blakers, A	A furnace stack for advanced photovoltaic, photonic and microfabrication applications	\$321,953
2005	Curtin University of Technology	Grice, K	Accelerated solvent extractor and evaporator for molecular and stable isotope analyses of sedimentary organic matter	\$110,000
2005	The Australian National University	Ireland, T	SHRIMP SI - Microscale stable-isotope analysis in the Earth Sciences	\$552,475
2005	The University of Adelaide	Reid, I	The Buckland Park Lidar Facility	\$142,138
2005	The Australian National University	Fifield, L	A new-generation gas-source radiocarbon system for integrated environmental and archaeological research	\$854,354

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2005	The Australian National University	McCulloch, M	World-leading elemental and isotopic microanalysis and chemical speciation facilities for an environmentally sustainable Australia	\$397,100
2005	University of Wollongong	Chivas, A	14CHRONOS (Chronologies from High-Resolution Organic Separations): a centre for radiocarbon dating of specific compounds for the environmental and archaeological sciences	\$267,767
2005	Deakin University	Luther, M	Determination of key parameters and control strategies for fabric energy storage (FES) systems for the various climates of Australia	\$72,444
2005	Monash University	Mac Nally, R	Models for biodiversity futures for massively altered agricultural landscapes	\$344,237
2005	The University of Melbourne	McCalman, J	Science and Citizenship: Democracy in the age of science-mediated risk	\$216,592
2005	Southern Cross University	Vanclay, J	Integrated Carbon Accounting and Information Management Systems	\$124,000
2005	The University of Queensland	Possingham, H	A Bayesian framework for metapopulation dynamics of species in endangered communities: integrating demographic, environmental and genetic data	\$328,860
2005	The University of Western Australia	Murphy, D	Integrating microbiology and climatic drivers to determine triggers for nitrous oxide emissions from arable soils in semi-arid Western Australia	\$387,941
2005	University of Wollongong	Griffith, D	Novel, Cost-Effective Methods for Measuring Methane Emissions from Grazing Livestock	\$144,844
2005	The University of Western Australia	Hertzler, G	Designing Weather Derivatives and Yield Index Contracts for Rural Australia	\$72,444
2005	Australian Catholic University	Saintilan, N	Trophic associations involving fish and crustaceans in coastal saltmarsh	\$79,844

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2005	The University of New South Wales	Sorrell, C	Surface Processing of Photo-Sensitive Semiconducting Oxides for Solar-Hydrogen	\$1,250,000
2005	The University of Melbourne	Yuen, S	Phytocapping for sustainable waste containment systems and reduction of greenhouse gas emissions and odour from waste disposal sites	\$735,000
2005	University of Wollongong	Monaghan, B	Insoluble Oxide Product Formation and its Effect on Coke Dissolution in Liquid Iron	\$82,444
2005	The University of Queensland	Hoegh-Guldberg, O	New tools for managing ecosystem responses to climate change on the southern Great Barrier Reef	\$1,100,000
2005	University of the Sunshine Coast	Shapcott, A	National Macadamia Conservation Program	\$72,444
2005	University of Wollongong	Griffith, D	Innovative measurement and modelling of greenhouse fluxes at regional scales across Australia	\$125,000
2005	The University of Queensland	Lu, G	Nanostructured Magnesium-base Composites for High-density Hydrogen Storage	\$342,200
2005	University of the Sunshine Coast	Wallace, H	Genetic variation of the vulnerable Eucalyptus argophloia, and its development for sustainable hardwood forestry in low rainfall areas	\$135,000
2005	The University of Melbourne	Kentish, S	The separation of carbon dioxide from industrial sources using nanoporous carbon	\$24,100
2005	University of Tasmania	Roberts, J	Earth Systems Science OPeN-DAP computer server framework	\$81,900
2006	The University of Melbourne	Warren, C	How do plants cope with temporal variability in water and nutrients?	\$820,000
2006	The University of Western Australia	Judd, K	Forecasting and management using imperfect models, with a focus on weather and climate	\$231,000
2006	The University of New South Wales	Cavicchioli, R	The molecular basis of cold adaptation: an integrated genomic and proteomic study of Antarctic archaea	\$259,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2006	Macquarie University	Henderson-Sellers, A	Stable water isotopic simulation and analysis to improve Earth System models and deliver better predictions of Australian water resource vulnerability	\$905,000
2006	Macquarie University	Pitman, A	Do terrestrial processes intensify Australian droughts ?	\$240,000
2006	The University of Adelaide	Marschner, P	Understanding plant residue decomposition by linking organic matter chemistry and soil microbiology	\$260,000
2006	The University of Queensland	Memmott, P	Isolation, Insularity and Change in Island Populations - an Interdisciplinary Study of Aboriginal Cultural Patterns in the Gulf of Carpentaria	\$365,000
2006	The Australian National University	Gao, Q	Band gap engineering of novel (In,Ga)SbN epitaxial semiconductors for high-performance long-wavelength optoelectronic devices	\$330,000
2006	The Australian National University	Gagan, M	The Indian Ocean Dipole, Australasian drought, and the great-earthquake cycle: Long-term perspectives for improved prediction	\$1,016,000
2006	The Australian National University	Gagan, M	Monsoon extremes, environmental shifts, and catastrophic volcanic eruptions: quantifying impacts on the early human history of southern Australasia	\$445,000
2006	The University of Melbourne	Chong, M	The structure of turbulent boundary layers	\$520,000
2006	The University of Melbourne	Waller, R	Molecular-genetic organization and evolution of dinoflagellate mitochondria	\$264,000
2006	The University of Western Australia	Waite, A	Biological Oceanographic Mechanisms Driving Australia's Coastal Fisheries	\$310,000
2006	The Australian National University	Sumner, J	Testing Theories of Historical Divergence using South Eastern Australian Reptiles	\$318,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2006	The University of Melbourne	Simmonds, I	Global objective identification and tracking of atmospheric fronts and the role of fronts in climate change	\$180,000
2006	The Australian National University	Griffiths, R	From The Ocean Depths To Abrupt Climate Change - Missing Processes In The Global Overturning Circulation	\$401,000
2006	Griffith University	Xu, Z	Fingerprints of global climate change and forest management on rhizosphere carbon and nutrient cycling	\$280,000
2006	Deakin University	Arnould, J	The cost of a meal: life-history consequences of foraging mode in fur seals and sea lions	\$219,000
2006	University of Wollongong	Woodroffe, C	Variability in El Niño frequency and intensity over the past 4000 years	\$115,000
2006	The Australian National University	Weber, K	Investigation of P Type Emitters for Future Generation Photovoltaics	\$265,000
2006	Murdoch University	Lyons, T	Impact of land use on cloud formation	\$145,000
2006	The University of Adelaide	Cooper, A	Using ancient DNA to investigate the environmental impacts of climate change and humans through time	\$470,000
2006	The University of Melbourne	Woodhead, J	Of caves, bones, and climate change: new insights from old speleothems	\$240,000
2006	Museum of Western Australia	McNamara, K	Extinction and survival: biotic responses to environmental change in Late Devonian oceans during a greenhouse-icehouse transition	\$235,000
2006	The University of Western Australia	Ghadouani, A	Predicting plankton patchiness in lakes using a high resolution sampling system	\$140,000
2006	James Cook University	Willis, B	The role of algal endosymbionts in acclimation and adaptation of reef corals to climate change	\$356,000
2006	The Flinders University of South Australia	Schwarz, M	Origins of invertebrate fauna in Australia since the Cretaceous: a molecular approach using bees as a model taxon	\$297,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2006	University of Wollongong	Turney, C	Testing the hypothesis of synchronous inter-hemispheric climatic change during the Last Termination (20,000-10,000 years ago)	\$379,000
2006	The University of Queensland	Skilleter, G	Ecological consequences of global warming: predicting effects on biodiversity on intertidal assemblages on the east coast of Australia	\$362,000
2006	Curtin University of Technology	Cooper, C	Evaporative water loss and relative water economy in marsupials	\$175,000
2006	The University of Sydney	Chen, M	Novel Chlorophylls and New Directions in Photosynthesis	\$420,000
2006	The University of New South Wales	Sorrell, C	P-Type Titanium Dioxide for Hydrogen Generation from Water using Solar Energy	\$350,000
2006	Griffith University	Heazle, M	Global Warming, Iraq, and the Washington Consensus: Three Case Studies on the Role of Specialist Advice in Policy Making	\$240,000
2006	The University of Sydney	Underwood, A	Connecting ecological processes controlling variation across spatial scales	\$1,185,237
2006	The University of Queensland	Lowe, A	Developing biogeographic know-how: Improving species divergence and dispersal estimations to examine geological and climatic evolutionary drivers	\$282,000
2006	Monash University	Holmes, D	Optimal Control of Modular Multilevel Power Electronic Converter Systems for Electrical Distribution Networks	\$325,000
2006	Monash University	Stegman, D	Planetary Pulsations: Exploring Links between Superplumes, Supercontinents, and Superchrons with 3-D Spherical Mantle Convection Models	\$305,000
2006	The University of Sydney	Harris, A	Selective generation of hydrogen from biomass and waste fuels	\$260,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2006	University of Wollongong	Innis, P	Self-Assembled Porphyrin-Fullerene Photovoltaic Electrodes: Towards Nanostructured Organic Solar Cells	\$429,000
2006	University of Tasmania	Coleman, R	Active Ice-Shelf Rift Systems on the Amery Ice Shelf, East Antarctica	\$290,000
2006	University of Wollongong	Ayre, D	Setting the limits: Ecological and genetic tests of the status of marine populations at species borders	\$275,000
2006	The University of New South Wales	England, M	Abrupt Southern Hemisphere Climate Change: The Role Of The Southern Ocean Thermohaline Circulation	\$270,000
2006	University of Wollongong	Nanson, G	Palaeoclimatic and environmental significance of major Late Quaternary drainage contributions and disruptions in the Lake Eyre basin	\$270,000
2006	The Australian National University	Grove, R	British Empire and the Natural World: the Environmental History of the British Empire and Commonwealth 1600-2000	\$673,200
2006	The University of Melbourne	Karoly, D	Improving understanding of climate change and its impacts in Australia through detection and attribution of climate change	\$1,901,110
2006	The University of Melbourne	McFadden, G	Drug targets in malaria parasites	\$1,581,110
2006	The University of New South Wales	Suthers, I	Sydney Harbour Institute of Marine Science (SHIMS) aquarium facility	\$160,000
2006	The University of Melbourne	Woodhead, J	A new X-ray spectrometer facility for VIEPS: major and trace element characterisation of geological materials	\$186,000
2006	The University of Western Australia	Li, Z	Western Australia Palaeomagnetic and Rock-magnetic Facility	\$246,000
2006	The University of Newcastle	Drysdale, R	A high-throughput stable isotope ratio mass spectrometer for water resource management and climate change studies	\$100,000

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2006	University of Wollongong	Griffith, D	High resolution Fourier transform infrared spectrometer for atmospheric remote sensing and laboratory spectroscopy	\$250,000
2006	Griffith University	Quinn, R	Upgrade of existing university low field and high field nuclear magnetic resonance facilities	\$350,000
2006	Monash University	Dixon, P	Combining hydrological information with a multi-regional, computable general equilibrium model	\$169,100
2006	The University of New South Wales	Wang, J	Process models and control strategies for abrasive waterjet precision cutting of amorphous magnetic metal parts for energy efficient electrical machines	\$295,000
2006	Curtin University of Technology	Nayar, C	Variable speed diesel power conversion system using a doubly fed induction generator	\$280,000
2006	The University of Adelaide	Bi, P	Risk assessment for environmental health in Adelaide based on weather, air pollution and population health outcomes	\$73,950
2006	The University of Queensland	Rudolph, V	Dynamic Gas Permeability Investigations of Highly Stressed Coals	\$400,000
2006	The University of New South Wales	Sharma, A	A Stochastic Downscaling Framework for Catchment Scale Climate Change Impact Assessment	\$278,918
2006	The University of Sydney	Munn, A	Avoiding Environmental Bankruptcy: the grazing impacts of red kangaroos and sheep	\$259,340
2006	Queensland University of Technology	Buys, L	Managing the social, environmental & economic impacts of high density-living within inner-urban sub-tropical environments	\$350,000
2006	The University of Sydney	Jeng, D	Port Stephens Flood Tide Delta: Shoreline Management Issues	\$370,920

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2006	The Flinders University of South Australia	Matisons, J	The Nanotechnology Desalination Research Project - Low Energy Desalination Membranes	\$735,000
2006	The University of Western Australia	Balme, J	Aboriginal landscape transformations in south-west Australia	\$379,278
2006	The University of Queensland	Batstone, D	Advanced Stability Sensor for Anaerobic Digestion Processes	\$164,000
2006	The University of Queensland	Hyde, R	Exploring synergies with innovative Green Technologies for Advanced Renovation: Redefining a Bioclimatic approach for multi residential and office buildings in warmer climates	\$221,004
2006	The University of Western Australia	Chua, H	Near zero-emission hydrogen and carbon production from natural gas and bio-methane	\$295,000
2006	The Australian National University	Blakers, A	Efficient photovoltaic concentrator receivers utilising commercial non-concentrator solar cells	\$127,901
2006	Monash University	Leblanc, M	Satellite based monitoring system of lakes and wetlands water quality	\$223,020
2006	The University of Queensland	Hankamer, B	Developing a competitive H2 production system based on engineered cells of green algae	\$140,000
2006	The University of New South Wales	England, M	Eddy mixing and water mass formation in the Southern Ocean in a global 1/4 degree model	\$14,000
2006	The Australian National University	Hogg, A	Nonhydrostatic waves and instabilities in rotating fluids	\$16,400
2007	The University of New England	Andrew, N	Ecology of insect herbivore assemblages: influence of climate, evolutionary history and plant traits	\$256,000
2007	The University of Queensland	Feng, B	Regenerable CO2 adsorbing materials for zero emission power generation systems	\$230,000
2007	The University of Adelaide	Nathan, G	Investigating the coupled dependencies of soot in turbulent flames by advanced laser diagnostics and modelling	\$541,063

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2007	University of Wollongong	Dou, S	Current limiting mechanisms in magnesium diboride superconductors	\$1,430,000
2007	The University of Western Australia	Li, Z	Neoproterozoic global geodynamic and climatic events: were they linked?	\$230,000
2007	The University of New South Wales	Froyland, G	A Dynamical Systems Approach to Mapping Southern Ocean Circulation Pathways	\$285,000
2007	The University of Melbourne	Lane, T	Tropical convection and its contribution to climate variability	\$238,000
2007	Monash University	Stamatov, V	Physics of combustion of multicomponent alternative transport fuels	\$250,000
2007	Monash University	Suzuki, K	Novel nanostructured alloy membranes for hydrogen permeation: Advanced materials technology for renewable energy	\$280,000
2007	The University of New South Wales	Hand, S	Unravelling the last great Gondwanan mystery: the first land vertebrate fauna from the Tertiary of New Zealand	\$513,902
2007	James Cook University	Pratchett, M	Climate change and coral reef communities: predicting and managing future impacts	\$483,070
2007	University of Canberra	Maher, W	Southern Ocean nutrients and their links to climate change: insights from the isotope and elemental signature of diatoms and sponges	\$390,000
2007	University of Tasmania	Hindell, M	Winter Foraging Locations Of Southern Ocean Predators In Relation To Stochastic Variation In Sea-Ice Extent	\$263,000
2007	The University of Western Australia	Chen, Z	Reconstruction of marine ecosystems following the greatest mass extinction during the Phanerozoic history of Earth life: Lessons for the present	\$563,070
2007	The University of Adelaide	Murphy, N	Evolution of the unique fauna of the Great Artesian Basin mound springs: the impact of aridification and climate change	\$300,004

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2007	The Australian National University	Brocks, J	Molecular fossils, environmental genomics and the natural history of an Australian salt lake	\$263,000
2007	The University of New South Wales	Middleton, J	Hydrodynamics and Mixing around Coral Reefs	\$280,000
2007	The University of Queensland	Buckley, Y	How do characteristics of seeds and landscape heterogeneity determine plant spread in new environments?	\$790,000
2007	The Australian National University	Evans, J	What limits CO ₂ diffusion inside leaves? Dissecting the diffusion path with Arabidopsis mutants	\$263,000
2007	The Australian National University	Eggins, S	The Southern Ocean's role in determining atmospheric CO ₂ levels: new insights from novel biogenic silica records of seawater pH	\$262,000
2007	The Australian National University	O'Neill, H	An experimental exploration of silicate melt thermodynamics	\$122,000
2007	The University of Melbourne	Eckersley, R	Regime interplay: from conflict to integration in overlapping international regimes	\$111,000
2007	Murdoch University	Bunce, M	Ancient DNA as a tool to study Australia's paleome: exploring climatic change, past biodiversity, extinctions and long-term survival of DNA	\$192,000
2007	Deakin University	Shi, G	The bipolarity of Late Palaeozoic marine faunal distributions: origin, processes and implications for modern global marine biogeography	\$170,000
2007	University of Tasmania	Hovenden, M	Ecosystem level impacts of climate change on a temperate grassland	\$178,000
2007	The University of Sydney	Masri, A	Finite Rate Chemistry Effects in Turbulent Combustion	\$500,000
2007	The University of Sydney	Phillips, B	Disperse or die: the evolution of dispersal ability in a changing climate	\$332,000
2007	The University of Sydney	Seebacher, F	Genetic mechanisms of metabolic control and thermal sensing during thermoregulation	\$228,000

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2007	University of Wollongong	Westaway, K	Landscape evolution and palaeoclimates in Indonesia: environmental, faunal and archaeological implications	\$306,090
2007	The University of Queensland	McCallum, H	Network structure, connectivity and wildlife disease	\$210,000
2007	Macquarie University	Evans, J	Vulnerability of the Murray-Darling basin hydrometeorology to human modification	\$658,000
2007	The University of Queensland	Chenoweth, S	The Genetic Basis of Differences Between the Sexes	\$838,000
2007	James Cook University	Nott, J	Are humans responsible for recent changes in the behaviour of tropical cyclones? Decoupling natural variability from human influence using isotopes	\$315,118
2007	The Australian National University	Hermann, J	Experimental and natural constraints on trace element and volatile recycling in subduction zones	\$300,000
2007	Monash University	Sunnucks, P	Understanding responses to climate change: a mechanistic approach integrating functional genetics, physiology and biophysical models for the Common brown butterfly	\$240,000
2007	The University of New South Wales	Sijp, W	What controls the shift from a hot house climate to a cold house climate: the Eocene/Oligocene climate transition and greenhouse warming	\$243,090
2007	The Flinders University of South Australia	Prideaux, G	Responses of southern Australian mammal faunas to climate change before and after human arrival	\$629,274
2007	Monash University	Beringer, J	Patterns and processes of carbon and water budgets across northern Australian landscapes: From point to region	\$668,000
2007	The University of Melbourne	McMahon, T	Understanding and modelling of interannual hydroclimatic variability in the context of historic streamflow	\$195,000

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2007	The Australian National University	Lambeck, K	Sea-level change in the Australasian region during the past 6000 years: Understanding the past to predict the future	\$361,000
2007	The University of Queensland	Zhao, J	Characterising the tropical "heat engine" of global climate: combined coral, stalagmite and tree-ring records from the Indo-Pacific region	\$681,070
2007	The University of Melbourne	Simmonds, I	Tropical and mid- and high latitude cyclones in a time of climate change: New insights and integration	\$330,000
2007	The University of New South Wales	Steinberg, P	Bacterial disease and bleaching of chemically defended marine algae	\$313,000
2007	The Australian National University	Hoskin, C	Understanding "reinforcement", an evolutionary process that can lead to the origin of new species and generate species diversity	\$265,000
2007	University of Technology, Sydney	Ralph, P	Bio-optical model of Antarctic sea-ice algae photosynthesis	\$263,000
2007	The University of Newcastle	Drysdale, R	Improving climate models through new insights on long-term inter-hemispheric climate synchronicity from speleothems	\$329,000
2007	University of Technology, Sydney	Zhu, J	Application Oriented System Level Optimum Design Method for Advanced Electrical Drive Systems	\$135,000
2007	Southern Cross University	Parr, J	Enhancing long-term soil organic carbon sequestration	\$255,000
2007	The University of Sydney	Liu, Z	Development of Carbon Nanotube Nanothermometers and Their Application for Temperature Measurement in the Catalytic Layers of Fuel Cells	\$695,000
2007	The University of Newcastle	Saco, P	Role of vegetation patchiness and self organisation in the ecohydrologic response of water limited ecosystems to climate variability and change	\$180,000

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2007	The Australian National University	Ball, M	Interactive effects of salinity and nutrients: linking physiological processes with patterns in mangrove forest productivity	\$263,000
2007	The University of Sydney	Stopher, P	Developing Tour Based Models for an Integrated Land Use, Transport and Environment Model System for Australia	\$207,000
2007	The University of New South Wales	Postma, E	The genetic basis of differentiation: Towards a predictive understanding of evolution in the wild	\$234,000
2007	The Flinders University of South Australia	Lawrance, W	Energetics, spectroscopy and dissociation dynamics of bimolecular complexes of atmospheric importance	\$305,141
2007	The University of Newcastle	Moghtaderi, B	A Fundamental Study on Redox Behaviour of Oxygen Carriers in Chemical Looping Combustion	\$365,000
2007	The University of Queensland	Quiggin, J	Climate change: adaptation and resilience in the face of uncertainty	\$1,606,210
2007	The Australian National University	Honda, M	A New Generation Noble Gas Mass Spectrometer Facility for Advanced Research in the Earth, Planetary and Environmental Sciences	\$700,000
2007	Monash University	Webley, P	Characterisation Equipment for Advanced Gas Separation Applications	\$345,000
2007	Monash University	Pathegama, R	Advanced Testing Facility for Geological Sequestration of Greenhouse Gases	\$350,000
2007	University of Wollongong	Buttmer, W	Flora and Fauna Research Facility	\$200,000
2007	The University of New South Wales	Adams, M	Environmental Research Isotope Ratio Mass Spectrometer (ERIRMS)	\$135,000
2007	Charles Darwin University	Hutley, L	Integrative assessment of disturbance and land-use change on total greenhouse gas balance and nutrient cycling in savanna ecosystems	\$190,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2007	The University of New South Wales	Kingsford, R	Managing Ecosystem Change in the Greater Blue Mountains World Heritage Area	\$450,000
2007	The University of Queensland	Possingham, H	Marine conservation planning for persistent coral reef communities: Incorporating connectivity and resilience	\$200,000
2007	Queensland University of Technology	Zare, F	High Efficient and Reliable Power Converters with Low Electromagnetic Interference Based on an Intelligent Distributed Control System in Train Systems	\$195,000
2007	Macquarie University	Pitman, A	Reengineering a dynamic vegetation model to explore the stability of Australian terrestrial carbon	\$191,921
2007	The University of New South Wales	Munroe, P	Chicken Litter Char for Soil Health and Carbon Sequestration	\$105,000
2007	The Australian National University	Grun, R	Environmental Evolution of the Willandra Lakes World Heritage Area	\$570,884
2007	RMIT University	Horne, R	Carbon neutral communities: making the transition	\$169,000
2007	Queensland University of Technology	Brown, R	Optimisation of Dual Fuel Compression Ignition (Diesel) Engines With Respect to Engine Performance and Pollutant Emissions	\$300,000
2007	Queensland University of Technology	Morawska, L	Quantification of current and future traffic emissions of greenhouse gases and particulate matter for application in transport and urban planning	\$219,995
2007	The University of Queensland	McAlpine, C	Restoration of Fragmented Brigalow Landscapes for Conservation: Evaluating Alternative Futures in a Changing Climate	\$355,000
2007	The University of Queensland	Dove, S	Assessing the risk of ocean acidification for the Great Barrier Reef	\$476,950

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2007	Griffith University	Stewart, R	Impact of urban water conservation strategies on end-use water consumption in residential households	\$240,000
2007	The University of New South Wales	Adams, M	Quantifying tree and soil respiration and their responses to global change	\$150,708
2007	The University of New South Wales	Sahajwalla, V	Recycling waste plastics in electric arc furnace steelmaking: Fundamental understanding of plastics/slag interactions and slag foaming	\$560,354
2007	The University of New South Wales	Lucien, F	Carbonate binding: an ecologically sustainable alternative to cement	\$209,250
2007	The University of Adelaide	Nathan, G	Assessment and Optimisation of Mixing and Aerodynamic Characteristics of Multi-Fuel Burners for Rotary Kilns	\$280,000
2007	The University of Queensland	Schmidt, S	Accelerated breeding for a changing environment: genomic and physiological profiling of newly generated polyploid trees	\$510,000
2007	The Flinders University of South Australia	Driscoll, D	Spatial-dynamic models to identify optimal fire mosaics, based on demography, dispersal and fire responses of plants, birds and reptiles	\$431,052
2007	University of Wollongong	Zhu, S	Wave to Wire: Optimising Hydrodynamic Performance and Capture Efficiency of Next Generation Ocean Wave Energy Systems	\$313,869
2007	The University of Sydney	Shine, R	Understanding and reversing the habitat shifts that have endangered the broad-headed snake	\$773,060
2007	Macquarie University	Leishman, M	Invasive plant species and climate change in Australia: predicting the threat and projecting the future	\$311,296
2007	RMIT University	Horne, R	Lifetime Affordable Housing in Australia: Integrating environmental performance and affordability	\$339,000

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2007	RMIT University	Roddick, F	Enhancing the productivity of wastewater desalination	\$86,372
2007	Queensland University of Technology	Tong, S	Development of a framework for assessing the vulnerability of eco-environmental health to climate change	\$177,585
2007	James Cook University	Schwarzkopf, L	Are frogs in fragmented lowland rainforest especially susceptible to both disease and climate change?	\$98,299
2007	The University of Western Australia	May, E	Increased liquified natural gas (LNG) production efficiency through nitrogen and carbon dioxide capture using high-pressure cryogenic adsorption onto tailored nanopore substrates	\$263,000
2007	University of South Australia	Saman, W	Advancing the Thermal Insulation Performance of Australian Roofing Systems	\$70,000
2007	Deakin University	Hancock, L	Community Engagement for Localised Greenhouse Reduction: a local government demand-management model for business and household water, energy and waste reduction	\$84,461
2007	The University of Sydney	Trethowan, R	Improved Indian Mustard for sustainable biodiesel production	\$120,000
2007	The University of Queensland	Wardell-Johnson, G	Biodiversity in high rainfall mediterranean-climate ecosystems: Integrating fields of ecological enquiry to achieve improved conservation outcomes	\$22,000
2007	The University of Adelaide	Kear, B	Global implications of Australian Cretaceous faunas: biogeography, evolution and effects of climate change	\$40,306
2007	The University of Queensland	Possingham, H	Determining global and regional conservation priorities for biodiversity hotspots	\$123,343
2007	University of Wollongong	Turney, C	Australasian climate reconstruction for the past two millennia	\$64,297
2007	University of Tasmania	Haward, M	The Future of Oceans Governance in Polar Areas	\$17,000

QUESTIONS ON NOTICE

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2008	The University of Queensland	Hunter, C	The impact of climate change on the resilience of Australian marine systems: linking climate and ecosystem models	\$160,000
2008	Macquarie University	Westoby, M	Plant ecological strategies across species and an evolutionary-ecology vegetation model	\$690,000
2008	University of Tasmania	Bindoff, N	The Southern Ocean Meridional Overturning Circulation: New observations of vertical mixing	\$318,000
2008	The University of Queensland	Hankamer, B	Targeted bioengineering and systems biology for solar powered hydrogen production in green algal cells	\$286,000
2008	Curtin University of Technology	Grice, K	Characteristics of organic matter formed in toxic, sulfide-rich modern and ancient environments	\$660,000
2008	James Cook University	Ainsworth, T	Coral Reefs Sensing Our Changing Climate	\$235,944
2008	Griffith University	Cartwright, N	Contribution of surf zone wind stress to storm surge inundation	\$268,000
2008	The University of Melbourne	Wong, W	Novel organic materials for efficient low-cost solar cells	\$138,000
2008	The Australian National University	Tregoning, P	Environmental geodesy: variations of sea level and water storage in the Australian region	\$1,160,000
2008	Monash University	Nicholls, N	Scientific basis for improved climate predictions on seasonal and climate-change timescales	\$1,010,936
2008	The University of New South Wales	Curnoe, D	The Late Pleistocene Peopling of East Asia and Associated Climate-Environment History	\$665,000
2008	The University of Adelaide	Bradbrook, A	Creating a Comprehensive International Law of Sustainable Energy: The Contribution of Law to Sustainable Development and Climate Change	\$361,000
2008	James Cook University	Munday, P	Global climate change and the future for coral reef fishes	\$461,482
2008	The Australian National University	Hogg, A	Causes of Enhanced Warming of the Southern Ocean	\$287,000

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2008	University of Tasmania	Wapstra, E	Maternal effects and sex allocation: an integrated approach	\$181,752
2008	Macquarie University	Beaumont, L	Where will species go? Revolutionising projections of species distributions with climate change	\$519,697
2008	The University of Adelaide	Williams, M	Environmental impacts of climate change in the Nile basin over the past 30,000 years	\$250,000
2008	The University of Newcastle	Connor, L	Climate change, place and community: An ethnographic study of the Hunter Valley, New South Wales	\$422,000
2008	The University of Adelaide	Reid, I	The aeronomy of the atmosphere between 50 and 110 km	\$515,000
2008	University of Tasmania	Bowman, D	Understanding the impact of global environmental change on Australian forests and woodlands using rainforest boundaries and Callitris growth as bio-indicators	\$570,000
2008	Macquarie University	Lusk, C	The physiological ecology of forest succession: explaining shade tolerance variation in evergreen and deciduous trees	\$127,000
2008	The University of Queensland	Riginos, C	Coral reef connectivity: an empirical and theoretical synthesis	\$473,640
2008	The University of Adelaide	Soong, W	Innovative Grid-Connected, Small-Scale Wind Turbine Generators Offering Low Cost and Wide Operating Speed Range	\$265,000
2008	The Australian National University	O'Connor, S	Cultural and Environmental Shifts in Late Holocene East Timor: Evidence for Climate Change?	\$380,000
2008	The University of New South Wales	Anderson, E	Understanding the interactions between emissions trading and wholesale electricity markets	\$428,000
2008	Charles Darwin University	Bradshaw, C	Density regulation as a major determinant of population persistence: advancing empirical and theoretical approaches to conserve biodiversity	\$315,000

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2008	University of Wollongong	Yu, X	Improvement and synthesis of advanced hydrogen storage materials for fuel cell applications	\$288,444
2008	The University of Sydney	Minasny, B	Devising a methodology for the digital soil map of the world	\$880,000
2008	The University of Newcastle	Kennedy, E	Process for treatment of fluorine-containing synthetic greenhouse gases	\$1,225,000
2008	Curtin University of Technology	Gale, J	A virtual exploration of iron-sulphur-world in search of the precursors to life on earth	\$267,911
2008	University of Wollongong	Dou, S	Giant Magnetocaloric Materials and Room Temperature Refrigeration	\$760,000
2008	The University of Western Australia	Gao, J	Nonlinear Panel Data Econometrics: Theory and Practice	\$370,077
2008	The Australian National University	Niemeyer, S	Social Adaptation to Climate Change in the Australian Public Sphere: A comparison of individual and group deliberative responses to scenarios of future climate change	\$378,500
2008	The University of Queensland	Rabaey, K	Extracellular electron transfer in bio-electrochemical systems	\$485,000
2008	The University of Melbourne	Duffy, M	Transcriptional control of antigenic variation in the malaria parasite <i>Plasmodium falciparum</i>	\$294,606
2008	Deakin University	Hodgson, P	Development of new steel products by thin strip casting and direct thermomechanical processing	\$825,000
2008	The University of Queensland	Richardson, A	Integrating climate and ecosystem models to predict climate change impacts on Australian marine systems	\$285,300
2008	University of Wollongong	Griffith, D	The carbon cycle and climate: new approaches to atmospheric measurements and modelling	\$393,000
2008	Monash University	Pringle, J	Advanced Ionic Materials for Organic Photovoltaics	\$718,000
2008	Monash University	Ranjith, P	Hydro-mechanical interactions in coal geo-sequestration of carbon dioxide	\$298,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2008	University of Western Sydney	Tissue, D	Eucalypt growth in past and future environments - a novel approach to understanding the impacts of atmospheric CO ₂ and climate	\$300,000
2008	The University of Queensland	White, C	The evolution of periodic ventilation in insects	\$400,000
2008	University of Wollongong	Peleckis, G	Development of novel high efficiency thermoelectric oxides for high temperature power generation	\$105,000
2008	The University of Sydney	Williams, S	Autonomous Exploration and Characterization of Benthic Habitats Linked to Oceanographic Processes	\$134,000
2008	Macquarie University	Paulsen, I	A functional genomic approach for understanding metal ion adaptation in marine cyanobacteria	\$352,800
2008	The Australian National University	Roderick, M	Water availability, evaporative demand and climate change	\$370,000
2008	Charles Darwin University	Christian, K	Do frogs hydroregulate? Regulation versus tolerance of thermal and hydric states	\$270,000
2008	The Australian National University	Cardillo, M	Anatomy of a biodiversity hotspot: investigating the evolutionary and ecological basis of high plant diversity in southwestern Australia	\$710,571
2008	The Australian National University	Eggins, S	Atmospheric CO ₂ , global temperature, and surface ocean acidity response to fossil carbon burning - insights from an ancient analogue	\$313,000
2008	The Australian National University	Catchpole, K	Photonic structures for high efficiency, low cost solar cells	\$595,286
2008	Monash University	Evans, A	Megafauna and megacommunity change using dental complexity and shape analyses	\$600,000
2008	University of Tasmania	McMinn, A	Dark survival in the polar winter	\$255,000
2008	The University of Melbourne	Van Deventer, J	Gel interactions in geopolymers for sustainable construction	\$300,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2008	Curtin University of Technology	Tadé, M	Multiscale Integrated Modelling and Control of an Ethanol-Fuelled Tubular Solid Oxide Fuel Cell	\$300,000
2008	University of Wollongong	Roberts, R	Monsoons and migrations: Quaternary climates, landscapes and human prehistory of the Arabian peninsula and the Indian subcontinent	\$620,000
2008	The University of New South Wales	McNeil, B	An Investigation into Oceanic CO ₂ Variability and its Influence on Atmospheric CO ₂ Concentrations	\$617,418
2008	The Australian National University	Gibson, S	Sulfuric acid formation from atmospheric sulfur trioxide and disulfur oxide: is one water molecule enough?	\$390,000
2008	The University of Adelaide	Bi, P	Extreme weather and population health in Australia: risk assessment, prediction of health impacts and disease burden, and adaptive strategy exploration	\$189,485
2008	Macquarie University	De Dear, R	Occupant comfort in naturally ventilated and mixed-mode spaces within air-conditioned offices	\$129,000
2008	The University of Newcastle	Jameson, G	New process for mineral flotation	\$800,000
2008	University of Canberra	Sarre, S	Sex in Dragons: Evolution of sex determination in reptiles	\$383,000
2008	University of Western Sydney	Ellsworth, D	How will Eucalypt tree architecture and growth adapt to future atmospheric CO ₂ and drought?	\$360,000
2008	The University of Queensland	Price, G	Constructing a temporally-constrained palaeoecological model of Quaternary faunal evolution and extinction in eastern Australia	\$300,000
2008	The University of Sydney	Byrne, M	Development and calcification in benthic marine invertebrates (Mollusca and Echinodermata) in an acidified and warm ocean	\$269,504

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2008	The University of New South Wales	Hand, S	Precious time-capsule: discovery of fossil-rich amber from Australia	\$245,000
2008	The University of Newcastle	Geigenberger, P	Investigations of signals involved in redox-regulation of carbon storage	\$376,000
2008	The University of Adelaide	Brook, B	Reconstructing past population dynamics to understand human and climatic impacts in prehistory	\$624,000
2008	The University of New South Wales	McMurtrie, R	Explaining forest responses to rising carbon-dioxide concentrations at stand scale using a new, simple model of plant carbon economy	\$318,000
2008	Monash University	Chaffee, A	Carbon dioxide conversion over nanostructured mixed metal catalysts	\$308,000
2008	The University of New South Wales	Tran, N	Towards efficient development of geothermal resources in Australia: an improved simulation package for fluid flow in fractured geothermal reservoirs	\$303,000
2008	The University of New South Wales	England, M	Coupled ocean-carbon-atmosphere feedbacks in the global climate system	\$415,000
2008	James Cook University	Bird, M	Environmental change, carbon cycling and human impact in tropical Australia	\$2,137,508
2008	The Australian National University	Dryzek, J	Deliberative Global Governance	\$1,638,730
2008	Curtin University of Technology	Grice, K	A novel isotope facility to characterise high-molecular-weight fractions of natural organic matter in soils, sediments, water, petroleum and coal	\$160,000
2008	The Australian National University	Arculus, R	Australian Membership of the Integrated Ocean Drilling Program	\$6,000,000
2008	The University of Sydney	Warren, C	Tuneable diode laser for field and laboratory measurement of stable isotopes of CO ₂	\$110,000
2008	The University of Melbourne	Arndt, S	MEGA - Mobile Ecosystem Gas-exchange Analyser for Australian landscapes	\$135,000

QUESTIONS ON NOTICE

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2008	Monash University	Bach, U	Organic Solar Cells Fabrication and Characterisation Facility	\$150,000
2008	Queensland University of Technology	Ghosh, A	Distributed Generation Evaluation Facility and Power Control	\$600,000
2008	University of Wollongong	Chivas, A	A stable-isotope mass spectrometer for novel determinations of past temperatures	\$250,000
2008	University of Southern Queensland	Gururajan, R	Remote patient assessment using digital stethoscope for telehealth systems in Australia	\$478,862
2008	University of Western Sydney	Cameron, F	Global Citizenship and the Agency of the Museum Sector in Climate Change Interventions	\$570,000
2008	The University of Queensland	McAlpine, C	The conservation of widely distributed species: implications of differences between western and eastern koala populations	\$459,804
2008	The University of Adelaide	Connell, S	Forecasting change in subtidal habitats: connecting local pollution with global climate in temperate Australia	\$296,112
2008	Monash University	Webley, P	Renewable energy from carbon dioxide: Process engineering to obtain bio-oil from algae	\$682,717
2008	Southern Cross University	Bush, R	Impacts of climate change on coastal floodplain wetland biogeochemistry and surface water quality	\$246,000
2008	University of Wollongong	Zhang, C	Novel methods for enhancing room temperature figure of merit of thermoelectric/thermionic materials for refrigeration applications	\$247,000
2008	The University of Queensland	Lanyon, J	Animal movement between populations deduced from family trees - a test case on dugongs in southern Queensland	\$225,000
2008	Swinburne University of Technology	Young, I	A Global Satellite Altimeter Database for Ocean Engineering Applications	\$240,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2008	Macquarie University	De Dear, R	Residential Air Conditioning, Comfort and Demand Response in Australia	\$234,950
2008	The University of Adelaide	McLaughlin, M	Explaining the interactions between drought and fertiliser use efficiency using tracing and imaging techniques	\$248,752
2008	The University of Western Australia	May, E	Fundamental Data and Thermodynamic Modelling for Cryogenic LNG Fluids to Improve Process Design, Simulation and Operation	\$390,000
2008	The University of Queensland	Rudolph, V	Flue Gas and CO2 Geosequestration in Surat and Bowen Basin Coals	\$785,221
2008	The University of New South Wales	Sahajwalla, V	Recycling waste plastics in aluminium processing: Fundamental investigations of carbon/gas reactions	\$265,000
2008	The University of New South Wales	Ge, L	Measurement of paddock scale pasture biomass using synthetic aperture radar remote sensing	\$250,944
2008	Queensland University of Technology	Goonetilleke, A	Adaptation of Water Sensitive Urban Design (WSUD) to Climate Change, Changing Transport Patterns and Urban Form	\$270,000
2008	Murdoch University	Jones, M	Assessing plant virus threats to indigenous Western Australian flora: implications for biodiversity, conservation, ecosystem reclamation and the wildflower industry	\$255,000
2008	The University of Adelaide	Nathan, G	Aerodynamic enhancement of the capture of fine particle emissions and gaseous pollutants by sorbents	\$550,000
2008	Queensland University of Technology	Doherty, W	Effect of cane sugar juice composition on scaling rate and scale composition in sugar mills	\$90,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2008	The University of Melbourne	Hoffmann, A	An Integrated Assessment of the Impacts of Climate Change on Victorian Alpine Ecosystems: Detecting and Managing Ecological Change	\$596,250
2008	RMIT University	Zhang, K	Satellite-Based Radio Occultation for Atmospheric Sounding, Weather Forecasting and Climate Monitoring in the Australian Region	\$536,322
2008	The University of New South Wales	Sharma, A	Integrated assessment of climate change, climate input errors and land-use change on soil-moisture and carbon-balance in a catchment simulation framework	\$262,000
2008	The University of Queensland	Hankamer, B	Second generation biofuels: developing environmentally friendly high-efficiency microalgae for biofuel production	\$674,345
2008	The University of New South Wales	Simnett, R	Improving the Credibility of Greenhouse Gas Emissions Disclosures	\$167,958
2008	The Flinders University of South Australia	Bull, C	Translocation as a Conservation Strategy for the Pygmy Bluetongue Lizard	\$215,000
2008	The University of Queensland	Scott, P	Genetic transformation of the biodiesel producing tree legume <i>Pongamia pinnata</i>	\$370,000
2008	The Australian National University	Weber, K	Minimising charge carrier recombination at silicon surfaces with improved dielectric coatings	\$420,000
2008	The University of Queensland	Possingham, H	Spatial prioritization in the context of climate change and unforeseen opportunities: maximizing conservation outcomes in Gondwana Link	\$431,968
2008	The University of Queensland	Foster, J	Assessing the impacts of proposed carbon trading and tax schemes on the Australian electricity industry and the overall economy	\$318,674

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2008	The University of Queensland	Richardson, A	Resilience of Moreton Bay to climate change: Links between nutrient inputs and plankton dynamics	\$480,000
2008	James Cook University	Simpfendorfer, C	Spatial ecology of inshore predators in tropical marine systems and implications of marine protection zones	\$195,000
2008	The University of Western Australia	Cawood, P	Chronostratigraphic Framework for the Devonian Canning Basin - A Multidisciplinary Record of Environmental Change	\$580,000
2008	University of Wollongong	Monaghan, B	The Fundamentals of Liquid Flow Through A Reactive Packed Bed	\$76,881
2008	The University of Queensland	Gilbert, R	Graft copolymers from starch and synthetic monomers	\$420,000
2008	Monash University	Jakob, C	Assessing clouds and rainfall in Australia's community climate model - Towards an improved simulation of Australia's water resources	\$260,000
2008	Queensland University of Technology	Tong, S	An evaluation of the environmental health risk of heatwaves associated with global warming	\$316,029
2008	University of South Australia	Boland, J	Unlocking the Grid: the future of the electricity distribution network	\$160,000
2008	The University of New South Wales	Loosemore, M	Assessing the adaptive capacity of hospital facilities to cope with climate-related extreme weather events: A risk management approach	\$435,000
2008	University of Wollongong	Dou, S	Development of nano-structured thermoelectric materials for power generation from heat	\$58,600
2008	University of Western Sydney	Cairney, J	Future climate change: consequences for decomposition and pathways of carbon flow through rhizosphere fungal communities	\$69,700

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2008	Curtin University of Technology	Grice, K	Chemostat experiments to mimic toxic environments associated with mass extinction events	\$18,450
2009	Monash University	Mac Nally, R	Change ecology - gaining broad-scale, timely biodiversity knowledge in a time of uncertainty	\$440,000
2009	The University of New South Wales	Moles, A	How are weeds adapting to life in Australia? Quantifying the rate and direction of evolution in introduced species	\$730,000
2009	The University of Melbourne	Walker, J	Active-passive microwave soil moisture remote sensing: Towards sustainable land and water management from space	\$540,000
2009	The University of Western Australia	Judd, K	Synthesis of dynamics, stochastics and information in forecasting and management of complex systems	\$279,000
2009	Murdoch University	Bain, P	Collective futures: The effects of beliefs about future states of society on the support for and enactment of social change	\$268,000
2009	Curtin University of Technology	Lu, Z	Nonlinear spatial and spatio-temporal econometrics: theory with applications	\$105,000
2009	University of Tasmania	Hovenden, M	How does warming prevent soil nitrogen availability from declining in response to elevated CO ₂ ?	\$450,000
2009	The Australian National University	Gunningham, N	States, Coalitions and Climate Change Governance	\$390,000
2009	The University of Melbourne	Hoffmann, A	Testing the DNA decay hypothesis of ecological specialization	\$780,000
2009	James Cook University	McCormick, M	Catch me if you can: predator recognition and anti-predator behaviour in marine fishes	\$185,000
2009	The Australian National University	Keogh, J	Climate change and cryptic biodiversity in the Australian arid-zone: Molecular phylogeny-based assessment of conservation priorities	\$230,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2009	The Australian National University	Tregoning, P	Tracking the response of terrestrial and ocean waters to climate variations using space gravity observations	\$480,000
2009	The University of Melbourne	Woodhead, J	Ancient weather stations of Australia: charting a continent's descent into aridity and its ecological consequences	\$220,000
2009	The University of Western Australia	Ivey, G	Transient coastal upwelling along Western Australia: The dynamics of the Ningaloo Current system	\$360,000
2009	University of Tasmania	Lannuzel, D	Iron in the Antarctic sea ice zone and its role in the past and future climate	\$300,000
2009	The University of Sydney	Fillios, M	The Taphonomy of Waterhole Faunal Death Assemblages: A model for Archaeological Contexts in the Australian Semi-Arid Zone	\$335,978
2009	Curtin University of Technology	Newman, P	Drivers and barriers to sustainability in residential and commercial buildings	\$100,000
2009	The Australian National University	Crisp, M	Distinguishing among patterns of extinction and speciation through geological and climatic change: a molecular modelling approach	\$280,000
2009	The Australian National University	Prebble, M	Tracking 3000 years of agricultural adaptation to the resource poor, climate sensitive and remote Solomon Islands using biomarkers and palaeoecology	\$308,591
2009	The University of New England	Geiser, F	Cool mammals: responding to thermal and energetic challenges in the Australian tropics	\$250,000
2009	Monash University	Jakob, C	Rainfall over the Maritime Continent and Northern Australia	\$370,000
2009	The University of New South Wales	McAdam, J	Weathering Uncertainty: Climate Change 'Refugees' and International Law	\$159,500
2009	The University of Western Australia	Murphy, D	The connectivity of pore theory - does it influence microbial community composition and function?	\$360,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2009	The University of Sydney	Lu, D	Hot-swappable and High-efficient Grid-connected Power Electronics System For Photovoltaic Modules with Direct Power Transfer Technique	\$175,000
2009	The University of New South Wales	Warton, D	Predicting the effect of climate change on community structure and function: an assessment using temperate grassland invertebrates	\$300,000
2009	The University of Melbourne	Simmonds, I	Storm activity in the Arctic and implications for rapid climate change in polar regions	\$360,000
2009	University of Wollongong	Waitt, G	Making less space for carbon: cultural research for climate change mitigation and adaptation	\$403,984
2009	The University of Newcastle	Kisi, E	A New Paradigm for the Solid State Synthesis of Layered Materials	\$363,000
2009	The Australian National University	Wallis, I	Re-evaluating the role of tannins in Australian forest ecosystems	\$262,000
2009	The University of Queensland	Ortiz-Barrientos, D	Does divergent natural selection drive the early stages of speciation?	\$210,000
2009	The University of Queensland	Lovelock, C	Development of a theoretical framework for predicting responses of coral reef ecosystems to nutrient enrichment and herbivory	\$240,000
2009	Victoria University	Duke, M	Designing the surface and structural properties of MFI zeolite membranes for low energy ion-selective desalination	\$285,000
2009	Griffith University	Hindmarsh, R	Meeting 2020 Targets: Effective Transitions for Renewable Energy & Beyond	\$100,000
2009	Monash University	Forsyth, M	Interphase Engineering of Reactive Metal Surfaces Using Ionic Liquids	\$750,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2009	The University of Melbourne	Phillips, D	The Cosmogenic ^{21}Ne Exposure Dating Method: Calibration for Application to Volcanic Chronology, Landscape Evolution and Palaeo-Climate Change	\$195,000
2009	The Australian National University	Hogg, A	Mixing and dissipation in the ocean: Processes for the next generation of climate models	\$370,000
2009	The University of New England	Siriwardana, M	Improving our understanding of the effects of low carbon policies on the Australian economy and regions	\$115,000
2009	The University of Queensland	Schmidt, S	Towards sustainable bioproduction systems: harnessing organic nitrogen for plant growth	\$220,000
2009	The Australian National University	McCulloch, M	Ocean Acidification in a Rapidly Increasing CO_2 World	\$670,000
2009	The Australian National University	Haberle, S	Light islands in a sea of dark rainforest: Human influence on fire, climate and biodiversity in the Australian tropics	\$443,685
2009	University of Wollongong	Blanksby, S	New insights into free radical reactivity via gas phase studies of radical anions	\$320,000
2009	The University of Queensland	Rudolph, V	Anisotropic behaviour of coal for coalbed methane recovery and CO_2 geosequestration	\$490,000
2009	Queensland University of Technology	Zare, F	Improving the efficiency of silent discharge plasma systems through an effective high voltage power converter design match	\$230,000
2009	James Cook University	Franks, P	450 Million year history of plant gas exchange capacity and the role of atmospheric carbon dioxide	\$500,000
2009	The University of New South Wales	Sheppard, L	An Innovative Solid-State Approach to Enhanced Solar-Hydrogen Production	\$561,000
2009	University of Tasmania	Kirkpatrick, J	Australia's changing urban tree estate: a socio-ecological study of patterns, causes and consequences	\$130,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2009	University of South Australia	Boland, J	Strategic integration of renewable energy systems into the electricity grid	\$240,000
2009	The University of Queensland	Yuan, Z	Understanding Fugitive Greenhouse Gas Emissions from Wastewater Systems for Reliable Accounting and Effective Mitigation	\$225,000
2009	Macquarie University	Allen, A	Predicting Biodiversity from Population Dynamics	\$225,000
2009	The University of New South Wales	Tanaka, M	Mathematical models and bioinformatic analyses of bacterial genome evolution	\$614,870
2009	Southern Cross University	Rose, A	A new paradigm for the geochemistry of mineral precipitation and dissolution in aquatic systems: Polymer-based numerical modelling	\$380,000
2009	University of Technology, Sydney	Smith, G	Radiative Cooling Tuned to the Spectral and Directional Infra-red Properties of the Atmosphere	\$270,000
2009	The University of New South Wales	McCabe, M	Characterizing the hydrological cycle using water isotopes, land-surface models and satellite observations	\$320,000
2009	The University of Queensland	White, C	The evolution of energy metabolism in ectotherms	\$730,000
2009	The University of Sydney	Muller, D	The Subduction Reference Framework: unravelling the causes of long-term sea-level change	\$310,000
2009	The University of New South Wales	Warton, D	Advances in statistical methods for analysing high dimensional count data	\$282,000
2009	The University of Queensland	Balasubramanian, S	Mechanistic characterisation of genotype x environment interactions in sorghum and arabidopsis	\$220,000
2009	The University of Melbourne	Godden, L	Responding to Climate Change: Australia's Environmental Law and Regulatory Framework	\$226,000
2009	Macquarie University	Madin, J	Ecological consequences of hydrodynamic disturbances	\$170,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2009	The University of New South Wales	Brown, M	Towards a predictive model for coastal marine microbial assemblages	\$695,000
2009	The University of Queensland	Hoegh-Guldberg, O	The impact of ocean acidification on the fertilization, larval development and recruitment of key Australian marine organisms	\$420,000
2009	The University of New South Wales	Rahman, M	Optimum rotor and concentrated stator-winding structures for improving the torque, field-weakening and power-density characteristics of interior permanent-magnet machines	\$320,000
2009	The Australian National University	McKibbin, W	Climate Change Projections and Policy Design Under Uncertainty	\$415,000
2009	The University of Sydney	Armfield, S	Investigation and optimisation of displacement ventilation and cooling systems	\$300,000
2009	The University of Sydney	Dickman, C	The renaissance predator: complex predator-prey interactions and vertebrate diversity in arid Australia	\$1,080,000
2009	The University of New South Wales	Li, S	Development of High Performance Ceramic Based Thermoelectric Materials for Power Regeneration Applications	\$650,000
2009	The University of Sydney	Merchant, A	Metabolite pools and their implications for plant responses to global change	\$277,182
2009	The University of New South Wales	Suthers, I	Coastal cold core eddies of the East Australian Current and their fisheries potential	\$240,000
2009	Griffith University	Zhao, H	Fabrication of High Performance Nanocomposite Photoanodes with Built-in Electron Transport Superhighway for Photoelectrocatalysis Applications	\$345,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2009	The University of Queensland	Zhao, J	The future of palaeoclimate and archaeological research in Australia: next generation instrumentation for chronology and environmental reconstruction	\$950,000
2009	La Trobe University	Dyson, P	A New Digital Radar for Studies in Solar-Terrestrial and Atmospheric Physics	\$450,000
2009	The University of Western Australia	Lambers, J	Phytosphere: new facilities for controlled manipulation of effects of climate change & airborne pollutants on disease epidemiology & plant performance	\$600,000
2009	The Australian National University	Foley, W	High throughput nitrogen analysis for ecological studies	\$100,000
2009	Curtin University of Technology	Buckley, C	Facility for studying the sorption properties of gases by nanostructured materials	\$150,000
2009	Griffith University	Gray, E	The National Hydrogen Materials Reference Facility	\$350,000
2009	The University of Queensland	Hoegh-Guldberg, O	The Heron Island Climate Change Observatory: An In-Situ Ocean Acidification and Carbonate Chemistry Monitoring Platform	\$190,000
2009	The Australian National University	Gagan, M	A high performance stable-isotope microanalytical facility for environmental Earth science and climate change research	\$200,000
2009	James Cook University	Munday, P	Environmentally Controlled Infrastructure to Investigate the Effects of Climate Change on the Great Barrier Reef	\$150,000
2009	The Australian National University	Eggins, S	Instrumentation for Innovative Marine Biogeochemistry	\$700,000
2009	University of Technology, Sydney	Whitchurch, C	Microbial and Cellular Imaging and Analysis Facility	\$750,000
2009	Southern Cross University	Eyre, B	A Continuous Flow-Wet Chemical Oxidation- Isotope Ratio Mass Spectrometer for Environmental Research	\$220,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2009	University of Wollongong	Wang, G	Novel lithium iron based olivine phosphates as cathode materials for the development of new generation power batteries	\$385,000
2009	The University of Melbourne	Gallagher, S	The climate evolution of high latitude 140 to 90 million year old hydrocarbon prospective strata of Southeast Australia	\$220,000
2009	The Australian National University	Hill, D	Power systems with diverse generation - implications, control and capability	\$255,000
2009	The University of Queensland	Lindsay, P	A New Approach to Air Traffic Management to Deliver Significantly Reduced Environmental Impact and System-wide Efficiencies	\$390,000
2009	The Australian National University	Lindenmayer, D	Best practice biodiversity management in reserves and other natural areas	\$910,000
2009	The University of New South Wales	Wang, J	A new abrasive waterjet milling technology and process models for fabricating energy-efficient electrical machines from amorphous magnetic metal laminations	\$351,000
2009	The Australian National University	Peakall, R	A multidisciplinary research program to assess limiting factors and predict impacts of climate change for endangered Australian orchids	\$760,000
2009	The University of Western Australia	Zhang, D	Homogeneous Combustion Catalysts for Efficiency Improvements and Emission Reduction in Diesel Engines	\$510,000
2009	The University of Adelaide	Brook, B	Planning for a transformed future: Modelling synergistic climate change and land use impacts on biodiversity	\$521,000
2009	The University of Melbourne	Swearer, S	What drives recruitment variability in Snapper? Application of a novel theoretical and empirical approach to predict fluctuations in fisheries	\$370,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2009	The University of Melbourne	Walker, J	A new paradigm for improved water resource management using innovative water modelling techniques	\$420,000
2009	Monash University	Stilwell, J	A highly resolved chronostratigraphic and palaeoenvironmental framework for Pre-Salt Brazilian core basins	\$470,000
2009	The University of Melbourne	Chen, D	Enhanced efficiency fertilisers for agricultural sustainability and environmental quality	\$235,260
2009	The University of Melbourne	Wintle, B	Robust prediction and decision strategies for managing extinction risks under climate change	\$621,000
2009	The University of New South Wales	Munroe, P	Conversion of Lignite to Biochars to Enhance Soil Fertility	\$115,000
2009	The University of Queensland	Yao, X	An integrated system for high-efficiency hydrogen assisted electricity generation from solar energy	\$475,000
2009	University of Southern Queensland	Gururajan, R	Implementing teleauscultation for remote user health services in Australia: A case study with economic evaluation	\$235,773
2009	The University of New South Wales	Wood, S	Using Advances in Bayesian Statistics to Estimate Australian Rainfall Variations in a Climate Change World	\$240,000
2009	The University of Queensland	Anthony, K	Multi-Scale Analysis of the Vulnerability of Coral Reefs to Ocean Acidification	\$276,000
2009	The University of Melbourne	Gray, D	Towards Distributed Phased Array Radar for High Resolution Weather Monitoring	\$720,000
2009	The Australian National University	Tacconi, L	Governance and economic incentives for reducing the contribution of tropical deforestation to climate change	\$222,000
2009	The University of New South Wales	Hand, S	Environmental change in northern Cenozoic Australia: a multidisciplinary approach	\$900,000
2009	Monash University	Thompson, R	More bang for your carbon buck: carbon, biodiversity and water balance consequences of whole-catchment carbon farming	\$708,000

Start Year (Note 1)	Administering Organisation (Note 2)	First-named Chief Investigator (Note 3)	Project title	Funding allocation (over the life of the project)
2009	University of Technology, Sydney	Phillips, M	Development of Low Cost, High Quality Nitrides for Solid-State Lighting and Other Power Saving Applications	\$290,000
2009	The University of Queensland	Xing, H	Supercomputer Simulation of Multiscale Dynamic Behaviour in Multiphase Deformable Porous Media	\$107,230
2009	The University of Queensland	Zhao, J	Continental temperature and rainfall change during past global warming - a multiproxy approach involving clumped isotopes in speleothems	\$82,000
2005	James Cook University	Hughes, T	ARC Centre of Excellence for Coral Reef Studies	\$12,000,000
2005	The University of Western Australia	Muddle, B	ARC Centre of Excellence in Plant Energy Biology	\$12,500,000

Notes

Note (1): Start year – The list includes projects which received funding commencing in the years 2005 to 2009. Data for projects commencing in 2009 is incomplete as funding for the following scheme rounds are yet to be finalised – Linkage Projects Round 2, Future Fellowships, Australian Laureate Fellowships.

Note (2): Administering organisation – Under the NCGP, administering institutions are responsible for administration of funding if a proposal is approved for funding.

Note (3): First-named Chief Investigator – The first-named researcher nominated on a Proposal is considered to be the Project Leader.

**Education, Employment and Workplace Relations, Social Inclusion, Employment Participation, and Early Childhood, Education, Childcare and Youth: Statutory Reviews
(Question Nos 1510, 1511, 1512, 1538 and 1543)**

Senator Minchin asked the Minister representing the Minister for Education, the Minister for Employment and Workplace Relations, the Minister for Social Inclusion, the Minister for Employment Participation and the Minister for Early Childhood Education, Childcare and Youth, upon notice, on 18 May 2009:

With reference to all legislation administered within your portfolio:

- (1) (a) How many and which statutory reviews are due to commence and/or conclude in 2009; and (b) what are the specified timelines for the commencement and conclusion of each these reviews.
- (2) (a) How many and which statutory reviews are due to commence and/or conclude in 2010; and (b) what are the specified timelines for the commencement and conclusion of each these reviews.

Senator Carr—The Minister for Education, Minister for Employment and Workplace Relations, Minister for Social inclusion, the Minister for Employment Participation and the Minister for Early Childhood Education, Childcare and Youth, have provided the following answer to the honourable senator's question:

The only statutory reviews due to commence and/or conclude in 2009 or 2010 within the portfolio responsibilities of the Minister for Education, the Minister for Employment and Workplace Relations, the Minister for Social Inclusion, the Minister for Employment Participation and the Minister for Youth and the timelines for such reviews are as follows:

1. The Minister for Employment and Workplace Relations has portfolio responsibility for certain benefits under the Social Security (Administration) Act 1999.

Section 42ZA of the Social Security (Administration) Act requires the Minister to cause an independent review to be undertaken as soon as possible after 30 June 2010 of the impact of the amendments made by Division 3A of Part 3 of the Act.

The review must be conducted by an independent panel. The panel must give the Minister a written report of the review and the Minister must cause a copy of the report to be made public and tabled in each House of the Parliament by 30 September 2010.

2. The Minister for Employment and Workplace Relations has portfolio responsibility for the Disability Services Act 1986 insofar as it relates to disability employment and related services and the provision of rehabilitation services by the Commonwealth.

Section 14K of the Disabilities Services Act requires the Minister to conduct at least five yearly reviews of the extent to which a State or an eligible organisation that has received a grant of financial assistance under Part II of the Act in respect of the provision of an eligible service or an employment service has fulfilled the terms and conditions on which the grant was made.

The Department of Education, Employment and Workplace Relations conducts regular and ongoing reviews of the performance of organisations which are contracted to deliver Disability Employment Services purchased under the Disability Services Act. This is done through normal contract management. All Australian Government employment service providers delivering Disability Employment Network or Vocational Rehabilitation Services are also required to be certified as complying with the Disability Services Standards contained in the Disability Services Act. Service compliance with the standards is regularly assessed by independent third party auditors.

3. The Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2008 Budget and Other Measures) Act 2008 (2008 Amendment Act) amends a number of Acts. This includes minor amendments to the Adjusted Taxable Income provisions in Schedule 3 of the A New Tax System (Family Assistance) Act 1999. The Minister for Education and the Minister for Families, Housing, Community Services and Indigenous Affairs both have portfolio responsibility for the Adjusted Taxable Income provisions.

Clause 4 of the 2008 Amendment Act provides as follows:

4 Review of operation of amendments

(1) The Minister must cause an independent review of the operation of the amendments made by this Act to be undertaken and completed by 30 June 2010.

(2) The persons who undertake the review under subsection (1) must give the Minister a written report of the review.

(3) The Minister must cause a copy of the report of the review under subsection (1) to be tabled in each House of the Parliament within 15 sitting days of the day on which the report is given to the Minister.

(4) The review must be conducted by a panel of not less than 5 persons, of which at least:

(a) 3 persons must be nominated by relevant key stakeholder organisations; and

(b) 2 persons must be nominated by the Minister.

The Department of Education, Employment and Workplace Relations will liaise with other relevant agencies with respect to undertaking the review required by section 4 of the 2008 Amendment Act.

Health and Ageing: Statutory Reviews
(Question Nos 1519, 1542 and 1544)

Senator Minchin asked the Minister representing the Minister for Health and Ageing, upon notice, on 18 May 2009:

- (1) (a) How many and which statutory reviews are due to commence and/or conclude in 2009; and (b) what are the specified timelines for the commencement and conclusion of each these reviews.
- (2) (a) How many and which statutory reviews are due to commence and/or conclude in 2010; and (b) what are the specified timelines for the commencement and conclusion of each these reviews.

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

- (1) (a) Four statutory reviews are due to commence in 2009. They are:

An independent review of the operation of the Dental Benefits Act 2008.

An independent review of the operation of the Prohibition of Human Cloning for Reproduction Act 2002 as amended by the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006.

An independent review of the operation of the Research Involving Human Embryos Act 2002 as amended by the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006.

An independent review of the operation of the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Act (No. 2) 2008.

No statutory reviews are due to conclude in 2009. A review of the operation, effectiveness and implications of the Health Legislation Amendment (Medicare) Act 2004 was completed on 30 April 2009. The report was received by the Minister on 4 May 2009 and was tabled in both Houses of the Parliament on 12 May 2009.

- (b) The specified timelines for these reviews are:

The review of the operation of the Dental Benefits Act 2008 is due to commence as soon as possible after 26 June 2009. No conclusion date is specified for the review, but the Act requires a copy of the report of the review to be tabled in each House of the Parliament within 15 sitting days of the day on which the report is given to the Minister.

The review of the operation of the Prohibition of Human Cloning for Reproduction Act 2002 as amended by the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006 is due to commence as soon as possible after 12 December 2009. A written report of the review is to be given to the Council of Australian Governments and both Houses of the Parliament before 12 December 2010.

The review of the operation of the Research Involving Human Embryos Act 2002 as amended by the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006 is due to commence as soon as possible after 12 December 2009. A written report of the review is to be given to the Council of Australian Governments and both Houses of the Parliament before 12 December 2010.

The review of the operation of the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Act (No. 2) 2008 is due to commence as soon as possible after 31 October 2009. No conclusion date is specified in the Act. The Minister is required to cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of the day on which the report is given to the Minister.

- (2) (a) One statutory review is due to commence in 2010, namely the independent review of the operation of the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Act (No. 2) 2008. Two statutory reviews are due to conclude in 2010. They are:
- An independent review of the operation of the Prohibition of Human Cloning for Reproduction Act 2002 as amended by the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006.
- An independent review of the operation of the Research Involving Human Embryos Act 2002 as amended by the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006.
- (b) The specific timelines for these reviews are:
- The review of the operation of the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Act (No. 2) 2008 is due to commence as soon as possible after 31 October 2010. No conclusion date is specified in the Act. The Minister is required to cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of the day on which the report is given to the Minister.
- There is no conclusion date specified for the review of the operation of the Prohibition of Human Cloning for Reproduction Act 2002 as amended by the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006 but a written report of the review is to be given to the Council of Australian Governments and both Houses of the Parliament before 12 December 2010.
- There is no conclusion date specified for the review of the operation of the Research Involving Human Embryos Act 2002 as amended by the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006 but a written report of the review is to be given to the Council of Australian Governments and both Houses of the Parliament before 12 December 2010.

Innovation, Industry, Science and Research: Statutory Reviews

(Question No. 1524)

Senator Minchin asked the Minister for Innovation, Industry, Science and Research, upon notice, on 18 May 2009:

With reference to all legislation administered within your portfolio:

- (1) (a) How many and which statutory reviews are due to commence and/or conclude in 2009; and (b) what are the specified timelines for the commencement and conclusion of each these reviews.
- (2) (a) How many and which statutory reviews are due to commence and/or conclude in 2010; and (b) what are the specified timelines for the commencement and conclusion of each these reviews.

Senator Carr—The answer to the honourable senator's question is as follows:

- (1) (a) and (b) There are no statutory reviews due to commence and/or conclude in 2009.
- (2) (a) and (b) There are no statutory reviews due to commence and/or conclude in 2010.

Agriculture, Fisheries and Forestry: Statutory Reviews

(Question No. 1529)

Senator Minchin asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 18 May 2009:

With reference to all legislation administered within your portfolio:

- (1) (a) how many and which statutory reviews are due to commence and/or conclude in 2009; and (b) what are the specified timelines for the commencement and conclusion of each these reviews.
- (2) (a) how many and which statutory reviews are due to commence and/or conclude in 2010; and (b) what are the specified timelines for the commencement and conclusion of each these reviews.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

Section 89 of the Wheat Export Marketing Act 2008 states that the Productivity Commission will undertake a review of the wheat export marketing arrangements and this must commence no later than 1 January 2010, with the report to the minister before 1 July 2010.